

DELEGATED REPORT

Application No: P/21/0283

Site Address: Maes Y Bryn
Cardiff Road
Treharris
CF46 5NB

Development: Proposed new access onto Cardiff Road to facilitate additional on site car parking with associated works, including re-alignment and partial re-building of boundary wall

Case Officer: Caroline Pulley

Site Visit: 5th August 2021

Application Expiry Date: 20th September 2021

Consultation reply date expired: 17th March 2022

APPLICATION SITE

Maes Y Bryn is a large detached nursing home located on the southern side of Cardiff Road in the predominately residential area of Edwardsville, Treharris. The property is located in a generous size curtilage. It is bound by Cardiff Road to the north, to the south is the A4054 and a petrol station, and to the west is a detached dwelling which has recently been constructed as part of a small housing development. On its eastern side is a property called Ger y Nant.

PROPOSED DEVELOPMENT

This application seeks planning permission for the creation of a new vehicular access off Cardiff Road to provide additional on-site parking within the rear curtilage of the premise. Permission is also sought for the construction of a new boundary wall along Cardiff Road.

The parking/hardstanding area would provide six parking spaces within the north-western corner of the site (in the area of a former outdoor swimming pool). The hardstanding would be irregular in shape measuring 16.3m in width at its widest point and approximately 11.6m in depth. The proposed access and internal driveway would connect to the adjoining highway via a new 4m wide opening positioned approximately within the centre of the northern boundary. The new stone faced wall would be positioned either side of the proposed access and would be re-aligned to allow for necessary vision splays to be provided onto Cardiff Road. The wall would measure 450mm in depth and 2m in height. A small section of ground would be left to the front of the newly aligned wall (which would lie adjacent to the pavement) and would be finished with tarmac or equivalent materials.

It is proposed to undertake some engineering works to facilitate a new access and an internal driveway off Cardiff Road. However, it is important to note that the parking area

would be finished at the existing ground/decking level (albeit the existing swimming pool would be filled in). It is indicated that the new internal driveway would have a 7 degrees gradient and would be retained to the side and rear by a new wall measuring between approximately 0.8m and 1.3m in height. The submitted plans also detail a 2m high close boarded fence being re-instated along the south-western boundary of the site.

PLANNING HISTORY

There is no recent planning history relating to the property.

CONSULTATION

Head of Engineering: No objection, subject to a condition.

Ecologist: No objection, subject to biodiversity compensation and enhancement of the site being provided in accordance with the Environment (Wales) Act 2016.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and site notices were displayed within the vicinity of the site

One letter was representation was received as a result of the first consultation exercise from the resident of the adjacent residential property. The key issues are summarised below:

- The car parking area would be located at a higher level to the neighbouring property and will overlook the neighbouring house and garden. It is noted that there used to be a privacy fence where the old pool was but this has recently been removed. The resident points out that the close boarded fence needs to be reinstated;
- There is a row of trees along the site boundary, the roots of which are likely to be impacted by the proposed construction works. The writer points out that there is no objection to these trees being felled by the applicant as part of their proposed works;
- It is noted that during the demolition of the boundary wall, a section of the neighbour's wall was demolished without permission. The writer points out that he agrees to the remaining part of the wall to be demolished and the corner of the outbuilding being made good.
- A query is raised as to how the hardstanding would be drained as the development is located in close proximity to the neighbouring property.

Local Ward Members were advised of the objection received to this application however, no request has been submitted requiring the application to be reported to the Planning Committee. As such, the application will progress to be determined by the Chief Officer Planning and Neighbourhood Services.

POLICY CONTEXT

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.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TAN to this application is as follows:-

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW11 – Sustainable design and Placemaking

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW4 – Environmental Protection

Supplementary Planning Guidance (SPG) Note No. 5 – Nature and Conservation

PLANNING CONSIDERATIONS

The application site lies within the defined settlement limits where the principle of new development is acceptable under Policy SW4 of the LDP. Moreover, the proposed on-site car parking would help to relieve on-street parking pressures along Cardiff Road by providing the existing care home facility with a more accessible parking area. As such, the scheme is considered to be acceptable in principle.

The issues to consider under the assessment of this application relate to whether the proposed development would be acceptable in respect of its impact upon the character and appearance of the property and the surrounding area. The impact upon residential amenity, parking provision and highway safety are also primary considerations in the assessment of this proposal.

Impact on character and appearance of the area

The greatest change to the character and appearance of the area would arise from the construction and re-alignment of the stone boundary wall, which previously defined the northern boundary of the site. As mentioned earlier, the stone boundary wall has recently been demolished and as part of this scheme, it is proposed to re-build a new stone faced wall along the northern boundary. While the line of the new wall would be set back and splayed at an angle to accommodate the vision splays needed for the proposed access, the difference between the line of the old and new wall would not be overly significant or conspicuous in this location. A condition would also ensure that the materials used for facing and pointing the wall would be in-keeping with the remaining section of stone wall which lies to east of the site. Taking this into account, as well as the fact that the car parking area would be screened behind the stone wall, the development is considered to have a limited impact on the character and appearance of the area.

