

DELEGATED REPORT

Application No:	P/24/0106
Site Address:	Land To The Rear Of Buckland House High Street Cefn Coed
Development:	Certificate of alternative appropriate development - C3 Dwelling houses
Case Officer:	Mr Gareth Davies
Application Expiry Date:	25th June 2024

Application Site

This application relates to a broadly rectangular area of land located north of Buckland House on the High Street at Cefn Coed Y Cymmer. In recent years the land has been subject to extensive works due to the dualling works to the adjacent Heads of the Valleys Road. The site sits higher than the adjacent High Street by approximately 2m and is retained at its frontage. The southern part of the site is steeply banked rising towards what is now an engineered plateau. Due to it being recently re-engineered the site has no vegetation cover.

Proposed Development

This is an application made under Section 17 of The Land and Compensation Act 1961 for a Certificate of Appropriate Alternative Development (CAAD) on an area of land at High Street Cefn Coed Y Cymmer Merthyr Tydfil. The applicants are seeking a certificate that would confirm that the site would be suitable for residential development (Use Class C3). An application for CAAD is not a planning application. The purpose of the CAAD procedure is to identify alternative development which may be considered acceptable and likely to obtain planning permission were a submission made and the land in question not been made the subject of compulsory purchase. To assist in the valuation of the land in question for the purpose of the compulsory purchase procedure. The permissions or use indicated in a CAAD can briefly be described as those which an owner might reasonably have expected to sell his land in the open market if it had not been publicly acquired.

Planning History

P/11/0239 – 2 storey house and 2 bay garage – refused 5th October 2012 and Appeal Dismissed 31st July 2013

P/07/0609 – Dwelling & Garage – Refused 3rd July 2008.

P/06/0183 – Detached House & Garage – Refused 26th June 2006

P/91/0321 – Detached House & Double Garage Approve with Conditions 25th September 1991.

Publicity

None

Consultation

Planning Ecologist – A preliminary Ecological Appraisal of the site will be required

Engineering and Highways – Objection due to insufficient visibility splays

Policy Context

Future Wales The National Plan 2040 (February 2021)

Policy 1- Where Wales will grow.

Policy 2 – Shaping Urban Growth and Regeneration.

Policy 3 – Supporting Urban Growth and Regeneration

Policy 7 – Delivering Affordable Homes

Policy 33 – National Growth Area – Cardiff Newport and the Valleys

Planning Policy Wales (Edition 12 February 2024)

Paragraph 2.26 – Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision making process.

Paragraph 3.9 – The special characteristics of an area should be central to the design of a development. The layout, form, scale, and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

Paragraph 3.55 – Previously developed land should, wherever possible be used in preference to greenfield sites where it is suitable for development. In settlements such land should generally be considered suitable for appropriate development where its re use will promote sustainability principles and any constraints can be overcome.

Paragraph 4.2.18 – Maximising the use of suitable previously developed land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites.

Paragraph 4.2.24 – proposals for housing on infill and windfall sites should be supported where they accord with the national sustainable placemaking outcomes.

Paragraph 4.2.26 – a community's need for affordable housing is a material planning consideration which must be taken into account in ...determining relevant planning applications.

Relevant Technical Advice Notes (TAN's) include the following: -

Technical Advice Note (TAN) 2: Planning & Affordable Housing

Technical Advice Note (TAN) 5: Nature Conservation & Planning

Technical Advice Note (TAN) 12: Design
Technical Advice Note (TAN) 18 Transport
Technical Advice Note (TAN) 23: Economic Development.

Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016 – 2031

The relevant RLDP Objectives are:-

- LDP Objective 3 To ensure the sufficient provision of land for the delivery of a range and choice of housing and affordable housing to address local housing needs.
- LDP Objective 4 Regeneration: To promote the suitable reuse of previously developed land and the continued regeneration of local communities.
- LDP Objective 6 Sustainable Design: To promote high quality, sustainable and inclusive design and support measures which mitigate the predicted effects of climate change.
- LDP Objective 7 Transport: To support an integrated transport system, promote active travel and ensure new developments are accessible by walking, cycling and public transport links.
- LDP Objective 10 Biodiversity: To improve ecosystem resilience and connectivity which support habitats and species of principle importance.

The following development plan policies would apply:-

- Policy SW1: Provision of New Homes
- Policy SW2: Provision of Affordable Housing
- Policy SW3: Sustainably Distributing New Homes
- Policy SW4: Settlement Boundaries
- Policy SW9: Planning Obligations
- Policy SW11 Sustainable Design and Placemaking
- Policy SW12: Improving the Transport Network
- Policy EnW1: Nature Conservation & Ecosystem Resilience
- Policy EnW4: Environmental Protection.

