

DELEGATED REPORT

Application No:	P/20/0094
Site Address:	Jah Jireh Care Home Heads Of The Valleys Road Merthyr Tydfil CF44 0LX
Development:	Variation of condition 1 attached to planning permission P/15/0105 (for the erection of a two storey building providing 17 two bedroom sheltered accommodation flats) to allow a further 5 years in which to commence development)
Case Officer:	Rebecca Owens
Site Visit:	18th May 2020
Application Expiry Date:	31st August 2020
Consultation reply date expired:	25th May 2020

APPLICATION SITE

This application relates to an area of land within the curtilage of Jah Jireh residential care home, formerly known as the Baverstocks Hotel. The site is located at the western extent of the County Borough, adjacent to the Heads of the Valley Trunk Road. The site is in a prominent location forming part of the 'gateway' signifying the arrival and departure into the County Borough.

The existing care home lies within extensive open grounds of which a large area of the land is used to provide car parking facilities. The remaining land is grassed with some natural landscaping. The site is bounded by the A465 Heads of the Valley Road to the south, a highway link road to the west and open countryside to the north and east. The profile of the site is generally flat however the land to the north is at an elevated level and the trunk road to the south slopes downwards steeply from west to east.

PROPOSED DEVELOPMENT

This planning application seeks permission to vary condition 1 of planning permission P/15/0105 to allow a further 5 years in which to commence development. The application therefore seeks to renew the planning permission for the erection of the two storey building providing 17 No. two bedroom sheltered accommodation flats which was subject to this earlier permission.

The building would be located at the eastern extent of the site on land which adjoins part of the existing car parking area. The proposed building would be rectangular in shape and would measure 27.7m wide, 8.8m deep and 11m high with a pitched roof.

The proposed building includes a gabled end feature to its front elevation with a canopy at its entrance. The front elevation of the building would have a variety of finishes that include a mixture of brickwork and render and a large glazed area serving the staircase at one end of the building. The side and rear elevations of the building would be faced in brickwork and the building's roof would be covered in brown tiles to match the existing building within the site.

The proposal includes a designated pedestrian link from the new building to the existing care home that will be identified by block paviors.

The proposal intends to utilise the existing car park to serve the new sheltered accommodation.

PLANNING HISTORY

There have been a number of planning applications relating to this site. The following are considered to be of most relevance to the determination of this application:

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| P/15/0105 | Variation of a condition attached to planning permission P/09/0244 (for the erection of a two storey building providing 17 No. two bedroom sheltered accommodation flats) to allow a further 5 years in which to commence development.
Granted planning permission subject to conditions on 26 May 2015 |
| P/09/0244 | Erection of two storey building providing 17 two bedroom sheltered accommodation flats
Granted planning permission subject to conditions on 2 August 2010 |
| P/09/0074 | Variation of Condition 3 & 4 of consent P/06/0144 relating to the number of bed spaces and class use
Withdrawn on 6 August 2010 |
| P/08/0371 | Erection of free standing advertisement hoarding
Granted Advertisement Permission subject to condition on 6 November 2008 |
| P/07/0264 | Erection of wind turbine and associated equipment housing
Withdrawn on 8 January 2010 |
| P/07/0201 | Erection of two storey annex comprising 18 bedrooms
Granted planning permission subject to conditions on 6 July 2007 |
| P/07/0106 | Outline application for the erection of a two storey building accommodating 42 retirement type dwellings.
Withdrawn on 2 December 2008 |
| P/06/0144 | Outline application for the erection of a block of sheltered accommodation.
Granted Outline Planning Permission subject to conditions 28 April 2006 |
| P/06/0143 | Full application to provide a 2 storey wing as additional bedroom accommodation to the main building, alterations to the existing building to provide a total of 50 bedrooms care facility for the elderly |

Granted Planning Permission subject to conditions 28 April 2006

P/06/0060 Change of use of the hotel (C1) to residential care home (C2).
Granted Planning Permission subject to conditions 28 April 2006

CONSULTATION

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

Head of Engineering	No objection subject to condition
Planning Division's Policy Group Leader	No objection
Planning Division's Ecologist	No objection subject to conditions
Planning Division's Landscape Architect	No objection
Environmental Health Manager	No objection
Rhondda Cynon Taf CBC	No objection
Health and Safety Executive	No response
Welsh Government Highways	No objection
South Wales Police	No objection
Dwr Cymru Welsh Water	No objection subject to conditions
Western Power	No response
Wales and West Utilities	No response

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, two site notices were displayed within the vicinity the site.

