

DELEGATED REPORT

Application No: P/21/0020

Site Address: Land At Ty Llwyd Farm
Ty Llwyd Parc
Quakers Yard
Treharris

Development: Application to extend the time for the submission of reserved matters and the commencement of works in respect of planning permission P/16/0353

Case Officer: Rebecca Owens

Site Visit: 1st February 2021

Application Expiry Date: 10th August 2021

Consultation reply date expired: 16th February 2021

APPLICATION SITE

This application relates to a rectangular shaped area of land measuring approximately 0.2 hectares with a maximum width of 31m by a maximum depth of 65m. The site is largely bounded by existing residential properties, being Shire Court to the north, Harris Court to the west and The Oaks to the south. The field adjoining the eastern part of the site lies within the neighbouring authority (Caerphilly County Borough Council).

Apart from a small hard surfaced area occupied by a Transmission Mast and enclosed compound area, the site is an open field, forming part of the Ty Llwyd farm complex, with the mast having stood in the middle of the site for many years. There is also an existing stone boundary wall that encloses the site along its eastern boundary and a claimed right of way which crosses the site in a west-east direction along the southern boundary of the site.

PROPOSED DEVELOPMENT

This planning application seeks permission to renew outline planning permission P/16/0353 for residential development (referred to below).

An indicative plan was submitted as part of this previous application illustrating a potential scheme for 6 dwellings with associated access road, parking spaces and garden areas. This has been amended as part of this application to accommodate a buffer zone which would provide reptile habitat along the south and eastern boundaries and partially along the northern boundary. The layout illustrated is a linear form of development with the dwellings positioned along the eastern part of the site (with the front of the dwellings having a westerly orientation) and an access road along the western part of the site.

The upper and lower scale parameters will remain the same as that previously approved with each dwelling measuring between 5m and 7m wide, 8m and 9m deep and 6m and 9m high.

PLANNING HISTORY

The relevant planning history is detailed below:

- P/160353 Application to extend the time for the submission of Reserved Matters and the commencement of works and to remove conditions 5, 6 and 7 (relating to Code for Sustainable Homes) in respect of Planning Permission P/13/0282 (Outline Planning)
Granted outline planning permission subject to conditions on 4 April 2018
- P/13/0282 Application under Section 73 of the Town and Country Planning Act 1990 to extend the time for submission of reserved matters and the commencement of works in respect of planning permission P/10/0364 (Outline Planning Permission for Residential Development)
Granted outline planning permission subject to conditions on 19 November 2013
- P/10/0364 Application under Section 73 of the Town and Country Planning Act 1990 to extend the time for the submission of reserved matters and the commencement of works for a further 3 year period in respect of planning consent P/07/0516 (Residential Development)
Granted outline planning permission subject to conditions on 3 February 2011
- P/07/0516 Renewal of planning permission P/04/0349 for residential development
Granted outline planning permission subject to conditions on 20 December 2007
- P/04/0349 Renewal of outline planning consent P/02/0049 - Residential Development
Granted outline planning permission subject to conditions on 30 September 2004
- P/02/0049 Renewal of Outline Planning Consent Ref: P/99/0005 for a residential development.
Granted outline planning permission subject to conditions on 21 May 2002
- P/99/0005 Renewal of outline planning permission P/95/0411 for residential development
Granted outline planning permission subject to conditions on 22 April 1999
- P/98/0341 Residential development (Outline development)
Granted outline planning permission subject to conditions on 2 February 1996
- P/95/0411 Residential development (outline)
Granted outline planning permission subject to conditions on 2 February 1996

P/91/0635 Residential development (outline)
Granted outline planning permission subject to conditions on 9 July 1992

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering	No objection
Planning Policy Policy Group Leader	No objection
Ecologist	No objection subject to conditions
Landscape Architect Officer	No objection
Rights of Way	No response
Environmental Health Manager	No response
Western Power	No response
Wales & West Utilities	No response
Dwr Cymru Welsh Water	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring occupants and three site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

The advice contained within Welsh Government Circular (WGC) 016/2014: The Use of Planning Conditions for Development Management (paragraph 5.21) is of relevance to the determination of this application.

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW1: Provision of New Homes
- SW4: Settlement boundaries
- SW9: Planning Obligations
- SW11: Sustainable design and Placemaking
- SW12: Improving the Transport Network
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW2: Internationally and Nationally Protected Sites and Species
- EnW4: Environmental Protection

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 1, Affordable Housing.
- Note 2, Planning Obligations.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

The advice contained within WGC 016/2014 clearly states that renewal applications should only be refused in the following circumstances;

1. There has been a material change in planning circumstances since the previous permission was granted.
2. The continued failure to begin the development will unacceptably contribute to uncertainty about the future pattern of development in the area.
3. The application is premature because the permission still has a reasonable time to run.

