

DELEGATED REPORT

Application No:	P/24/0050
Site Address:	Land To The West Of Ynysygored Cottages Aberfan Road Aberfan Merthyr Tydfil CF48 4QD
Development:	Proposed Erection of 10, 6 person glamping tents, mobile toilet cubicles and mobile shower block
Case Officer:	Adam Foote
Site Visit:	13th March 2024
Application Expiry Date:	2nd May 2024
Consultation reply date expired:	3rd April 2024

APPLICATION SITE

The application site comprises an area of land to the rear/west of Ynysygored Cottages. The land is currently an undeveloped grassed area with a number of self-seeded trees present.

The site is located outside of the defined settlement boundaries as established by Local Development Plan (LDP) Policy SW4 and its associated proposals map, therefore, for the purposes of planning, the site is located within the open countryside.

Natural Resources Wales's (NRW) Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 3 (Rivers).

The site is within a Mineral Safeguarding Area for Sandstone with potential for high spec aggregate.

PROPOSED DEVELOPMENT

This application seeks consent for a change of use of the land to provide a tourism use/holiday accommodation and for the erection of 10, 6-person glamping tents, mobile toilet cubicles and mobile shower block. The tents appear as Bell or Safari style and are proposed to be arranged around the perimeter of the site facing towards a centralised activity area. Each tent has a maximum height of 3m and a maximum diameter of 5m. The toilet block is proposed to be sited adjacent to a building to the east of the application site. The toilet block is modest in scale with a simple rectangular design and is shown to be wood clad. Further details in respect of the scale, design and layout of the proposal is shown on the submitted associated plans.

PLANNING HISTORY

P/17/0152	Change of use of land for the keeping of horses including erection of stables and barns including concrete hardstanding with associated post and rail fencing Decision: Approved
P/17/0302	Discharge of condition 3 (materials), 4 (drainage) and 5 (storage and disposal of manure) of planning permission P/17/0152 Decision: Approved
P/23/0170	Provision of a traveller pitch to include the siting of a static caravan (relocation of existing), Consideration day room, touring caravan and associated works. Decision: Pending Consideration

CONSULTATION

Environmental Health Manager	-	No objection
Planning Policy Officer	-	Concerns raised
Natural Resources Wales	-	Concerns raised
Head of Engineering and Highways	-	No objection
Dwr Cymru Welsh Water	-	No objection
Planning Ecologist	-	Objection

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, a site notice was displayed within the vicinity of the site and letters were sent to the nearby properties. Two representations have been received following this publicity exercise objecting to the development on the basis of traffic generation along the access lane and general disturbance from the proposed use of the site as holiday accommodation.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040

Policy 8 – Flooding

Planning Policy Wales (PPW) Edition 12 (February 2024)

6.6.16 Diffuse pollution and surface water flooding arise as a result of run-off from built surfaces, from potentially polluting development types and through sewage discharges from overloaded sewers or from private infrastructure, for example, septic tanks. Planning authorities should secure better management of drainage and surface water so as to

tackle these issues by:..... ensuring connection to the sewer in sewered areas and by minimising the proliferation of private sewage systems.

6.6.20 Development proposals in sewered areas must connect foul drainage to the main sewer, and it will be necessary for developers to demonstrate to planning authorities that their proposal site can connect to the nearest main sewer. To ensure consistency of design and facilitate long-term maintenance, sewers should be built to Welsh Government standards and adopted.

6.6.21 The installation of private sewage treatment facilities within publicly sewered areas is not considered acceptable because of the greater risk of failures leading to pollution when compared to public sewers. Where non-mains sewage proposals, such as septic tanks and or independent sewage treatment systems, are included in development applications they should be subject to an assessment of their effects on the environment, amenity and public health in the locality, in accordance with the criteria set out in Circular 10/99, prior to the determination of the planning application.

6.6.22 Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers.

6.6.24 Development Advice Maps enable planning authorities to take a strategic approach to flood risk and consider the catchment as a whole by providing a preliminary representation of flood risks, which inform decisions on the location of new development and the requirements necessary to support any applications which may be proposed. Together with flood consequences assessments they should assist understanding of how natural and man-made defences work as integral components of places and provide a means by which the cumulative effects of development can begin to be understood.

6.6.25 Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development.

6.6.26 In areas of flood plain currently unobstructed, where water flows in times of flood, built development should be wholly exceptional and limited to essential transport and utilities infrastructure..... TAN 15: Development and Flood Risk should be referred to for further policy advice on development and flood risk. It will be important to note that developments located within flood risk areas remain at risk from flooding even if mitigation measures are applied.