No representations were received following this publicity exercise.

POLICY CONTEXT

Local Policy

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
- SW9: Planning Obligations
- SW11: Sustainable Design and Placemaking
- SW12: Improving the Transport Network
- SW13: Protecting and Improving Local Community Facilities

- EnW1: Nature Conservation and Ecosystem Resilience
- EnW4: Environmental Protection
- EnW5: Landscape Protection

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

- Note 1: Affordable Housing
- Note 2: Planning Obligations
- Note 4: Sustainable Design
- Note 5, Nature and Development

National Policy

The Future Wales – the National Plan 2040 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.

In addition, on the basis that this application relates to a variation of condition which would allow for the renewal of a planning permission, the advice contained within Welsh Government Circular (WGC) 016/2014: The Use of Planning Conditions for Development Management (paragraph 5.21) is of particular relevance to the determination of this application.

PLANNING CONSIDERATIONS

The advice contained within WGC 016/2014 clearly states that renewal applications should only be refused in the following circumstances;

1. There has been a material change in planning circumstances since the previous permission was granted.
2. The continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area.
3. The application is premature because the permission still has a reasonable time to run.

In essence it is considered that the above criteria do not apply to this application.

Generally, site circumstances are the same or very similar to what they were at the time of granting the previous permission. It is acknowledged that the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016 - 2031 has been adopted since the previous planning permission was granted and thus there has been a change in the policies which were previously considered. However, it is considered that the proposal would continue to comply with the current LDP policies and an assessment of the development in relation to these policies is outlined as follows:

The application site remains within the primary growth area as defined by the LDP and whilst it is still located outside of the settlement boundary and thus classed as 'countryside development', Policy SW4 allows for some exemptions where such development would be permitted. Included in this is development which would 'support the expansion of an

existing business in the countryside'. As the proposal is for the expansion of an existing care home it would comply with this policy. Furthermore, by extending an existing care home which is classed as a community facility, the proposal is enhancing this facility and its provision in line with the aims of Policy SW13.

Whilst it is acknowledged that the site is located in an elevated position in close proximity to the A465 trunk road and the Brecon Beacons National Park and thus is visually prominent, the design of the proposed building has previously been considered and found to be acceptable. The proposed building would be large in scale and located in close proximity to the A465 trunk road but it would present its smaller flank elevation toward the busy road reducing its overall impact. It would also be read in relation to the existing care home building which itself is of large proportions. The design of the building would be complementary to the existing structure and as was previously the case, the material finishes can be conditioned to ensure they are sympathetic and thus that the structure would not appear as an incongruous addition. Given that this is a renewal application, and as such there have been no changes to the design, scale or siting of the structure proposed, it is acceptable in this respect and therefore in accord with Policy SW11.

In line with Policy SW11 the proposal is also found to be acceptable in terms of its impact on residential amenity. In this respect it is noted that due to the isolated location of the site, there are no dwellings which are within a close enough proximity to be impacted by the structure.

The proposed building would be an expansion of an existing care home and sited within its curtilage. The existing access, which would not be altered as part of the proposal, would therefore also serve the new structure. The site is also well served with on-site car parking and as such no concerns are raised in this respect. It is also noted that no objections were received from the Head of Engineering relating to highway safety or indeed the Welsh Government as highway authority for the A465 trunk road.

Whilst no ecological surveys have previously been provided, given recent changes in both local and national policies and an increasing emphasis on protecting and enhancing biodiversity, protected species and protected sites, an Ecological Impact Assessment and Reptile survey have been submitted with this application. The Ecologist is satisfied that the proposed development would be acceptable in terms of its ecological impact subject to compliance with the recommendations of these reports and imposition of relevant conditions.

As indicated above, the proposal would thus comply with the replacement LDP policies and as such there has not been a material change in planning circumstances since the previous planning permission (P/15/0105) was granted on the 26 May 2015.

Whilst the site has had planning permission for over 10 years without development works commencing it is not considered that the absence of development on the site has contributed to any uncertainty about the future pattern of development in the area.

The application was submitted on 1 May 2020, which is less than a month before the expiration of the previous planning permission. The application subject of this report cannot therefore be said to have been submitted prematurely.

