

DELEGATED REPORT

Application No:	P/23/0062
Site Address:	Land To The Rear Of 18-22 Bryngoleu Aberfan Merthyr Tydfil
Development:	Erection of two wood cabins with interconnecting canopy to serve as sheltered education and wellbeing spaces for the local community
Case Officer:	Emma Watkins
Site Visit:	16th March 2023
Application Expiry Date:	23rd August 2023
Consultation reply date expired:	31st May 2023

APPLICATION SITE

The application site is an open area of grassland to the rear of residential properties that front Bryngoleu, Aberfan.

The site is located within an Other Growth Area and Special Landscape Area (SLA) 5 Pontygwatih and Taf Vale, as defined by the LDP. It is also located outside the settlement boundary.

PROPOSED DEVELOPMENT

The application proposes the erection of two wooden cabins, with interconnecting canopy, to serve as sheltered education and wellbeing spaces for the local community.

The application has been supported by a Planning Statement which gives further information about the proposed development. The statement explains that the two log cabins will form an outdoor classroom area and wellbeing space for the local community to experience the nature and open space of Bryngoleu (known locally as Patsy's Field). The use of the site is for informal and formal recreational and leisure activities that reconnect the community with nature. The statement goes on to say that the cabins are needed to provide essential shelter basic needs such as safety, warmth, lighting and hand washing. The education element of the project, it says, will enable essential conservation, maintenance and appropriate clearance of the site to take place.

PLANNING HISTORY

There is no relevant planning history.

CONSULTATION

Head of Engineering and Highways – No objection.

Park and Environment Manager – No response

Planning Division's Ecologist – No objection, but requirements for details / minor updates

Environmental Health Manager – No objection, subject to conditions.

Landscape Architect – No objection

Estates Manager – No objection

PUBLICITY

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

One letter of objection has been received with the following comments.

- Several concerns as access to the field is through a cul-de-sac with a security barrier at the end. Whilst there are other entries onto the field by foot, any entry by motor vehicle would be through the cul-de-sac where parking is extremely tight.
- Over the years the field has been used for various forms of antisocial behaviour with gangs of teenagers drinking and lighting fires on the field to becoming a racetrack for off road motorbikes
- Will these cabins become a sheltered space for these youths or will be destroyed?
- If the cabins do survive what will happen to them once the funding for this project ends
- What if any toilet provision will be made?

Further queries (not formal objections) were raised regarding the address of the applicant and other sites managed by the applicant. Planning applications are determined based on the information provided and the merits of the proposed development against the local development plan so these are not material planning considerations.

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 Director of 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 SW9 – Planning Obligations

Policy SW10 – Protecting and Improving Open Spaces

Policy SW11 – Sustainable design and Placemaking

Policy SW12 – Improving the Transport Network

Policy SW13 – Protecting and Improving Local Community Facilities

Policy CW1 - Historic Environment

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

Policy EnW5 – Landscape Protection

Policy EnW7 – Tourism, Leisure and Recreation Development

Policy EcW10 – Sustainably Supplying Minerals

Policy EcW13 – Minerals Safeguarding

Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design

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

MTCBC Open Space Strategy

The application site is within an area of land designated as a Natural – Semi Natural Greenspace (Riverside Aberfan Bryngoleu) in MTCBCs Open Space Strategy (OSS). The OSS recommendations for this open space were to:

- expand for play opportunities where appropriate;
- control invasive species (Himalayan Balsam);
- expand the potential for biodiversity management; and
- control fly tipping in the stream leading to the River Taff at the northern end of site.

The following opportunities were also identified in the OSS, which would help address open space shortfalls within the Merthyr Vale ward:

- To expand opportunities for making use of land as growing space;
- To increase usage of under-utilised green spaces through more appropriate management
- To make better use of existing green space as a vehicle to deliver skills and training;
- To broaden the definition of play to actively encourage use of the outdoors.

PLANNING CONSIDERATIONS

The key considerations in the determination of this application relate to the principle of development, impact on character and appearance and Special Landscape Area (SLA), neighbouring amenity, highways and ecology.