The following Supplementary Planning Guidance (SPG) is also applicable: -

Guidance Note 1: Affordable Housing (March 2012)
Guidance Note 4: Sustainable Design (July 2013)

Planning considerations

Applications for Certificates of Appropriate Alternative Development (CAAD) basically seek a hypothetical planning permission and are required in circumstances where a public authority is acquiring land compulsorily for valuation purposes. In this instance the applicant is seeking a certificate confirming that the site would be suitable for the construction of a dwelling.

The Local Planning Authority then must decide if the proposed use would have been granted consent had the land in question not been the subject of public acquisition, or what alternative uses would be appropriate for the site or issue a “nil certificate” to state that there is no appropriate alternative use for the land. For the purposes of the determination of this

application any Local Development Plan allocation cannot be taken into account. Decisions must be made taking into account the following: -

- The application of current and foreseeable planning policies, and,
- The state of the site and the context in which it is situated.

If it is considered appropriate to issue a positive certificate for the proposed use, then it is also appropriate to specify any conditions that would have been applicable.

In light of the above, the suggested land use will be considered against the above criteria.

Given that the site has been subject to reprofiling works associated with the improvements to the Heads of the Valleys Road it could reasonably be considered previously developed land. Under current planning policy, prime guidance is offered through LDP Objective 3 and Policy SW1, which envisages the delivery of housing requirements through allocations and windfall sites, including those on previously developed land. Homes would need to be delivered within settlement limits as defined by LDP Policy SW4. The proposed development would potentially meet the requirements of both policies. Additionally, the plot of land has the potential to meet the amenity and design requirements outlined in LDP Policy SW11, though as the application is seeking a positive CAAD, matters of detail would have to be subject of future consideration. That said there is concern that the differences in levels between the site and adjacent property and it is questionable that a two storey development as described in the accompanying sketches would be appropriate and it is considered that any CAAD issued should be conditioned to ensure that any development is no more than of single storey construction so as to meet the requirements of LDP Policy SW11 which requires development to be appropriate to its local context.

If the site could be put to residential use, then policy would favour access being on a shared basis with Buckland House directly from High Street. The Head of Engineering and Highways has expressed concern that appropriate vision splays on to High Street cannot be achieved. As matters currently stand the vision splay to the north of the site is acceptable, however, to the south of the site a vision splay of 2.4m x 8.35m can only be achieved and this is well below the requirement of 2.4m x 25m that would normally be expected in a 20mph zone. It is noted that the 2011 planning application referenced above was refused because the proposed development could not deliver a safe visibility splay for access and egress to the site. This was also supported when the matter was taken to appeal and the appeal subsequently dismissed. This remains the case with this application and moreover, the visibility shortfall to the south is something that the applicant cannot address as the wall that causes the obstruction lies in the ownership of a third party. This raises a policy objection in that the proposal cannot meet its obligations in respect of LDP Policy SW11(5)

In terms of policy the site would make a small windfall contribution to housing delivery in the County Borough on a site within settlement limits and as such there is no conflict with the requirements of LDP Policies SW1 and SW4. However, LDP Policy SW11(5) requires new development *“allow access for the widest range of People possible, and demonstrate that any traffic movement will not have an unacceptable impact on local amenity or highway safety and satisfy the Council’s parking standards.”* The driver visibility to the south is substantially sub-standard even for a 20mph zone, it is considered that any additional residential development being serviced from this access point would adversely impact highway safety.

The agent has indicated that he has been in discussion with Welsh Government as owners of the adjacent property and access road with a view to demolish and rebuild the boundary wall to the south of the access road to improve visibility. However, neither the agent nor applicant for this proposal have sufficient control over the wall that would enable any vision splay improvement. As such, objection to the development on policy and highway safety grounds is inevitable.

Conclusion

The site lies within settlement limits as defined by the Replacement Local Development Plan and has been the subject of extensive earthworks in recent years such that it might reasonably be considered previously developed land. The site has difficult levels given its elevated nature but it is considered that it could reasonably accommodate a single storey dwelling without compromising the privacy and amenity of residential properties immediately adjacent. However, the vision splay on the proposed access road to the south is clearly inadequate and this is considered detrimental to highway safety to the point where refusal of the CAAD application could be justified. The applicant has not proposed any use other than residential and it is considered that, given the current unsuitability of the site for residential development, a positive certificate under Section 17 of the LCA cannot be issued as an appropriate alternative development for the site.

RECCOMENDATION: BE REFUSED for the following REASON:

1. The access to the site lacks sufficient driver visibility to ensure safe vehicular access and egress to and from the site and is therefore contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 08.07.2025