

DELEGATED REPORT

Application No:	P/24/0218
Site Address:	11 Garden City Penydarren Merthyr Tydfil CF47 9YS
Development:	Creation of car parking area to the front of the property to include retaining wall (retrospective)
Case Officer:	Marlene Ferreira
Site Visit:	2nd October 2024
Application Expiry Date:	14th November 2024
Consultation reply date expired:	16th October 2024

APPLICATION SITE

The application site relates to a terraced dwelling, 11 Garden City, located in the area of Penydarren. The dwelling sits in a row with 5 other properties all of which are elevated above the level of the front highway. They are served by private rear garden areas to the north and elevated front garden areas to the south. The application property was formerly accessed by shared steps off the front highway, since its front garden, and other gardens along this street, slope down gently to an adopted grassed verge, measuring 1.5m wide, which runs alongside the highway. However, a parking area has been recently constructed to the front of the property, which has opened up the property's frontage and a new stepped access has therefore been constructed within the front garden. Prior to this development, this, on-street parking along the front highway served the parking requirements of the application dwelling like many other properties along this street (which do not benefit from on-site parking provision).

PROPOSED DEVELOPMENT

This application seeks retrospective planning permission to construct a driveway/parking area to the front of the property. During the visit to the property, it was noted that the works had been fully completed. The application was submitted following the receipt of an enforcement complaint.

The proposed parking area, which is finished in tarmac and retained by a 1.75m high wall has been constructed with a shallow gradient. It's width measures between 3.4m and 6.1m and its length measures between 4.5m and 6.6m.

A new blockwork wall and pillars have also been constructed alongside the boundary with the neighbouring properties. The wall measures 1.1m in height and the pillars measure 1.35m in height.

It is noted that the application site includes a section of adopted grassed verge, measuring approximately 1.5m wide, which sits between the front garden of the property and the front highway, as explained above. Having checked the application forms submitted with the plans, it is recognised that Certificate A has been signed, as opposed to Certificate B, and the Council's Estates Department have not been served notice in respect of this development. However, it should also be noted that the Council's Head of Engineering and Highways has been consulted on this application, and as such, are fully aware of the application proposal and the completion of the development.

PLANNING HISTORY

The Council's records do not show any other planning history for this site.

CONSULTATION

The following consultations were undertaken:

Head of Engineering and Highways

No objection, subject to conditions:

1. Prior to the beneficial use of the development, provision shall be made within the site for the disposal of private surface water, to prevent its discharge onto the adopted highway, details of which shall have been submitted to and approved in writing by the LPA. Such provision shall be made prior to beneficial use of the driveway and shall be maintained at all times thereafter.

2. Prior to beneficial use, structural calculations of the retaining wall need to be submitted to and approved in writing by the LPA.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

National Planning Policies

- Planning Policy Wales (Edition 12, February 2024)

Local Planning Policies

- Merthyr Tydfil Replacement local Development Plan 2016-2031

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW4 – Environmental Protection

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed development, in terms of its siting, scale and design, would comprise an acceptable form of development with regards to its impact upon the character and appearance of the property and the street scene. The impact of the proposal upon residential amenity, ecology and highway safety are also important considerations.

Character and Appearance

The development, as constructed, due its location immediately off the front highway, results in a visible alteration to the front of the property. Whilst the driveway and associated works, comprising of a new retaining wall, stepped access and a new section of boundary wall, appear prominent when viewed within the street scene, they do not dominate the appearance of the dwelling, nor do they appear incongruous or unsightly. The stepped access and wall, although having a total 1.75m height, are set back between 4.6m and 6.6m from the front highway. Likewise, the dividing boundary walls either side would amount to a low enclosure with a maximum height of 1.1m (and 1.35m for each pillar). In addition, the finishes of the development, made up of blockwork boundary walls and tarmac driveway are appropriate materials which appear sympathetic within this context. Indeed, a proposal of this nature is frequently found to the front of residential properties, including that of nearby residential dwellings.

The proposal therefore amounts to an acceptable form of development in this instance, which is not deemed to cause any significant harm to the character or appearance of the existing dwelling or that of the surrounding residential area. As such, it accords with LDP Policy SW11.

Residential Amenity

The driveway/parking area and associated works has been considered in respect of its impact on the adjoining neighbouring properties, namely 9 and 13 Garden City.

The driveway/parking area with associated works, as constructed, would not have any significant detrimental impact upon these neighbouring dwellings. Indeed, the new section of boundary wall either side comprises of a low wall and a low pillar, and as such would not appear overbearing or cause any significant loss of light upon the front garden of these neighbouring dwellings. Indeed, no letters of representation in the form of an objection or concerns have been received in respect of this proposal.

