

DELEGATED REPORT

Application No:	P/24/0169
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
Application Expiry Date:	12th September 2024
Consultation reply date expired:	14th August 2024

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 a retaining wall along the western/south western boundary of the site which is adjacent to the public steps. This would vary in height in line with the sloping gradient of the site reaching a maximum height of 2.6m. A further retaining wall is proposed to support the higher garden level creating a level area adjacent to the rear elevations of the building. This would be set back from the boundary retaining wall by between 1.6m and 5m. The land between the two structures would be graded down towards the front retaining wall concealing the face of the upper wall. A new 1.8m high timber fence is also proposed on top of the remaining section of the existing stone boundary wall, along the top of the upper retaining wall and returning along the boundary with the neighbouring property. This would enclose the garden area created alongside the rear elevation of the building.

PLANNING HISTORY

The relevant planning history is outlined below:

P/23/0044 Retaining works with associated re-profiling of land and new boundary treatments
Granted planning permission subject to conditions on 5th April 2023

CONSULTATION

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

Engineering & Highways Manager No objection

Environmental Health Manager No objection subject to conditions

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 12, February 2024)

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 1.8m high fence above. This would create a boundary which is of a significant height directly adjacent to the steps which could be deemed overbearing. However, this would only be for a relatively short distance with the remaining section comprising of the new retaining wall which would vary in height reaching a maximum of just over 2.5m. The remaining section of fencing would be set back from the boundary of the site on top of a second retaining wall. This set back would reduce its overall impact on the footpath and create a notable set back and visual break, with the differences in materials and banked land 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 4.5m. As this area would be fully enclosed to the side and rear by a 1.8m high fence, there would be no overlooking across the garden of this neighbouring property. 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 application site is contaminated with Japanese Knotweed. A methodology of how this will be addressed will be required prior to works commencing on site and as such a condition to this effect is recommended.

It is recognised that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). In this instance, it is

noted that this application is a resubmission following an earlier permission which due to site constraints was not feasible. Having regard to this and noting that this information was not previously required and considering the the scale and nature of the development, the submission of a GIS is deemed to be disproportionate and unreasonable. Notwithstanding this, ecological enhancement would be sought and secured by condition, which would contribute to the wider green infrastructure objectives. The proposed development would therefore comply with LDP Policy EnW1.

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 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:

Drawing Title: Proposed Section, Drawing Number: GRAWEN 19 01B, Received 18 July 2024

Drawing Title: Proposed Section and Elevation, Drawing Number: GRAWEN 19 02C, Received 18 July 2024

Drawing Title: Topographical Site Plan, Drawing Number: GRAWEN 19 03A, Received 18 July 2024

Retaining Wall Concrete Block Option Design Calculations, dated Feb 2024, Job No: 2160, Rev A, prepared by GroundSolve Ltd, Received 18 July 2024

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

3. **NO DEVELOPMENT OR SITE CLEARANCE SHALL TAKE PLACE**, until an Invasive Non-Native Species (INNS) Method Statement for Japanese Knotweed has been submitted to an approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved scheme.

Reason - To ensure compliance with the Wildlife and Countryside Act 1981.

4. **BEFORE WORKS COMMENCE ON SITE** a scheme for biodiversity enhancement, including 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.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

PP

DATE: 09.09.2024