6.6.29 The ability of emergency services to respond to flood events should be taken into account when considering if a development in a flood risk area is appropriate. This may involve consultation with emergency planners, local resilience forums and other professional partners such as fire rescue, police and ambulance services.

Technical Advice Notes (TAN)

TAN 5: Nature Conservation and Planning

TAN 6: Planning for Sustainable Rural Communities

TAN 13: Tourism
TAN 15: Development and Flood Risk
TAN 18: Transport

Local Policy

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

Policy SW4: Settlement Boundaries
Policy SW9: Planning Obligations
Policy SW11: Sustainable Design and Placemaking
Policy SW12: Improving the Transport Network
Policy CW1: Historic Environment
Policy EnW1: Nature Conservation & Ecosystem Resilience
Policy EnW4: Environmental Protection
Policy EcW7: Tourism, Leisure and Recreation Development
Policy EcW10: Sustainably Supplying Minerals
Policy EcW13: Minerals Safeguarding

Supplementary Planning Guidance (SPG):

SPG Note 2: Planning Obligations (March 2012)
SPG Note 4: Sustainable Design (July 2013)
SPG Note 5: Nature and Development (May 2015)

PLANNING CONSIDERATIONS

The primary considerations in the determination of this application are; the principle of the development, flood risk, visual amenity and impact upon the character of the area, impact upon the living conditions of neighbouring occupiers, highway safety, drainage and ecology.

Principle of the development

The application site is located outside of the defined settlement boundaries in the open countryside where development is strictly controlled and only appropriate development compatible with a rural location will be permitted.

This application seeks consent for the use of the land as a glamping site, PPW12 and TAN13 both recognise that tourism plays an important role in the rural economy with both PPW and Future Wales citing tourism as a key industry within the Welsh economy. In respect of local planning policy, due to the nature of the proposed use LDP Policy EcW7 (Tourism, Leisure and Recreation Development) is applicable in establishing the principle of the development. In respect of tourism proposals outside of settlement boundaries Policy EcW7 states, *“Low-impact tourism, leisure and recreation development outside settlement boundaries will be favoured provided the need for a ‘countryside location’ is fully justified, the proposal minimises environmental and amenity impacts, maximises positive effects on the local community, economy and environment and is of an appropriate scale to its surroundings”*.

In this instance, the proposal represents a form of low impact tourism with the proposed development being considered to have a minimal and mainly reversible impact upon the site which accords with the accompanying text of the policy. No justification has been provided by the applicant, however it is considered that a justification for the location could be provided based on the scale and nature of the proposal. In this instance the site is located a relatively short distance from the settlement of Aberfan and would be accessible via both sustainable and public modes of transport. Therefore no objection is raised in respect of the sustainability of the development site given its close proximity to the nearby settlement and it is plausible that any visitors would contribute to the immediate local economy. In respect of impact on amenity the proposed use is not considered to result in any unacceptable adverse impact, this will be covered in greater detail in the later sections of this report. In respect of the environmental impact of the proposed development, this has not been satisfied as no survey works have been undertaken to support the development. The Planning Ecologist has been consulted on this application and has identified that a Preliminary Ecological Appraisal (PEA) is required to establish a baseline for ecology on site, the PEA would inform if any further survey works would be required and inform how a net benefit for biodiversity can be achieved. As the proposed development conflicts with other in-principle considerations no further information has been sought to support the development. There is insufficient information to support the proposed development therefore the requirements of policy EcW7 have not been satisfied.

The application site is within a Mineral Safeguarding Area for Sandstone with potential for high spec aggregate. In this case given the small scale and reversible nature of the proposed development it is considered that the development would not result in a conflict with the criteria of policies EcW10 and EcW13.

Flood risk

The application proposes a highly vulnerable use within a C1/Zone 2 and 3 location. C1 zones are defined by TAN15 as "Areas of the floodplain which are developed and served by significant infrastructure, including flood defences" where "development can take place subject to an application of justification test, including acceptability of consequences".

"The general approach of PPW, supported by the TAN, is to advise caution in respect of new development in areas at high risk of flooding by setting out a precautionary framework to guide planning decisions" with the primary aim of the TAN being to "direct new development away from those areas which are at high risk of flooding" and "where development has to be considered in high risk areas (zone C) only those developments which can be justified on the basis of the tests outlined in section 6 and section 7 are located within such areas" (3.1 TAN 15).

Given its location within the flood zone the proposed development falls to be assessed against the justification tests as set out in section 6 of TAN15. The tests must be applied sequentially and tests 1 or 2 must be satisfied prior to assessing the proposal against tests 3 and 4.