Principle of development

The application site is located within an Other Growth Area (Policies SW1 and SW3), as defined by the LDP. It is also located outside the settlement boundary where development is regarded as 'countryside development' and will not be permitted unless certain criteria are met (Policy SW4).

LDP Policy SW4 aims to encourage development within urban areas, support the re-use of previously developed land and to protect and support the functioning of our rural economy and the countryside. It does this by defining areas within Primary Growth Area or Other Growth Areas. Outside defined settlement boundaries, proposals will be regarded as 'countryside development' and will not be permitted unless the development meets one of the exceptions. The criterion that is most relevant to this proposal states: -

- is for tourism, recreation or leisure facilities or complementary development where the need for a countryside location is fully justified.

The application site lies outside, but in very close proximity, to the settlement boundary. As such, there may be land or buildings that could be utilised for the proposed purpose within the existing settlement, rather than new build in a countryside location. No information has been submitted with the application to demonstrate that consideration has been given to alternative sites within the settlement boundary. Whilst the nature of the proposal is understood and its aim to provide community access and education is welcomed and supports the aims of the Open Space Strategy, it is not considered that a countryside location has been fully justified. Furthermore, the lack of such a facility does not currently prevent opportunities for the local community to experience the nature and open space of the site, which is open and accessible by a range of modes of transport.

The proposed development is therefore contrary to LDP Policy SW4 and as such cannot be supported.

Character and appearance and Impact on Special Landscape Area

LDP Policy SW11 requires development, among other things, to be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials, detailing, layout, form, mix and density (criterion 1).

LDP Policy EnW5 seeks to protect Special Landscape Areas (SLAs). It states that development proposals will be permitted where it can be satisfactorily demonstrated that:

a) It would not cause unacceptable harm to the character and quality of the landscape setting of the County Borough; b) Development within Special Landscape Areas are sensitive to their special characteristics; c) Development respects the local distinctiveness and historic character of the landscape.

The application site is located within the Pontygwaith and Taf Valley SLA, The SLA Background Paper (June 2018) states that, for this SLA, the key issues are to:

- Use the woodlands to contribute to a sense of place for individual settlements by retaining the distinctive character of settlement cores
- Ensure further development avoids sensitive sites e.g. Goitre Coed and respects and maintains the woodland setting.
- Protect and enhance the river corridor and the wooded nature of this part of the valley
- Maintain intervening areas of field scape.

The site is an existing grassed open space with mature vegetation around its boundaries. The wider area around the site is bordered to the east by the River Taff and the area is within a Pontygwaith and Taf Valley SLA. The siting of the proposed cabins is directly to the rear of residential dwellings fronting Bryngoleu. There are two proposed single storey cabins, with windows and doors facing into the site /towards one another, linked by a canopy. The proposed materials include timber framed windows and doors and timber boarding on the walls. The proposal includes PV panels on the canopy.

Although the cabins have a simple design, the proposal represents an unjustified development in the countryside so siting the cabins here coupled with their commercial appearance would have an unacceptable urbanising impact, detrimental to the character and appearance of the open space and an unacceptable impact to the character and quality of the setting of the Special Landscape Area. Furthermore, the cabins whilst close to a backdrop of existing mature vegetation, would be visible from public viewpoints and would add visual clutter to the area, harming what is otherwise a countryside setting, even with its proximity to residential development.

The proposal would have an urbanising effect and add visual clutter to the open space and would harm the character and quality of the SLA, contrary to Policy SW11 criterion 1 and Policy EnW5 of the LDP.

Neighbouring amenity

LDP Policy SW11 requires development, among other things, to not result in an unacceptable impact on local amenity, loss of light or privacy, or visual impact, and incorporate a good standard of landscape design (criterion 3).

The cabins are located to the rear of residential dwellings fronting Bryngoleu (nos. 18 – 22 inclusive) but there are other dwellings further south close to the access point. The cabins are most likely to be accessed from the cul-de-sac end of Bryngoleu due to their siting, and their use will likely encourage a greater number of visits to the site with a potential increase in car movements, on-street parking and although separated by a band of mature vegetation from the residential dwellings, the proposed cabins will create an area of focus for activity which could lead to unacceptable noise and disturbance.

