

DELEGATED REPORT

Application No:	P/20/0138
Site Address:	Land To The South Of Evieon Maes Meyrick Heolgerrig Merthyr Tydfil
Development:	Erection of detached dwelling, garage and associated access/driveway
Case Officer:	David Cross
Site Visit:	20th July 2020
Application Expiry Date:	27th August 2020
Consultation reply date expired:	13th August 2020

APPLICATION SITE

This application relates to an irregular shaped area of land within the open countryside measuring approximately 0.16 of a hectare. The site is bound to the west by a single track lane and to the north is a residential property (Evieon). On all other sides is vacant land which forms part of the open countryside.

The site itself slopes down steeply from the west to the east and comprises a mixture of fields, woodland and a watercourse. Within the woodland area, located in the southern half of the site, there are remains of an old building/dwelling, which essentially consists of piles of rubble stone that now form part of the surrounding natural environment.

PROPOSED DEVELOPMENT

Full planning permission is sought for the construction of a detached 4 bedroom dwelling with a detached garage. The proposed dwelling would be located within the woodland, directly to the south (approx. 50m) of Evieon. The dwelling would measure 10m wide by 17.3m deep and 6.8m high with a double apex pitched roof. It is intended to be of a contemporary design with a mixed arrangement of windows, doors and bi-folding windows across the elevations of varying proportions and sizes. The external finishes would comprise reclaimed stone to the front (northern) elevation with black painted timber cladding laid horizontally and vertically on all other sides. The dwelling would include a slate roof and a large concrete chimney on the side (eastern) elevation measuring 2.3m wide, 0.8m deep and 7.2m high.

The proposed garage would be located adjacent to the northern side of the dwelling in an elevated position (2.5m higher) and would measure 6.5m wide by 6.5m deep and between 4.4m to 6.4m high with a pitched roof. The external finishes would comprise black painted timber cladding on the elevations with a slate roof. Along the eastern side of the garage

would be a retaining wall and a stepped access leading to the front entrance of the dwelling.

In order to gain access into the site, a new driveway would be constructed down the steep embankment and over the existing stream. The driveway would measure approximately 65m in length and would vary between 3.5m and 7m wide. Alongside parts of the driveway, the submitted plans indicate 1m high retaining walls would be required.

No details have been provided to illustrate the existing landscape features within the site to be retained or the proposed landscaping scheme.

PLANNING HISTORY

P/19/0157 - Erection of detached dwelling, garage and associated access/driveway.
REFUSED permission on 01.08.2019 for the following reasons:

1. *The proposed development, by virtue of its location outside the recognised settlement boundary where new housing is strictly controlled, conflicts with Policy BW4 of the Merthyr Tydfil Local Development Plan.*
2. *The proposed development, by virtue of its design and siting in the open countryside, would have an adverse impact on the character and appearance of the surrounding landscape. As such, the proposal is contrary to policies BW4, BW5 and BW7 of the Merthyr Tydfil Local Development Plan 2006-2021.*
3. *The applicant has failed to provide sufficient ecological information to fully consider the potential impacts of the development on protected species, habitats or any other features of ecological interest. As such the proposed development is contrary to Policies BW5 and AS6 of the Merthyr Tydfil local Development Plan 2006-2021.*
4. *The proposed access serving the development would be of a sub-standard design with a steep gradient, lack of adequate turning facilities and restricted visibility for drivers exiting the site on to the existing narrow lane. The proposed access in combination with the increased use of the existing narrow lane would create traffic hazards to the detriment of highway and pedestrian safety. As such, the proposed development is contrary to Policy BW12 of the Merthyr Tydfil Local Development Plan 2006-2021.*
5. *Insufficient information has been provided to demonstrate whether the ground stability hazards of the site, having regard to its location within the Coal Authority High Risk Development Area, can be satisfactorily overcome to make it safe and stable to accommodate the proposed development. As such the proposal is contrary to paragraph 6.9.23 of Planning Policy Wales, Edition 10.*

P/04/0187 - Proposed dwelling.

REFUSED permission on 25.05.2004 for the following reasons:

The proposal constitutes development in the open countryside (i.e. outside of settlement limits) and as such is contrary to the aims and objectives of policies EV1 and H2 of the Mid-Glamorgan (Merthyr Tydfil County Borough) Replacement Structure Plan 1991-2006 and policies NH1 and H3 of the Merthyr Tydfil Borough Local Plan. If approved the proposal would undermine the policies within two adopted development plan and set a precedent for similar proposals on land unsuitable for such purposes.