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement¹ ; or,*
- ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,*

- iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,*
- iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.*

In this instance the proposed development does not meet either tests 1 or 2 as it does not form part of a local authority regeneration initiative or a local authority strategy. Nor is it required to contribute to key employment objectives supported by the local authority and other key partners. Nor can it be argued that the use is required to sustain an existing settlement or region.

Although the application has been supported by a Flood Consequences Assessment (FCA), it is for a different type and nature of development. The agent acting on this application was informed this was unlikely to be considered acceptable prior to the application being validated, however the applicant indicated that they wish to proceed with the application given that the FCA is for the same site. NRW have been consulted on this application and raise concerns, one being that the FCA is not specific to the proposal and therefore cannot be used to demonstrate that the specific flood risks are acceptable. Therefore, the FCA has failed to satisfy test 4 as set by section 6.2 of TAN15.

Given the above the proposed development represents highly vulnerable, unjustified development within a flood zone contrary to TAN15. Therefore, the proposal runs contrary to policy EnW4 of the LDP.

Visual amenity/character

Although falling outside of the defined settlement boundaries the site is within close proximity to built development, therefore the site is not viewed in isolation and does not appear as an incongruous feature within the landscape. The existing built form offers an element of screening therefore reducing any visual impact arising from the proposal.

The arrangement of the proposal is considered to be acceptable with the bell tents arranged around a central area of open space and the toilet block proposed to be sited adjacent to a neighbouring building.

Although the presence of the tents and associated infrastructure would result in a different visual impact that would undoubtedly impact upon the character of the area given its scale, siting any design it is not considered that any impact is of an unacceptable level.

The proposed development of bell/safari tents arranged around an area of open space with a small scale amenity block is considered to be a low impact form of development that has no unacceptable visual impact that would be harmful to the amenity or special character of the countryside. The proposed development has been assessed against the relevant criterion of Policy SW11, no conflict has been identified.

Residential amenity

The closest residential properties and those considered to be most impacted as a result of the proposed development are No 1 and 2 Ynysgored Cottages.

The proposed use is considered to be of a small scale and therefore would have limited impact upon the living conditions of neighbouring occupiers. It is acknowledged that some disturbance may be caused by the comings and goings of visitors to the site however given the scale of the development the number and frequency of such trips is not considered to result in any unacceptable level of disturbance or impact.

In respect of noise/disturbance generated from the site, the Environmental Health Manager has been consulted on this application and raised no objection subject to conditions. The Environmental Health Officer considers that any noise/disturbance impact from the proposed development can be effectively managed via the imposition of conditions and would require a management plan for the site to be submitted to and agreed in writing by the Local Planning Authority. From the comments provided the plan would need to include the use of portable radios and speakers, supervision of children and the prevention of camp fire to avoid odours and smoke nuisance. Should this application be progressed with a positive recommendation it is considered necessary to attach a condition requiring such details prior to the use commencing on site.

Highway safety

Access to the application site is proposed to be gained via a short section of private highway that runs from Bronhuelog Terrace adjacent to No 1 Ynysygored Cottages. Generally the lane is considered to be in a relatively good state of repair with good forward visibility and good visibility from the junction upon approach. The access road is narrow and therefore would not provide opportunity for vehicles to pass however, given the good levels of visibility along the access lane and from Bronhuelog Terrace in combination with the scale and nature of the use which is not expected to generate significant traffic movement or to create peak traffic times it is considered that any potential conflict would not be of a level that would result in an unacceptable impact upon highway safety in the area.

Insufficient detail has been provided in respect of parking provision on site, however it is considered that there is sufficient space within the site to accommodate parking provision to serve the development. This detail could be addressed via a condition with the details to be agreed at a later date. Therefore, this information not being provided at this stage will not form part of a reason for refusal of the application.

The Head of Engineering and Highways has been consulted on this application and raises no objection, subject to conditions, requesting further information on the proposed parking area and the vehicular footway crossover. No objection or concern has been raised in respect of the visibility from the junction nor has concern been raised over the limited width of the lane. It is considered that the use is relatively small scale generating limited levels of additional traffic movements to/from the site. Users accessing the site would likely be staggered therefore avoiding key/peak times that would give rise to regular or significant strains upon the access road or local highway network.

Given the above, no objection is raised on the basis of highway safety and no conflict with the requirements of LDP Policy SW12 has been identified.

Drainage

In respect of surface water drainage, the proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010 therefore requiring Sustainable

Urban Drainage (SuDS) consent. This is separate legislation sitting outside the remit of the Town & Country Planning Act and therefore will be considered separately.