Due to the siting and proposed use of the cabins, the proposal would create an unacceptable impact on neighbouring amenity through additional noise and disturbance contrary to policy SW11 criterion 3.

Highways

LDP Policy SW11 states that where appropriate new development will be required to 'allow access for the widest range of people possible, and demonstrate that any traffic movements will not have an unacceptable impact on local amenity or highway safety and satisfy the Council's parking standards' (criterion 5)

The application has been reviewed by the Head of Engineering and Highways who has assessed the access and parking and does not object.

The location plan does not extend to the public highway, but it is presumed that access is via the gated un-metalled track off Bryngoleu. There is also potential for access from the gated track off Walters Terrace (further north away from the site). Neither of the potential access points form part of the highway network maintainable at the public expense. Given the small scale and local community nature of the proposal the means of access gives no significant cause for concern.

With regards to parking, it is acknowledged that there is no off-street parking provision proposed but given the small scale and local community nature of the proposal, on balance, highways do not object to the lack of off-street parking provision identifying scope for off-street parking to take place in the vicinity of the proposed cabins. With regards the adequacy of access and parking provision, the proposal is considered to comply with policy SW11 criterion 5, however the concerns raised by neighbours with regards to the lack of parking are noted and considered with regards to neighbouring amenity.

Ecology

LDP Policy EnW1 requires development proposals to 'promote the resilience of ecosystems. In particular, proposals will be required to maintain and enhance biodiversity interest unless it can be demonstrated that: 1. The need for the development clearly outweighs the biodiversity value of the site; and 2. The impacts of the development can be satisfactorily mitigated and acceptably managed through future management regimes.

The application was supported by Bryngoleu Ecological Management Plan 2020-2022. (Wildlife Trust of South and West Wales). The Planning Ecologist welcomed the inclusion of the Ecological Management Plan but required an up-to-date Preliminary Ecological Appraisal (PEA) of the site to provide sufficient information for the local planning authority to assess any potential adverse impacts of the proposed development on priority and protected species and/or habitats, or to identify what further information is required before a full assessment is possible.

A PEA was submitted in support of the application which was reviewed by the Planning Ecologist and whilst happy with the conclusions of the report, some minor amendments were advised to the mitigation measures, including marking these on all relevant plans and including them in the Ecological Management Plan. These requests have not been made to the applicant, since the proposal is not acceptable in principle. The changes required are considered minor in the context of the application, so do not amount to a reason for refusal, although some additional work would be required to fully comply with policy EnW1.

Conclusion

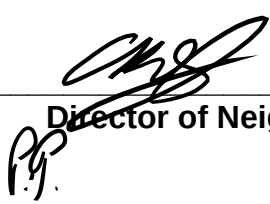
The proposed development is outside the settlement boundary which means that the development is regarded as countryside development. The need for a countryside location has not been justified and so the proposal is contrary to LDP Policy SW4 and is unacceptable in principle. Furthermore, the siting of the proposed cabins in an area of open space and Special Landscape Area would have an unacceptable urbanising effect and their use will cause unnecessary noise and disturbance and a focus of activity resulting in an unacceptable impact on local amenity.

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.

RECOMMENDATION: BE REFUSED for the following REASONS

1. The proposed wood cabins are sited outside of a defined settlement boundary where the need for a countryside location has not been fully justified. As such, the proposal is contrary to Policy SW4 of the adopted Merthyr Tydfil Replacement Local Development Plan 2016 - 2031.
2. The proposed cabins by virtue of their siting and appearance would have an urbanising effect and add visual clutter to the open space and would have an unacceptable harm on the character and quality of the setting of the Special Landscape Area contrary to Policy SW11 and Policy EnW5 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.
3. The proposed wood cabins due to their siting would result in an unacceptable impact on the amenity of the existing occupiers of adjoining properties in Bryngoleu. The location of the cabins would result in increased activity at the southern end of Bryngoleu to access the wood cabins and will focus activity directly to the rear of 18 - 22 Bryngoleu. As such the proposal is contrary to Policy SW11 (criterion 3) and Policy EnW4 of the adopted Merthyr Tydfil Replacement Local Development Plan 2016 - 2031.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

DATE: 07.09.2023