The relationship between the existing driveway/parking area and the neighbouring adjoining properties is therefore acceptable and would accord with LDP Policy SW11.

Ecology

The proposed development has been considered by the Council's Ecologist, and given the nature of development proposed, no survey work has been requested. However, enhancement works in line with the Environment (Wales Act 2016) and Welsh Government Circular 'Securing Biodiversity Enhancements' have been requested. As such, a suitably worded condition will be added to any planning permission granted.

It is also noted, under chapter 6 of Planning Policy Wales (edition 12) that applications should be supported by Green Infrastructure Statements (GIS). However, due to the scale and nature of the development, the submission of a GIS would be deemed disproportionate and unreasonable. Notwithstanding this, ecological enhancements would be provided (to be secured by condition) which would contribute to the wider green infrastructure objectives. Thus, the proposed development is therefore considered acceptable and accords with LDP Policy EnW1.

Parking Provision and Highway Safety

The proposed development, as explained above, relates to the provision of a driveway/parking area to the front of the property, adjoining the front highway.

The Head Engineering and Highways has considered the proposal, which would involve reversing movements to ingress and/or egress the proposed driveway and no concerns have been raised in this respect. The width and length of the driveway has also deemed to be acceptable and this proposal, as carried out, therefore provides suitable on-site parking provision to serve the existing dwelling. However, the Head Engineering and Highways has requested further information in respect of the wall which has been constructed to retain the elevated garden, (and which has enabled for the construction of the driveway at a lower level), to ensure that this is of a safe construction and fit for purpose. Indeed, the application did not include any information regarding structural calculations and this information was therefore requested, however it has not been forthcoming. As such, the application is required to be assessed as submitted. In this instance however, it should be noted that the retaining wall is complete and the driveway area is already in use. Thus, whilst the structural calculations, if submitted, would confirm whether the retaining wall is appropriately constructed and safe in the long term, the wall is set back from the front highway and the dividing boundaries with the neighbouring properties. As such, in the event that it is unsafe and eventually cracks, bows, bulges or collapses over time, the impact resulting from this, would affect the applicant's property only. Indeed, any works carried out to the applicant's property, is done so at his own risk, regardless of whether it requires planning permission or not. Thus, it is always the responsibility of the applicant/developer to ensure that the development is carried out appropriately and in a safe manner. Nevertheless, discussions were carried out with the building regulations section, and it was confirmed that the wall, as constructed, does not show any signs of instability and is therefore not deemed unsafe or dangerous.

It is acknowledged that the final comments received from the Head Engineering and Highways requests that structural calculations is submitted prior to the beneficial use of the driveway/parking area, since they have noted that the driveway/parking area has been completed since October 2024. However, for the reasons explained above, this would not

be considered necessary in this instance. Instead, an informative would be added to any planning permission granted.

The final comments of the Head Engineering and Highways also requests details in respect of the disposal of private surface water to ensure that this does not discharge onto the adopted highway. Such details will therefore be requested by condition.

The driveway/parking area, as constructed, is therefore considered acceptable and would not be considered significantly detrimental to pedestrian or highway safety. It would therefore accord with LDP Policy SW11.

CONCLUSION

The development, due to the reasons discussed above, is therefore considered acceptable and would comply with the relevant policies and guidance.

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:**

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

- Drawing no: Garden City 11 01B, received: 11th October 2024.

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

2. **Within 3 months of this permission** details of a sustainable drainage scheme for the disposal of surface water, shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details within 6 months of this permission and retained in perpetuity thereafter.

Reason - To ensure adequate disposal of surface water in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

3. **Within 3 months of this permission** a scheme for biodiversity enhancement, to include a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil 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.

3. The applicant/developer is strongly advised to contact the County Borough Council's Head of Engineering and Highways (tel no: 07715 802473) regarding other consents which are required in association with the provision of the vehicle cross over that has been constructed and which crosses an adopted grass verge and an adopted footway.
4. The applicant's attention is drawn to the retaining wall which has been constructed to the front of the property, and is strongly advised to submit structural calculations/ liaise with the Engineering and Highways Manager (tel no: 07715 802473), to ascertain whether the retaining wall is safe and fit for purpose. Please note that it is

the applicant's/developer's responsibility to ensure that the retaining wall is appropriately constructed and therefore any damage resulting from the potential collapse of the wall lies entirely with the applicant/developer.

RECOMMENDATION ENDORSED



PP. Director of Neighbourhood Services

DATE: 20.02.2025