Residential amenity

As detailed earlier in this report, concern has been raised by the resident of the neighbouring property (5 Menlo Park) in relation to the impact of the car parking area on the privacy of the neighbouring dwelling and garden. The resident in his comments points out that there used to be a privacy fence where the former pool was situated but this was recently removed when the boundary wall was taken down. This concern was relayed to the agent and following discussions, amended plans have been received showing the reinstatement of a 2m high close boarded fence along the south-western boundary to provide privacy between the car parking area and the neighbouring property. In light of this, it is considered that the overlooking concern between the parking area and the neighbouring property has been overcome. Also, the operational works proposed to facilitate the car park (i.e. the re-grading works and the surfacing of the hardstand) would not be of a scale which would adversely impact upon the existing levels of amenity enjoyed the occupiers of the adjacent properties.

Consideration has also been given to the impact to the neighbouring properties resulting from the use of the proposed access and car park. In this respect, it is acknowledged that local residents, particularly 5 Menlo Park, may experience a level of noise and disturbance. However, the car parking area is located next to a well-used road and therefore neighbouring properties would experience a level of background noise at present. It should also be noted that the reinstatement of the fence along the south-western boundary and the construction of the new stone wall along Cardiff Road would limit any impact that may result from car lights shining in the direction of the neighbouring properties. In light of these factors, it is not considered that the level of noise and disturbance which would result from the creation of the new access and car park would be so harmful to the amenities of the adjoining neighbouring properties to warrant the refusal of planning permission.

Access and Highway safety

As detailed earlier, a new access would be provided off Cardiff Road to serve the proposed development. The Council's Head of Engineering has considered the proposal and has not raised any objections noting that appropriate visibility splays (2.4m x 25m) would be provided onto Cardiff Road following the demolition and re-alignment of the boundary wall. Accordingly, it is considered the car parking, turning facilities and visibility splays are acceptable and the scheme would not impinge on highway or pedestrian safety.

Ecology

In respect of ecology, the Council's Ecologist has concluded that survey work would not be required in respect of this proposal. However, in accordance with the Environment (Wales) Act (2016), some planting either side of the proposed access has been requested, details of which have been provided indicating native planting to the east and west of the proposed access. The Council's Ecologist has reviewed these details and has not raised any objections subject to details being submitted and approved by the LPA. This would be controlled by way of a condition.

Other issues

The matter raised by the neighbour in relation to drainage has been noted. However, the applicant will need to gain approval for their drainage from a SuDS Approval Body (SAB) before construction can begin. This matter lies outside of the remit of this planning application.

Conclusion

While the resident of the adjoining property initially raised some concerns/issues to this application, it is considered that these issues have been appropriately addressed through the course of the application. The new car parking area, whilst being situated in close proximity to the neighbouring dwelling, would be screened behind a timber fence. As such, there would be no overlooking impact arising from this development to 5 Menlo Park. The development may give rise to some increased activity along the dividing boundary. However, given the limited scale of the parking area and its location next to a well-used road, the impact would not be significant. Further to this, the provision of a car parking area could help to relieve on-street parking pressures in the area, which could generally help to improve the area as a whole in general.

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:

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 no. 1002 Rev A Proposed Plan received on 13.01.2022

Drawing no. 1006 Section D-D received on 13.01.2022

Drawing no. 1003 Rev A Section A-A received on 13.01.2022

Drawing no. 1004 Section B-B received on 13.01.2022

Drawing no. 1005 Section C-C received on 13.01.2022

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

3. Prior to the construction of the stone faced boundary wall, a sample of the stone together with details of the coursing and pointing to be used to face the wall shall be submitted to and approved in writing by the Local Planning Authority and such details shall be demonstrated by the prior construction of a sample panel. The development shall be completed in accordance with the approved details prior to the beneficial use of the car parking area.

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 2.4m by 25m visibility splays shown on plan no. 1002 Rev A shall be maintained free of any obstruction exceeding 0.9m in height for as long as the development exists.

Reason - In the interests of road safety in accordance with Policies SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. Prior to the beneficial use of the car parking area hereby approved, the close boarded fence shall be re-instated along the south-western boundary of the site in accordance with drawing numbers 1002 Rev A and 1006. The close boarded fence shall be retained in perpetuity.

Reason - To protect the amenities of the neighbouring property in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

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. Prior to works commencing on site, details of the type and number of species proposed in the scheme of planting illustrated on drawing number 1002 Rev A shall be submitted to and approved in writing by the local planning authority.

Reason - To provide biodiversity and environmental enhancements in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

8. All planting, seeding or turfing comprised in the approved details of landscaping/planting 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.

9. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. If a drop kerb is required, an application form to obtain permission for this aspect of the development can be obtained from the highways department;

Website : <https://www.merthyr.gov.uk/resident/parking-roads-and-travel/roads-footways-and-pavements/dropped-kerb/>

Email : Highways.CustomerCare@merthyr.gov.uk Tel no : 01685 727470 or 725000

2. 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.

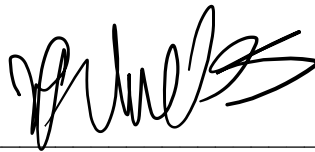
Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

3. 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



Head of Town Planning

DATE:

28/2/22