

DELEGATED REPORT

Application No:	P/22/0081
Site Address:	La Cantera Heolgerrig Merthyr Tydfil CF48 1RG
Development:	Re-profiling of garden with gabion basket retaining walls
Case Officer:	Rebecca Owens
Site Visit:	11th April 2022
Application Expiry Date:	1st June 2022
Consultation reply date expired:	20th June 2022

APPLICATION SITE

The application relates to a large detached dwelling, sited within a generous curtilage in which there is an existing garage currently being converted into holiday accommodation. The site is in a mainly residential area and within the settlement boundary. It is bound by a highway, undeveloped land and other dwellings.

PROPOSED DEVELOPMENT

Full planning permission is sought for stone filled gabion basket retaining walls within the south eastern corner of the site. Here the garden falls way towards the boundaries of the site and the proposal would create a larger level area at the higher garden level. A gabion basket wall would run for 10m adjacent to the eastern boundary of the site and would return at a right angle adjacent to the south-eastern boundary spanning a further 6m. The walls would have a maximum height of 2m. Set on top of the inside edge of the gabion baskets running adjacent to the eastern boundary would be a 1m high balustrade and on top of the inside edge of the gabion baskets adjacent to the south eastern boundary would be a 1.8m high closed boarded timber screen fence.

PLANNING HISTORY

There relevant planning history is summarised below:

P/21/0302	Conversion of existing garage into holiday accommodation unit with associated external alterations Granted planning permission subject to conditions on 27 September 2021
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CONSULTATION

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

Head of Engineering No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the 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
- EnW2: Internationally and Nationally Protected Sites and Species

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

- Note 6, A Design Guide for Householder Development

PLANNING CONSIDERATIONS

The proposed gabion basket walls would be discretely located within the south eastern corner of the garden of La Cantera where it would not be readily visible from public vantage points and given the character of the area is it not considered that it would be visually harmful. As such no concerns are raised with respect to the appearance of the walls or indeed its impact on the character or visual amenities of the dwelling itself or the wider area. In this respect it therefore accords with Policy SW11 of the LDP and would not harm Urban Character Area 9: West Merthyr, including Heolgerrig and Gellideg and as such would also comply with Policy CW1.

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 gabion basket walls would be erected in close proximity to the south eastern corner of the site which is bound by 128 Heolgerrig and undeveloped land which forms part of The Croft but is unlikely to part of its residential curtilage.

The section of wall adjacent to the south eastern corner of the site would be sited between 2.9m and 5m back from the shared boundary with 128 Heolgerrig. It would be 2m in height at its highest point, with a 1.8m high fence erected on top (set 1m back from the outer face of the wall). However, given the difference in levels between the application site and this neighbouring property, the set back of the proposed wall and additional set back of the fence above, the development would not have any significant overbearing impact or result in unacceptable overshadowing or loss of light. Similarly, whilst the proposal would raise the garden level of the application site by up to 2m in relatively close proximity to the 128 Heolgerrig, the 1.8m high timber fence would act as a privacy screen preventing any straight views into its rear garden. Thus, whilst it would not completely prevent overlooking, this would be less direct and intrusive and thus on balance would not give rise to a harmful loss of privacy. However, to ensure that this element of the scheme is erected and retained (to ensure the residential amenity of the occupants of 128 is protected in the future) a condition is recommended.

The wall would be erected 1m back from the shared boundary with The Croft and it is noted that this adjacent land is at a lower level than the application site. However, whilst the section of the wall adjacent to this property would, be 10m in length and a maximum of 2m in height it is recognised that a 2m high boundary enclosure could be erected along the boundary in closer proximity without planning permission. In addition, whilst a 1m high balustrade is also proposed on top of this wall, this would be set back from the outer face of the wall by a further 1m. As such, it is not considered that the proposal would give rise to any overbearing impact or unacceptable overshadowing or loss of light to this land. Whilst it is recognised that the proposal would create a higher garden level in closer proximity to the neighbouring land, this is already considerably overlooked from the existing garden and it is not considered that the degree of overlooking would be significantly more harmful following the development. In addition, whilst this land may belong to the dwelling known as The Croft, it is undeveloped land which does not appear to form part of its residential curtilage and is not being used as garden amenity space. Consequently, the overlooking from the proposal is essentially over what would appear to be unused land. It is also noted that no representations were received following the publicity exercise. Thus, having regard to the above, the proposal is on balance found to be acceptable in terms of its impact on residential amenity and therefore would be 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.

Having regard to the above considerations, the following recommendation is made:

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

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:

Site Plan, Elevations, Sections and Plan, Drawing Number: 2863R, Amended Plan Received on 30 June 2022

Structural Design Check for Gabion Basket Retaining Wall at La Cantera, produced by Chris Meredith Designs, dated March 2022 and received on 6 April 2022.

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

3. Before the development hereby permitted is brought into use, the 1.8m high timber screen fence shall be erected in accordance with the approved plans. The fence screen shall be permanently retained in that condition thereafter.

Reason - In the interest of residential amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest

outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED

A handwritten signature in black ink, appearing to be 'H. Bullard', written over a horizontal line.

Head of Town Planning

DATE:

1/7/22