

OFFICER REPORT

Application Number: 14/P/00678

Received Date: 16th December 2014

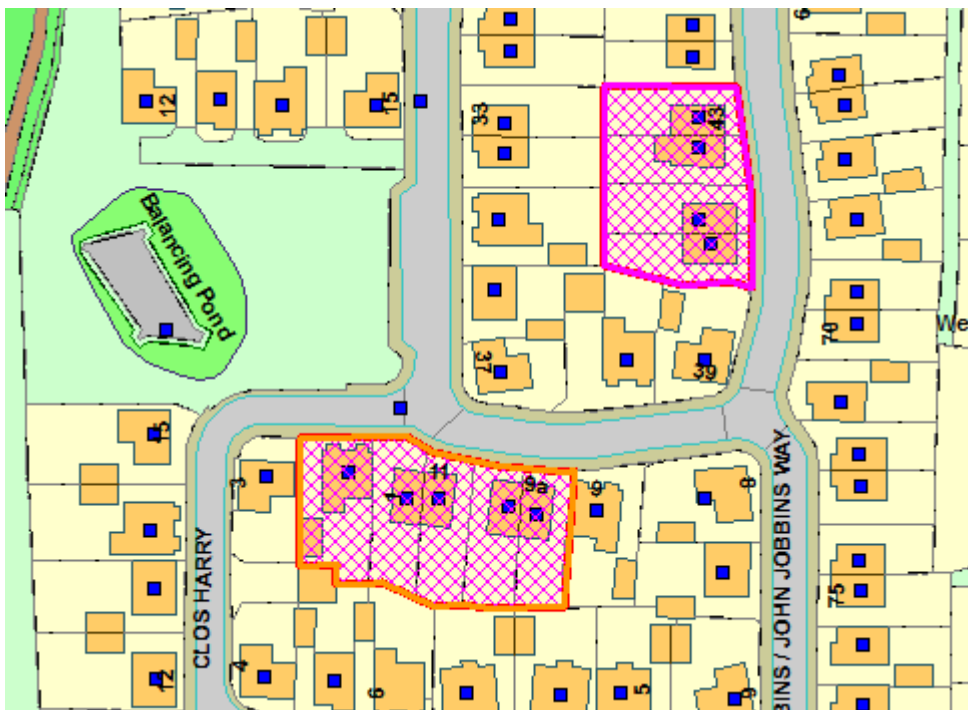
Proposal: Re-plan of plots 59 to 62 and plots 83 to 85 to include 2 additional dwellings.

Site Address: Penygarn Heights Penygarn Rd Trevethin Pontypool

Ward: St Cadoc's and Penygarn

Applicant: Barratts South Wales

Agent: Mr Dan Armstrong



BACKGROUND

Planning consent for 124 dwellings at this site was granted, subject to a Section 106 Agreement in December 2013 (13/P/00014).

The application site was previously owned by Torfaen County Borough Council and purchased by Barratts Homes following the grant of planning consent.

The previous application for the development of the Former Trevethin Community School secured the following developer contributions set out below.

A S106 Agreement for the following:

- £91,470 for play areas.

- off site highway improvements.
- 25% affordable housing provision.

Monies from the capital receipt for the land sale were allocated for the following:

- £220,000 for the improvement to recreation facilities within the Penygarn & St Cadocs/ Trevethin/ Pontypool Wards.
- £27,000 for the maintenance of the on site play areas.
- £110,000 for the maintenance of on site open space and trees.
- £10,000 for the provision of SIDs on the local highway network.
- £25,000 for the maintenance of the replacement bat house.

Planning Committee resolved to approve the current application subject to a Section 106 in February 2015 which would secure contributions towards affordable housing, children's areas and adult recreation but this S106 was not progressed and the consent has not been issued. Given the length of time since the original Committee resolution, a new Committee resolution is required in order to progress the S106 and a decision to be issued. The proposed scheme and associated issues remain the same as when the proposals were originally considered by Committee in 2015. Although the consent has never been issued, the houses have been constructed, sold and are occupied.

Following this resolution, there have been extensive discussions with the developer regarding the exact levels of contribution required. In addition, the progression of the S106 has been delayed by an on-going dispute between the Authority and Barratts regarding the main area of Public Open Space on site: A satisfactory design for the play area has yet to be agreed for this area of Public Open Space and the land available to do this has been constrained by the size of the drainage ditch which has been provided on site. Whilst discussions regarding this issue are on-going, it is considered that this should not now preclude the determination of this application.

SITE DESCRIPTION

The application relates to 9 existing residential properties on the Penygarn Heights development, Pontypool.