In essence it is considered that the above criteria do not apply to this application.

Site circumstances are generally the same or very similar to what they were at that time of granting the previous permission. It is recognised that since the approval of the previous planning permission P/16/0353, the Merthyr Tydfil Local Development Plan 2006-2021 has been superseded by the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031. As such, the development is now assessed against the policies contained within that document, along with other relevant and up-to-date national and regional planning policies. However, the application site still remains within the settlement boundary (policy SW4) and would continue to comply with the relevant policies of the replacement plan. In this respect it is noted that as part of this planning application it was considered necessary for an Ecological Impact Assessment to be carried. The result of this and the Reptile Mitigation Strategy contained within it have been considered by the Ecologist and he has not raised any objections to the proposal subject to conditions. These will be included in any new outline planning permission issued to ensure the development meets with current ecological policies and requirements.

It is acknowledged that the site has had outline planning permission for over twenty nine years without development works actually commencing. However, it is considered that this absence of development on the site has not contributed to uncertainty about the future pattern of development in the area. In essence the majority of land within the vicinity has already been developed, and hence the pattern of local development has already been established.

The application was submitted on the 22nd January 2021, just over two months before the expiration of the previous planning permission outlined above. The application subject of this report cannot therefore be said to have been submitted prematurely.

Having regard to the above considerations and the advice contained within WGC 016/2014, it is considered that the application should be approved.

Planning Obligations

Policy SW9 relates to Planning Obligations and having regard to development viability, planning obligations will be sought for a financial contribution towards the provision of affordable housing on sites of between 5 and 9 homes.

The requirement for an affordable housing contribution towards the proposed development has been assessed by the Planning Division's Policy Group Leader. And in this instance an affordable housing contribution of £38,000 has been agreed with the applicant. This would be secured through a Section 106 Agreement. Payment of this amount would be required before development of the plot commences.

Issuance of a planning permission will be contingent upon the completion and signing of a Section 106 Agreement and the latter will only become fully binding when the permission is issued.

SUMMARY

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Having had regard to the above considerations the renewal of the planning permission is found to be acceptable. Accordingly the following recommendation is made:

RECOMMENDATION:

BE APPROVED, subject to a section 106 agreement to secure an affordable housing contribution of £38,000 and the following **CONDITIONS**:

CONDITIONS/REASONS:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

4. In conjunction with the statutory "reserved matters" details required by Condition 1, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and completed in full accordance with such approved details **BEFORE** the development hereby approved is brought into use.

- i) existing and proposed site levels including full cross sectional drawings;
- ii) proposed slab or floor levels of all buildings to be erected together with relative yard, ridgeline and highway levels and those of adjacent buildings;
- iii) the means of foul water and surface water drainage;
- iv) the position height and material of all walls, fences and other means of enclosure;
- v) full constructional and facing material details of any retaining walls over 1 metre in height.

Reason - To ensure a satisfactory standard of development and protect local amenity interests.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion

of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. No development shall commence on site until a scheme for a suitable alternative TV relay station/mast to enable continuous reception has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and the TV relay station/mast shall be brought into commission, before the existing TV relay station/mast is taken out of commission.

Reason - To ensure the proposed development does not interfere with the continuous television reception currently enjoyed by residents of the locality in the public interest.

7. The development shall be carried out in accordance with the mitigation and enhancement recommendations set out in sections 4 and 5 of the Ecological Impact Assessment, Version V5.0, dated 2nd September 2021, prepared by Ecological Services Ltd, received on the 3rd September August 2021.

Reason - To ensure compliance with the approved plans and clearly define the scope of the permission.

8. Prior to its installation, full details of street lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan shall include:

- Details of the siting and type of lighting to be used.
- Drawings setting out light spillage.

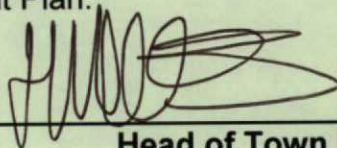
The lighting shall only be installed in accordance with the approved details and maintained as such thereafter.

Reason - To limit the impact on protected species and reduce light pollution in accordance with policies EnW2 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. No development shall take place until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be undertaken, managed and maintained thereafter in accordance with the approved Landscape and Ecological Management Plan.

Reason - In the interests of biodiversity and visual amenity in accordance with Policies SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

13/9/21