This application was subsequently DISSMISSED at appeal (Ref APP/U6925/A/04/1162138)

P/01/0055 - Erection of 4/5 bedroom dwelling

REFUSED permission on 27.03.2001 for the following reason:

The proposal constitutes development in the open countryside (i.e. outside of settlement limits) and as such is contrary to the aims and objectives of policies EV1 and H2 of the Mid-Glamorgan (Merthyr Tydfil County Borough) Replacement Structure Plan 1991-2006 and policies NH1 and H3 of the Merthyr Tydfil Borough Local Plan. If approved the proposal would undermine the policies within an Adopted Local Plan and set a precedent for similar proposals on land unsuitable for such purposes.

This application was subsequently DISSMISSED at appeal (Ref APP/U6925/A/01/1075300)

CONSULTATION

Engineering and Traffic
Group Leader

- No objection subject to conditions relating to ground conditions, retaining works and access.

Planning Division's
Ecologist

- A number of concerns have been raised due to insufficient information to fully consider the potential ecological implications of the development, which would require additional survey work.

Planning Division's
Landscape Architect

- It is acknowledged that no information has been submitted in relation to the trees/vegetation to be retained and that the existing hedgerow along the boundary of the site should be protected. Additionally, the site is infested with Japanese Knotweed.

Environmental Health Manager	-	No response.
Natural Resources Wales	-	Significant concerns raised due to insufficient information provided in respect of the potential impact on Great Crest Newts and the Cwm Glo a Glyndyrys Site of Special Scientific Interest (SSSI).
Glamorgan Gwent Archaeological Trust	-	No objection subject to a condition relating to a programme of historic building recording.
The Coal Authority	-	No objection subject to conditions relating to intrusive site investigations.
Welsh Water	-	No objection.

PUBLICITY EXERCISE

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, a letter was sent to a neighbouring property, two site notices were displayed within the vicinity of the site and a press notice was placed in the local newspaper.

No representations have been received as a result of this publicity exercise.

POLICY CONTEXT

The following policies are relevant in the determination of this application:

National planning policy

Planning Policy Wales (PPW), Edition 10, December 2018:

Para 3.5 – 3.15 sets out the importance of high quality design to ensure inclusive design, to promote environmental sustainability and ensure high environmental quality. Regard should also be given to the special characteristics of an area, community safety and to encourage sustainable forms of transport.

Para 3.34 notes that the countryside must be conserved and where possible enhanced for the sake of its ecological, geological, cultural and agricultural value and for its landscape and natural resources.

Para 3.51 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Para 3.56 acknowledges that development in the countryside away from existing settlements or land allocated for development must be strictly controlled.

Para 4.1.43 – 4.1.55 sets out the need to reduce the level and speed of traffic in new development, the provision of car parking and how this may be integrated into new development to minimise the reliance of cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

Para 4.2.24 notes the fact that a single house on a particular site in the open countryside away from an established settlement, which may be considered unobtrusive, is not by itself a good argument in favour of permission. Such permissions could be granted too often, to the overall detriment of the character of an area.

Para 4.2.25 – 4.2.34 sets out the need to have regard for the provision of affordable housing in communities and to ensure that they are accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.

Para 6.3.3 acknowledges that all landscapes of Wales are valued for their intrinsic contribution to a sense of place and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and their role in creating valued places.

Para 6.4.17 recognises that SSSI (Sites of Special Scientific Interest) are of national importance. There is a duty placed on all public bodies, including planning authorities, to exercise their function to further the conservation and enhancement of the features by reason of which a SSSI is of special interest. A SSSI can be damaged by development within or adjacent to their boundaries. There is a presumption against any development likely to damage a SSSI.

Para 6.4.21 – 6.4.23 notes that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to the potential harm to any protected species and habitats.

Para 6.9.23 sets out that local authorities should take into account the nature, scale and extent of ground instability which may pose direct risks to life and health, buildings and structures, or present indirect hazards associated with ground movement, including mine entry collapse, which provide potential pathways for the migration to surface of landfill or mine gases.

Para 6.9.25 states that planning decisions will need to take into account; the potential hazard that instability could create to the development itself, to its occupants and to the local environment; and, the results of a specialist investigation and assessment by the developer to determine the stability of the ground and to identify any remedial measures required to deal with any instability.

Para 6.9.27 states that where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission.