DESCRIPTION OF DEVELOPMENT

The current application seeks to replan two sections of the approved development to vary the type and number of dwellings within those parcels of land. The previously approved scheme included 7 x 4 bedroom detached dwellings. The current application shows 8 x 3 bedroom semi detached properties and 1 x 4 bedroom detached property. The overall increase is 2 dwellings. The houses have already been constructed and are occupied.

ISSUES ARISING FROM CONSULTATIONS

The Authority's Highways Engineers do not object to the proposal, confirming that the proposal includes the required level of off-street parking.

Pontypool Community Council does not object to the proposal.

The Authority's Housing Strategy Team confirms the proposal has a 25% affordable housing requirement.

The Authority's Forward Planning Team confirms that, given the overall increase in the number of dwellings on the site sought by the application, a variation to the Section 106 for the site would be required to secure additional developer contributions. This includes contributions towards adult recreation, children's play areas and affordable housing.

RELEVANT CONSIDERATIONS IN THE DETERMINATION OF THIS APPLICATION

The issues to consider in the determination of this application are set out below.

Visual Impact- BW1

The design and scale of the proposed materials reflects other properties on the previously approved residential development of this site as is therefore considered to be acceptable.

Impact Upon Residential Amenities- BW1

The dwellings occupy a similar footprint to the previously approved scheme, in terms of relationships with previously approved neighbouring dwellings. The application is therefore considered to be acceptable in this respect.

Highway Safety – BW1

The required level of off-street parking and the garages indicated on the plans meet the required dimensions. Therefore, the Authority's Highways Engineers confirm the proposed development is acceptable in highway safety terms.

Section 106 requirements – Planning Obligations SPG (2011), Trevethin Community School Development Brief (2011)

The previous planning consent is subject to a S106 agreement which secures a range of developer contributions for the site. Given that the current application proposes to increase the number of dwellings on the development site, developer contributions for the additional 2 dwellings proposed will be sought. The Section 106 agreement should be varied to reflect this amendment. The applicants have confirmed they will make a total financial contribution of £15,391.74 to be split as follows:

Affordable housing: £12,103.74

Children's Play: £1,016

Adult Recreation: £2,272

Test for S106

In 2010 the Community Infrastructure Levy Regulations (2010) came into affect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

- a) Necessary to make the development acceptable in planning terms; *(the obligations of the Section 106 Agreement are necessary to ensure that adequate mitigation is provided for the provision of children's play areas, off-site highway improvement works and onsite affordable housing provision.)*
- b) Directly related to the development; *(the obligations of the Section 106 Agreement are directly related to the development.)*

and

- c) Fairly and reasonably related in scale and kind to the development. *(The obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure a contribution towards play provision, off-site highways improvements and the provision of affordable housing.)*

It is considered that the proposals are acceptable and it is therefore recommended that the application is approved subject to following conditions and a variation to the Section 106 agreement.

RECOMMENDATION: Upon completion of an undertaking under Section 106 of the Town & Country Planning Act concerning the matters referred to in the above report, the Head of Development Control (Planning & Public Protection Service) be authorised to grant permission subject to the following conditions or any amendments, additions or deletion of those conditions he may deem necessary.

1. Prior to the commencement of development details of the proposed electrical substation shall be submitted to and approved in writing by the local planning authority. Thereafter, development shall be installed in accordance with the approved details.

REASON: :In the interest of visual amenity

2. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no extensions or alterations to the dwellinghouses hereby approved shall be erected or constructed without the express consent of the Local Planning Authority.

REASON: In order to protect the integrity of the design of the scheme.

- The proposed garages are to be used only for the storage of private motor vehicles and/or purposes which are incidental to the enjoyment of the associated dwellings. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development Order 1995, the proposed garage shall not be converted to habitable accommodation without the express consent of the Local Planning Authority.

REASON: To ensure that the Local Planning Authority retains strict control over the future use of the site/buildings.

- The approved car parking spaces shall be retained in perpetuity.

REASON: To ensure the provision and retention of adequate off street parking facilities.

Note(s) to Applicant

- Torfaen Local Development Plan covers Torfaen County Borough. The following policy/policies is/are relevant to the consideration of this application: BW1
- This consent relates to the following plans:

drawing nos. 1416 1000, 1011, 1004
house type details: Finchley materials types A, C & D and Thames material type D

Appendices	None
Background Papers	<p>Note: Members of the public are entitled, under the Local Government Act 1972, to inspect background papers to reports. The following is a list of the background papers used in the production of this report.</p> <p>Planning Application File: 14/P/00678</p>

For a copy of the background papers or for further information about this report, please telephone: Richard Lewis, Head of Development Management (Tel. 01633 647628)