Regarding foul drainage, insufficient information has been provided to support this application. The site is approx.115m from the mains sewers however the information within the planning statement and application form suggests that foul waste will be disposed of via a septic tank. Welsh Government Circular 008/2018 on the use of private sewerage in new development, specifically paragraphs 2.3-2.5, stresses the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability can it be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. Given that the site is within an area where mains sewers is likely available, additional information would be required to justify the use of private sewerage. This information is not provided within the submission and given that the development is deemed to be unacceptable in principle given its location within the flood zone no further detail has been sought.

Welsh Water as statutory undertakers for this area have not raised any objection to the proposed development however have provided comments in relation to the means of foul water discharge and in relation to water supply. In respect of foul water discharge Welsh Water have recommended the advice of Building Control and NRW be sought, in this instance NRW have provided comments on this matter and suggested that a justification for not connecting to the mains sewers be provided in line with the comments in the above paragraph. Should the intention change for the means of disposing of foul drainage Welsh Water have requested that they be re-consulted on the application.

Welsh Water anticipate the development will require the installation of a new single water connection to serve the development and confirmed that there is capacity in the water supply system to accommodate the development.

As there is insufficient information to support the development, the proposal has failed to satisfy the criteria of LDP Policy EnW4 which requires proposals to demonstrate that there would be no unacceptable impact upon “people, residential amenity, property and / or the natural environment from either: Pollution of land, surface water, ground water and the air; Land contamination; Hazardous substances; Noise, vibration, dust, odour nuisance and light pollution; or Any other identified risk to public health and safety”.

Ecology

The application site is within close proximity of woodland and the River Taff, a major blue corridor running throughout the borough. The proximity of the application site to such features gives the potential for the site to have significant ecological value. However, at present the ecological value of the site is unknown as the application has not been supported by any ecological surveys to establish a base line for ecology/biodiversity.

The Planning Ecologist has been consulted on this application and has identified a requirement for a PEA, which would establish if any further surveys are required and inform the proposal in order to establish a net benefit for biodiversity. Additionally, no Green Infrastructure Statement or scheme benefiting a net benefit for biodiversity has been submitted.

The PEA would likely identify the number of trees on site that would be impacted or removed, without this information it has not been possible to establish the replanting requirements for the proposal in accordance sections 6.4.39 of PPW12.

The Local Planning Authority have a duty to take action towards securing the maintenance and enhancement of ecology/biodiversity and to mitigate against the effects of climate change, as no enhancement is proposed and no survey works to establish a base line has been submitted it is considered that the proposed development is contrary to national planning policy. The Dear CPO Letter of 2019 is clear that "...where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission."

As the proposed development is contrary to LDP Policy EnW4 and TAN15 no further information has been sought to support the application.

Other matters

Wales & West Utilities has pipes in the area as shown on the plan submitted to accompany their response. Their apparatus may be affected and at risk during construction works. Should the planning application be approved then they require the promoter of these works to contact them directly to discuss their requirements in detail before any works commence on site.

CONCLUSION

The proposed development represents a low impact form of tourism outside of the settlement boundaries, it is considered that the use of the site could be justified under LDP Policy EcW7 subject to additional information demonstrating no unacceptable adverse impact upon ecology/biodiversity. Additional information is also required in respect of foul drainage, parking and details demonstrating a net benefit for biodiversity, these details would be required to support the proposed development to a positive recommendation. However, these details have not been sought as the proposed development has not satisfied the requirements of TAN15 or LDP Policy EnW4 in relation to flooding/flood risk as the justification tests in section 6 of TAN15 have not been met therefore the proposal is considered to be unacceptable in principle.

RECOMMENDATION: BE REFUSED for the following REASONS:

1. The proposed development represents highly vulnerable, unjustified development within a C1/Zone 2 and 3 Flood Zone contrary to Planning Policy Wales 12, Technical Advice Note (TAN) 15: Development and Flood Risk (2004) and Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.
2. Insufficient information has been provided in respect of foul drainage disposal to demonstrate that the proposal would not give rise to an unacceptable adverse impact on the surrounding environment. The development is therefore contrary to Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

3. Insufficient information has been provided to adequately demonstrate that the proposal would not result in an unacceptable adverse ecological impact. Nor has it been demonstrated that a net benefit would be provided in respect of biodiversity. The development is therefore contrary to Policies EnW1 and EnW7 of the Merthyr Tydfil Replacement Development Plan and Planning Policy Wales Edition 12.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services


DATE: 30.04.2024