Technical Advice Notes (TAN):

- TAN 5, Nature Conservation and Planning, September 2009
- TAN 18, Transport, March 2007
- TAN 12, Design, March 2016

Local planning policy

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

- Policy SW4 - Settlement Boundaries
- Policy SW11 - Sustainable Design and Placemaking
- Policy CW1 - Historic Environment
- Policy EnW1 - Nature Conservation and Ecosystem Resilience
- Policy EnW2 - Internationally and Nationally Protected Sites and Species
- Policy EnW3 - Regionally Important Geological Sites, Sites of Importance for Nature Conservation - Local Nature Reserves and Priority Habitats and Species
- Policy EnW4 - Environment Protection
- Policy EnW5 - Landscape and Special Landscape Areas

Supplementary Planning Guidance (SPG):

- SPG 3 – Sustainable Design, July 2013
- SPG 5 – Nature and Development, May 2015

PLANNING CONSIDERATIONS

Land use

The application site is located outside of the settlement limits as defined by policy SW4 of the LDP. As such, the proposal should be regarded as 'countryside development'. In such locations, policy SW4 clearly sets out the appropriate forms of development that can be supported in principle, which may include, amongst other criteria, the re-use, adaption or replacement of rural buildings and dwellings.

It is indicated on the application form that there is an existing dwelling on site. However, during a site visit it was quite evident that there is no existing residential use. What remains is essentially the ruins of a building in the location of the proposal, which largely consists of piles of rubble stone and the remnants of part of an elevation.

It is acknowledged that planning permission has previously been sought for a proposed dwelling within the site on three separate occasions (P/01/0055, P/04/0187 and P/19/0157). In all instances the applications were refused on the grounds of the development being located outside of the settlement boundary and that it would undermine the policies in place, which seek to protect the countryside. Two of these applications (in 2001 and 2004) were also appealed to the Planning Inspectorate and subsequently dismissed.

In respect of the P/01/0055 application, the Inspector concluded that the development would cause significant harm to the character and appearance of the undeveloped hillside beyond the existing settlement limit. The Inspector noted that the former dwelling within the site had clearly been abandoned for many years and little remained of the structure. As such, he did not regard the historical existence of a dwelling many decades ago as adequate justification for a new dwelling.

Furthermore, in respect of the P/04/0187 application the Inspector considered the concept of abandonment and the four tests to help decide if a dwelling has been abandoned i.e. physical condition, period of non-use, any intervening use and evidence as to owner's intention. The Inspector concluded that the former dwelling has in effect ceased to exist and could not be reconstructed other than in the form of a totally new structure. Therefore, there is no building in which residential use could be resumed. The Inspector also concluded that the proposal would constitute a fragmented form of development, not well related to the existing built-up area, harmful to the character of the surrounding countryside, and contrary to national and local planning policies that seek to strictly control new housing in the countryside.

It remains the case for this application that the site is outside of the settlement limits, that the former residential use of the site has ceased to exist and that the construction of a new dwelling in a countryside location runs contrary to policy SW4 of the LDP.

Design

The application site is plainly in the open countryside which forms part of an area of rough pasture and woodland on a hillside that is used for grazing. Access to the site is also via a narrow lane flanked on both sides by hedgerows and trees, which reinforces the transition from the residential area of Heolgerrig into the rural environment.

It appears that the dwelling is intended to be of a contemporary design that would have little relationship with any of the other properties in the vicinity given its isolated location. It is noted that the external finishes, which comprise a combination of stonework, timber cladding and a slate roof, are proposed in an attempted to help integrate the development into its countryside surroundings. However, the general design and appearance of the dwelling with its disproportionate building form and inconsistent fenestration, fails to harmonise with the rural character of the area. Furthermore, in order to accommodate the development, there would likely be a substantial loss of the existing woodland and much of the western part of the site would also be dominated by a long driveway and retaining walls that wind down the hillside to the detached garage. Not only would the development appear prominent and incongruous within the landscape, it would also result in a significant loss of features that adversely impacts on the character of the area. Therefore the proposal runs contrary to policies SW11 and EnW5 of the LDP.

Ecology

The application site abuts the Cwm Glo Site of Importance for Nature Conservation (SINC 12) to the north-east and the Cwm Glo A Glyndyrys Site of Special Scientific Interest (SSSI) to the east. The proposed dwelling and garage would be sited in close proximity to both of these designations, being approximately 20m from the SINC and 13m from the SSSI.