PLANNING OBLIGATIONS

Given the nature of the proposal, on-site provision of affordable housing or a financial contribution towards this would not be sought and similarly no on-site provision of open space would be required.

CONCLUSION

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.

The development subject to this planning application currently has planning permission and thus the principle of the development is already established. As this application does not seek to make any changes to the previously approved scheme, site circumstances remain the same and there has not been a material change in planning circumstances since permission was previously granted. Therefore, there is no reason not to support this application to extend the timeframe in which to commence development. Having regard to the above considerations and the advice contained within WGC 016/2014, it is considered that the application should be approved.

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 Elevations, Drawing Number: 231/105, Received on 1 May 2020

Drawing Title: Proposed Floor Plans Layout, Drawing Number: 231/106, Received on 1 May 2020

Drawing Title: Proposed Drainage Layout, Drawing Number: 231/110, Received on 1 May 2020

Drawing Title: Proposed Elevation and Cross Section, Drawing Number: 231/115, Received on 1 May 2020

Drawing Title: Soft Landscape Plan, Drawing Number: 2023 - 001 Revision B, Amended Plan Received on 22 November 2021

Ecological Impact Assessment Revision 4.0, dated 17 December 2021, prepared by Acer Ecology and submitted on 4 January 2022

Reptile Survey Revision 2.0, dated 30 November 2020, prepared by Acer Ecology and submitted on 7 December 2020

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

3. Prior to the construction of the building hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the building; 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.

4. The building shall be used as units of sheltered accommodation in conjunction with Jah Jireh care home, and for no other purpose (including any other purpose in class C3 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason - The development of flats in this location is contrary to Policy SW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. The car parking area serving the Jah Jireh Care Home and the sheltered accommodation building hereby approved shall be de-marked and ready for use in accordance with the details indicated on the approved plans BEFORE the building hereby approved is brought into beneficial use, and shall be retained as such at all times thereafter.

Reason - To ensure the parking requirements of the development are adequately met at all times.

6. **No development shall take place** until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

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.

7. **No development shall take place** until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial

measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out.

8. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 7, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained for the period agreed in the remediation scheme.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out.

9. All planting, seeding or turfing comprised in the approved details of landscaping (drawing number: 2023-0001) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. Prior to its installation, full details of external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan shall include:

- Details of the siting and type of lighting to be used.
- Drawings setting out light spillage.

The lighting shall only be installed in accordance with the approved details and maintained as such thereafter.

Reason - To limit the impact on protected species and reduce light pollution in accordance with policies EnW2 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

11. **No development shall take place** until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be undertaken, managed and maintained thereafter in accordance with the approved Landscape and Ecological Management Plan.

Reason - In the interests of biodiversity and visual amenity in accordance with Policies SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

12. **No development shall take place**, or any demolition works or site clearance, until a method statement and management plan dealing with the onsite Himalayan

Balsam has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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

13. In accordance with the recommendations of the Ecological Impact Assessment **PRIOR TO THE BENEFICIAL USE OF THE BUILDING**, details of the bat and bird boxes and their exact siting shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall be provided in accordance with the approved details **PRIOR TO THE BENEFICIAL USE OF THE BUILDING** and shall remain in perpetuity thereafter.

Reason - To protect the natural environment and important habitat in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

14. In accordance with the recommendations of the Ecological Impact Assessment **PRIOR TO THE COMMENCEMENT OF WORKS**, details relating to the wildlife friendly pond shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details **PRIOR TO THE BENEFICIAL USE OF THE BUILDING**. The pond shall remain in perpetuity thereafter.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

15. **No development shall commence** until details of existing ground levels and proposed finished ground and floor levels (including relevant sections) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

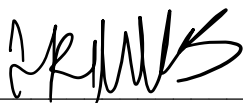
Reason - To protect residential and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. Dwr Cymru Welsh Water have indicated that a water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure.
2. The developer is advised that the proposed development is crossed by a 4" and 10" trunk/distribution watermain. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access their apparatus at all times and they should be contacted regarding their conditions for development near watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

3. The applicant is advised to seek appropriate advice from Natural Resources Wales regarding the proposed drainage disposal and or the Building Regulations Authority or an Approved Inspector, depending on which type of drainage is proposed.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

