

DELEGATED REPORT

Application No:	P/23/0111
Site Address:	Land Adjacent To Ty Alfa Yr Hen Llaethdy Kingsley Terrace Aberfan Merthyr Tydfil
Development:	Variation of conditions 2 and 3 of outline planning permission P/20/0113 to extend the time period for the commencement of development and for the submission of reserved matters (a further 3 years)
Case Officer:	Rebecca Owens
Site Visit:	16th May 2023
Application Expiry Date:	11th August 2023
Consultation reply date expired:	6th June 2023

APPLICATION SITE

The application relates to a rectangular shaped area of land measuring approximately 0.05 of a hectare. It is around 49m in length (from east to west) and 9m in width (from north to south). The site adjoins the highway to the east, a traditional terraced dwelling to the south (24 Pleasant View) and a large, detached dwelling to the north (Ty Alfa). To the rear, the site adjoins the boundary of a recently constructed dwelling. Although part of the application site is flat, the land rises fairly steeply to the rear in an east to west direction. Also, within the site are a small number of trees and bushes positioned along the southern boundary.

PROPOSED DEVELOPMENT

This planning application seeks permission to vary conditions 2 and 3 of planning permission P/20/0113 to extend the period for the commencement of development and the submission of a reserved matters application and thus to renew the outline planning permission.

The application was for outline planning permission to construct a single dwelling on a parcel of land situated between Yr Hen Llaethdy and Ty Alfa. All matters relating to access, appearance, landscaping, layout and scale have been reserved for future consideration.

The indicative site layout illustrates the dwelling located in the eastern part of the site, close to the highway with the existing access into the site utilised to provide two off-road parking spaces to the front of the dwelling.

The upper and lower scale parameters of the dwelling would remain as that previously approved with the dwelling measuring between 7.9m and 8m wide, between 8m and 10m in depth and 5.5m and 7.8m in height.

PLANNING HISTORY

The relevant planning history is detailed below:

P/20/0113 Detached dwelling
Outline planning permission granted subject to conditions on 18 August 2020

CONSULTATION

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

Engineering & Traffic Group Leader	No objection
Planning Division's Policy Group Leader	No objection
Planning Division's Ecologist	No objection subject to condition
Environmental Health Manager	No objection
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 properties and two 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) must be taken into considerations. Relevant sections are identified below:

- Paragraphs 3.3 to 3.13 set out the principles of good design. Specifically Paragraph 3.3 states that '*...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go*

beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...'. In addition, in reference to character, Paragraph 3.9 states that '...the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations'

- Paragraph 3.55 identifies a preference to the use of previously developed land over greenfield sites. It also notes that *'In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development...'* Paragraph 4.2.17 goes on to state that *'...maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites...'*
- Paragraphs 4.1.49 – 4.1.54 refer to car parking, with 4.1.50 noting “A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development”.
- In regard to Biodiversity and ecology, paragraph 6.4.3 states *'The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement'*. Paragraph 6.4.21 also notes that *“Planning authorities must follow a step-wise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible”*.

In addition, the following Technical Advice Notes are relevant:

- Note 2, Planning Obligations.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.
- Note 18, Transport
- Note 12, Design

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

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

- 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.

Since the approval of the previous planning permission (P/20/0113), there has not been any change in local planning policy. The same LDP Policies apply and the application site remains within the settlement boundary. In addition, site circumstances are generally the same or very similar to what they were at that time of granting the previous permission.

It is acknowledged that the site has had outline planning permission for over three 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 4th May 2023, just three 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.

It is noted that the Ecological survey submitted with the previous planning permission is now out of date and as such an updated report was requested. The Planning Division's Ecologist has considered this and has not raised any objection to the application.

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 however, given that the proposal is for two residential units, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing, in this instance, would not be required. However, Community Infrastructure Levy (CIL) is chargeable on residential development in this part of the County Borough.

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 the following **CONDITIONS:**

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 position height and material of all walls, fences and other means of enclosure;
- iv) full construction 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 interest.

5. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason - To protect hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

6. Demolition or construction works shall not take place outside the hours of 08 00 to 18 00 Mondays to Fridays and 09 00 to 14 00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. In conjunction with the statutory "reserved matters" details required by Condition 1, an Ecological Protection and Enhancement Plan (EPEP) shall be submitted to and approved in writing by the local planning authority. The EPEP shall include:
 - A Reptile Mitigation Strategy (including creation of brash piles and hibernacula for local reptiles);
 - Details outlining the retention and protection of the existing southern boundary hedgerow;
 - A lighting strategy;
 - A vegetation clearance strategy; and
 - Details of integrated bat box and bird boxes (including their exact location on the building).

All works shall be completed fully in accordance with such approved details **BEFORE** the dwelling hereby approved is occupied.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. 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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

P.P.

DATE: 13.07.2023