Within the application site and the immediate surroundings there is a mosaic of features that provide habitats for a range of protected species. It was identified in the previous application (P/19/0157) by Planning Division's Ecologist that within 500m of the site there are records for a range of Section 7 species (Environment Wales Act 2016), which include schedule 1 bird species, bats, Great Crested Newts, Water Voles, Small Pearl-Bordered Fritillary Butterfly and Marsh Fritillary Butterfly. At that time, no ecological survey work had been undertaken which lead to it being a reason for the refusal of the previous application.

In support of this application an Ecological Assessment has been submitted. The report concludes that the site is of a moderate ecological value at a local level due to the habitats present and its proximity to the SSSI and SINC. The report also notes that it should be assumed that Great Crested Newts, Reptiles, breeding birds and Marsh Fritillary and Small Pearl-Bordered Fritillary are present on the site and that mitigation will be required.

The Planning Division's Ecologist has raised a number of concerns with the adequacy of the Ecological Assessment and the subsequent conclusions reached. This is largely due to the lack of information provided to sufficiently gauge the extent of the potential impacts.

No regard appears to have been given to the remains of the stone building within the site and its suitability for bats and reptiles. There is also no assessment on the potential impact of the watercourse, which would be crossed by the proposed access. It is not clear on the plans, which trees would be removed and those retained. Whilst the majority of the site includes a woodland environment, the Ecological Assessment only identifies three trees of interest and acknowledges the rest of the vegetation would be cleared with no assessment on the potential impact of this, nor does it set out any compensation measures.

Given the characteristics of the site, the Planning Division's Ecologist has identified a number of additional surveys that should have been included, such as, a Phase 2 survey of the grassland, a survey for on-site fungi, inspection survey and/or bat activity survey to rule out roosting bats, a Dormice survey, Water Vole survey, a reptile survey and a Marsh Fritillary survey. In addition to this, further consideration should have been given to Hedgehogs, Invertebrates, Badgers and Otters.

It is acknowledged that Natural Resources Wales (NRW) have raised significant concerns with the proposed development. It has been raised that there is insufficient information to demonstrate the proposal will not be detrimental to the maintenance of the favourable conservation status of Great Crested Newts. Further information is required to demonstrate that the proposal will not pose an unacceptable risk to the Cwm Glo a Glyndyrys SSSI. NRW has noted that there are records for Great Crested Newts adjacent to the development. There are two ponds within approximately 40m and 100m respectively. Therefore NRW consider it reasonably likely that the habitat within the application site may be of importance to the Great Crested Newt population.

The Ecological Assessment notes Marsh Fritillary and Small Pearl-Bordered Fritillary within the site, which is an element of the notified marshy grassland feature of the SSSI. However, the report does not provide an assessment of the potential effect on the site's loss to the local Marsh Fritillary population/meta-population.

NRW has noted that the applicant intends to utilise a septic tank for the foul drainage. Whilst they have not raised any objection to this in principle, no details of this system and its discharge point have been provided to determine the potential impact it may have on the SSSI.

It is inevitable that the construction of the dwelling, garage, access road and associated engineering works within the site would have a direct impact on a number of habitats, including the loss of trees, removal of scrub vegetation and stone piles. The remaining parts of the site, which form part of the residential curtilage, would also be affected through the domestic use of the land and the creation of garden areas. The design and siting of the development does not appear to be informed by the Ecological Assessment. Nor does it seek to either avoid potential impacts or implement features that may help compensate for

the loss of habitats i.e. provision of buffer zones or the enhancement of parts of the site. Indeed a plan has not submitted to illustrate the areas of the site that are to be cleared and those areas which may be retained/enhanced.

Due to the lack of information provided, the application fails to demonstrate that the development would either maintain or enhance the biodiversity interest of the site. As such, it has not been adequately demonstrated that the need for the development outweighs the biodiversity value of the site or that any impacts can be satisfactorily mitigated. Furthermore, it has not been demonstrated that the development would not adversely affect either directly or indirectly on the conservation status of the SSSI and protected species. Therefore the proposal runs contrary to policies EnW1, EnW2 and EnW3 of the LDP.

Highway implications

The existing lane serving the site is sub-standard in its width to accommodate two-way traffic with no pedestrian segregation and limited opportunities to enable vehicles to pass. However, adjacent to the proposed driveway, the lane does increase in width as a result of an existing gated entrance, which provides access to the adjoining vacant land to the south. It is noted that the lane is a Byway Open to All Traffic (BOAT) which is often used by pedestrians and cyclists.

