

DELEGATED REPORT

Application No:	P/23/0044
Site Address:	19 The Grawen Brecon Road Merthyr Tydfil CF47 8NR
Development:	Retaining works with associated re-profiling of land and new boundary treatments
Case Officer:	Rebecca Owens
Site Visit:	27th February 2023
Application Expiry Date:	17th April 2023
Consultation reply date expired:	20th March 2023

APPLICATION SITE

The application relates to a mixed use property which comprises of a takeaway and residential uses. It is located within the settlement boundary and in an area defined as a local centre by the Local Development Plan. The site is bound by a highway to the front, a dwelling to the south east and a public footpath comprising of steps to the west. The application site slopes steeply from the north to the south and it is noted that the previous retaining wall has collapsed resulting in the land to the rear of the site spilling across the adjoining public steps.

PROPOSED DEVELOPMENT

Full planning permission is for retaining works with associated re-profiling of the land and new boundary treatments.

It is proposed to erect gabion basket retaining walls along the western/south western boundary of the site which is adjacent to the public steps. These would step down in height in line with the sloping gradient of the site and thus would range from a maximum height of 3.2m to a minimum height of 1.8m. A further reinforced P.C. concrete retaining wall is proposed to support the higher garden level creating a level area adjacent to the rear elevations of the building. A section would be erected directly behind part of the gabion basket retaining wall but the remaining section would angle away from the gabions baskets (up to a maximum distance of 5.6m from their outer face). The land between the two structures would be graded down towards the gabion baskets. The concrete retaining wall would largely be 3m in height but the section directly behind the gabion baskets would vary from 1.2m to 3m due to the step in the heights of the gabion baskets. A new timber fence is also proposed on top of the remaining section of the existing stone boundary wall along the western boundary and on top of the proposed concrete retaining wall. This would be 1.8m in height.

PLANNING HISTORY

There is no relevant planning history which needs to be taken into consideration when determining this application.

CONSULTATION

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

Engineering & Highways Manager	No objection subject to conditions
Environmental Health Manager	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)

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:

- SW4: Settlement Boundaries
- SW11: Sustainable Design and Placemaking
- CW1: Historic Environment
- EnW1 Nature Conservation and Ecosystem Resilience
- EcW3: Retail Hierarchy – Supporting Retailing Provision
- EcW5: Town and Local Centre Development

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

- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary and is therefore acceptable in principle subject to other relevant planning policies and material planning considerations. In this respect it is noted that the application site is also located within a defined local centre and as such policies EcW3 and EcW5 are relevant. These policies support development that enhance the vitality and viability of local centres. Given the nature of the development proposed, it is not considered that it would have any adverse impact on the local centre and may in fact be advantageous by allowing the footpath to be reopened following the collapse of the previous wall. The proposal would therefore not contravene these policies.

It is acknowledged that despite being located to the rear of the application site, the proposal would be adjacent to a public footpath comprising of steps down to the street behind which occupies a significantly lower level. As such the rear of this site is visible and would be prominent to users of this route. However, due to this difference in level, the rear streetscene of this area is characterised by high retaining structures of various materials including gabion baskets and boundary enclosures at high levels. Accordingly, having regard for the character of the rear streetscene it is not considered that the proposal works would have a harmful visual impact and as such the proposal is found to be in accord with Policy SW11. It is also noted that the site is within Urban Character Area 6 (Williamstown, Cae Pant Tywll and Morgantown) but again the proposal would not impinge upon this or contravene Policy CW1.

Consideration has also been had for the impact of the proposal on users of the adjoining public steps. It is acknowledged that a section alongside the steps would comprise of the existing stone wall with a fence above being a maximum height of 4.5m and then there would be a section which is a combination of gabion baskets with a concrete retaining wall directly behind and a further fence above this. This would result in an overall maximum height of 7.2m. These heights are significant and could be deemed overbearing. However, the concrete wall and fence would be 2m off the face of the gabion baskets creating a notable set back and visual break with the differences in materials also helping to break up the expanse of the boundary. Furthermore, as the other side of the steps is open it is not considered that the proposal would be oppressive. As such, in this instance the arrangement is on balance found to be acceptable.

Regard has also been had for the impact of the proposal on the residential amenities of the neighbouring occupants. In this respect it is noted that the development would only impact on the adjoining dwelling, with works proposed along the shared boundary of these two properties. The proposal would involve the creation of a level area directly to the rear of the building which would extend along the shared boundary for 4m. This would appear to span beyond the upper garden level of this neighbouring property by 1m and would allow for views across its garden and to its rear windows. However, this garden is already overlooked from this level and as such it is not considered that the proposal would significantly increase this or indeed result in a greater loss of privacy. In this respect it is also noted that no representations were received following the publicity exercise. It is also not considered that the development would have any harmful overbearing impact or create any unacceptable overshadowing or loss of light to this property. As such the proposal is found to be acceptable in terms of its impact on residential amenity and in accord with Policy SW11 of the LDP.

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.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

CONDITIONS/REASONS:

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Proposed Site Layout, Drawing Number: 1B of 2, Received on 20 February 2023

Proposed Sections, Drawing Number: 2A of 2, Received on 20 February 2023

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

3. **No development shall take place** until details, including structural calculations, of the retaining walls hereby approved have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan .

4. No works shall commence on site until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details with the biodiversity enhancement provided within 3 months of the retaining walls being erected and shall be retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 11, February 2021) requires all development to maintain and enhance biodiversity.

5. Prior to the construction of the gabion basket retaining wall hereby approved, details/samples of the material to be used to fill the baskets shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. With respect to condition 3, it is advised that 1 no. bat box (woodcrete or woodstone) is erected on the south western elevation of the building. For example, see <https://www.greenwoodsecohabitats.co.uk/shop> (single crevice bat box)
2. The Developer is advised to check and confirm the positions of all boundaries **BEFORE** construction works commence.

Any discrepancies or problems of interpretation of boundary lines shall be resolved amongst all interested parties **BEFORE** works commence.

Failure to comply with this information could lead to civil action being brought against the developer by aggrieved parties.

3. The developer is advised to seek appropriate legal advice if the development to which this application refers involves either:-
 - i) work on an existing wall shared with another property;
 - ii) new building on the boundary with a neighbouring property;
 - or
 - iii) excavating near a neighbouring building.

as these works may fall within the scope of the Party Wall Act 1996 and may require statutory notices to be served on affected owners.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

5/4/23