The submitted plans illustrate that the proposed driveway would provide visibility splays of 2.4m by 29m to the south and 2.4m by 64m to the north. In order to achieve this, vehicles would be required to protrude into the wider section of the lane. Although not shown on the plans, the visibility splays to the north would also likely be partially obscured by an existing hedgerow. Given the low level of traffic along this lane, it is noted that the Engineering and Traffic Group Leader has not raised any significant highway safety concerns.

There would be a 6.5m difference in level between the lane and the bottom of the driveway. The submitted plans indicate that the proposed driveway would cascade down the hillside to the garage at varying gradients that range from 1 in 13 to 1 in 8. The driveway is generally 3.5m wide with an area provided for passing vehicles that would be 7m wide. Although a turning area is provided adjacent to the garage, there appears to be limited room to enable vehicles to effectively turn within this space. This is likely to encourage drivers to reverse on to the access lane serving the site, which would present a highway safety concern, particularly given its substandard nature and use by pedestrians and cyclists. Additionally, given the length and winding nature of the driveway reversing on to the land would equally be daunting and impractical. This situation is further exacerbated when taking into account the likelihood of two vehicles parking along the driveway, which further impedes on the turning facility.

Due to the poor layout of the development and limited facility to enable vehicles to turn within the site, this would give rise to drivers having to reverse on the substandard lane, creating a traffic hazard to the detriment of pedestrian and highway safety. Therefore, the proposal fails to comply with policy SW11 of the LDP.

Ground conditions

The application site lies within an area identified by The Coal Authority to be at high risk to past coal mining activities, such as underground coal mining at shallow depths and workings associated with thick coal outcrops. The Coal Authority has noted on their records that there is a recorded mine entry (adit) within the vicinity of the site.

A Coal Mining Risk Assessment has been submitted in support of the application. The report acknowledges the locality has experienced mining operations for both coal and ironstone, most of which are of an age and/or at a depth that they will not affect the structural integrity of the proposed dwelling. The adit identified by the Coal Authority is known to be located outside of the application site, approximately 8m north of the boundary. As part of a separate investigation the report notes that the adit has weathered bedrock within 1m of the surface. As such, the risk of a collapse of the adit reaching the boundary of the site is extremely low, with no risk of it reaching the proposed dwelling.

The report recommends that exploratory boreholes are drilled on the site in order to determine the details of any old workings in order to assess in greater detail the risk from shallow mine workings. It is acknowledged that the Coal Authority is satisfied with the assessment submitted and has raised no objection to the development subject to a condition relating to the on-site intrusive investigation. Therefore it is deemed that sufficient information has been provided which demonstrates that there are no significant ground stability risks to the development and that a suitable engineering solution (i.e. foundation design) could be implemented to adequately mitigate the effects from past shallow mine workings.

CONCLUSIONS

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, as well as the Welsh Ministers well-being objectives set out in section 8 of the WBFG Act.

For the above reasons, the proposed development is unacceptable and runs contrary to policies SW4, SW11, EnW1, EnW2, EnW3 and EnW5 of the LDP. Accordingly, the following recommendation is made:

RECOMMENDATION: BE REFUSED for the following REASONS:

1. The proposed development, by virtue of its location outside the recognised settlement boundary where new housing is strictly controlled, conflicts with Policy SW4 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031
2. The proposed development, by virtue of its design and siting in the open countryside, would have an adverse impact on the character and appearance of the surrounding landscape. As such, the proposal is contrary to policies SW11 and EnW5 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

3. The applicant has failed to provide sufficient ecological information to fully consider the potential impacts of the development on protected species, habitats or any other features of ecological interest. As such the proposed development is contrary to Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

4. The proposed access serving the development would be of a poor design with a lack of adequate turning facilities, which would give rise to vehicles reversing onto the adjoining lane, creating a traffic hazard to the detriment of highway and pedestrian safety. As such, the proposed development is contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

14/8/20

4. The fourth part of the document discusses the implications of the findings and the recommendations for future research. It highlights the areas where further investigation is needed and provides suggestions for how the organization can improve its data collection and analysis processes.

5. The fifth part of the document provides a summary of the key findings and conclusions. It reiterates the importance of accurate record-keeping and the value of data analysis in understanding the organization's performance and identifying areas for improvement.

6. The final part of the document includes a list of references and a bibliography. It cites the various sources of information used in the research, including books, articles, and online resources. This section is essential for providing context and supporting the research findings.