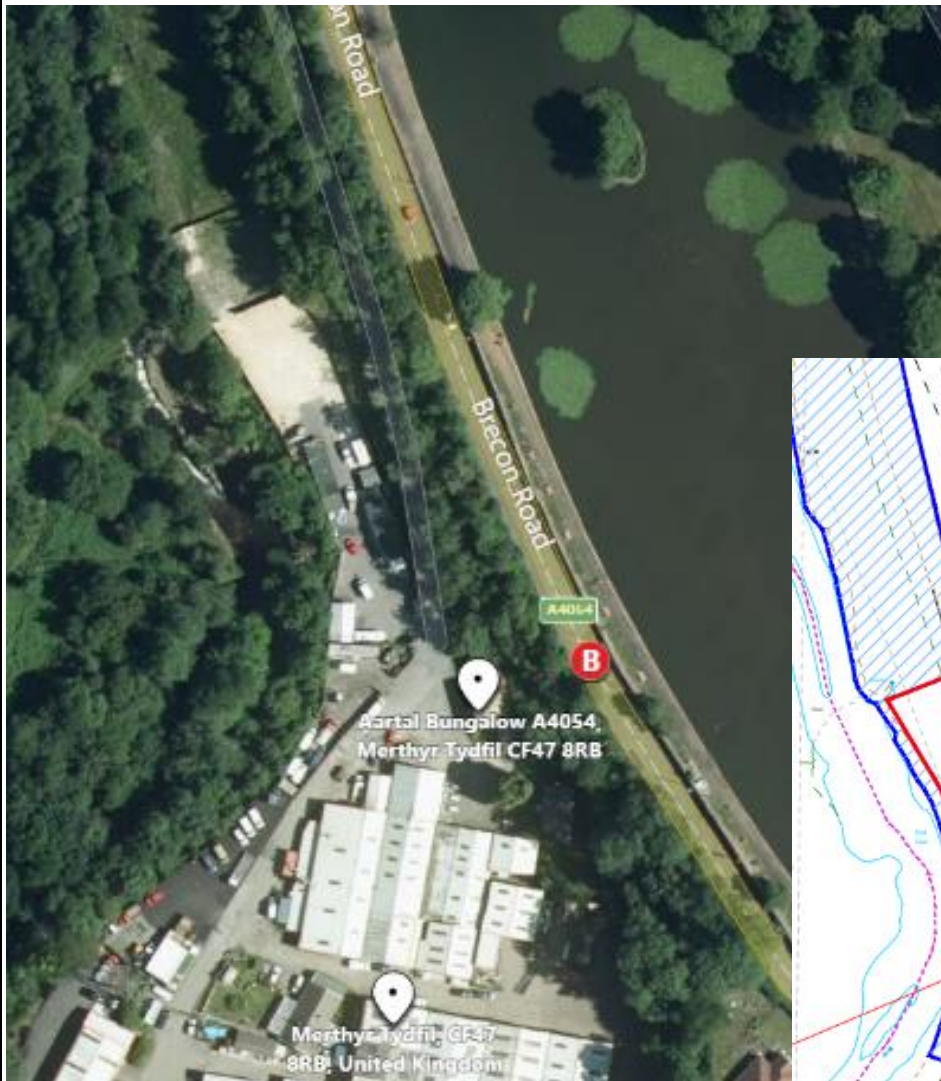


PLANNING STATEMENT AND JUSTIFICATION REPORT **REVA**

RESITING OF APPROVED RESIDENTIAL MOBILE HOME UNDER P16/0010 & EXPANSION OF CURTILAGE AREA FOR DAYROOM / UTILITY AREA, ANCILLARY TOURER AND PARKING AREA WITH ECOLOGICAL ENHANCEMENTS

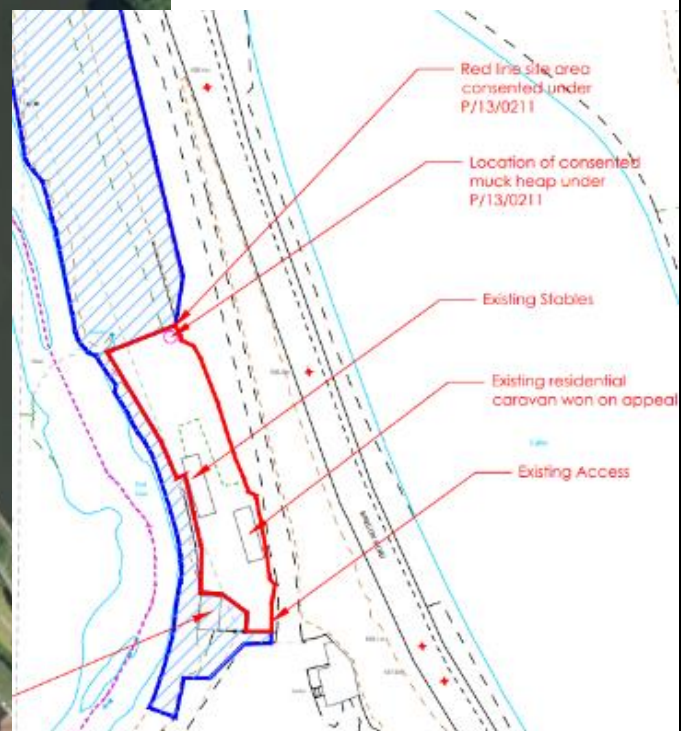
**LAND NORTHWEST OF AARTAL BUNGALOW, ADJACENT
TO EFI INDUSTRIAL SITE, OFF BRECON ROAD, MERTHYR
TYDFIL, CF47 8RB**

18th August 2022



Left – Aerial photograph of the application site (source: Bing Maps)

Below – Scan of Drawing 02d showing the location plan



Application for Full Planning Permission Town and Country Planning Act 1990

Head of Planning
Merthyr Tydfil County Borough Council
Town Planning (Development Control)
Unit 5 Triangle Business Park
Pentrebach
Merthyr Tydfil
CF48 4TQ.

HAYSTON DEVELOPMENTS & PLANNING LTD is making an application on behalf of Mr & Mrs Chris Marshall for the following planning permission:

1. **Proposal:** Re-siting of approved residential mobile home under P16/0010 and expansion of curtilage area for dayroom / utility area, ancillary tourer and parking area with ecological enhancements
2. **Site location:** Land to the northwest of Aartal Bungalow adjacent to EFI Industrial Estate, Brecon Road, Merthyr Tydfil, CF47 8RB
3. **Type of Planning Permission:** Full
4. **Relevant LDP Policy:** SW4 (Settlement boundaries), SW6 (Townscape and built environment), SW7 (Sustainable design), SW12(Development Proposals and Transport), TB11 (Access, parking and accessibility of local facilities), CW1 Historic Environment, CW2 Cyfarthfa Heritage Area
5. **National Planning Guidance:** Planning Policy Wales Chapters (3 to 6) Edition 11, Circular 005/2018 (Planning for Gypsy, Traveller and Showpeople Sites) June 2018, Designing Gypsy and Traveller Sites (2015), The Well-being of Future Generations (Wales) Act 2015

1.0 INTRODUCTION

1.1 The following documents support this planning application

Planning Statement and Justification Report (this document)

- **Application Form** and associated certificate of ownership
- **Drawing 01d**- Expanded Location Plan at Scale A3 @ 1:1250
- **Drawing 02d** – Location and Block Plans at Scales A3 @ 1:1250 & 1:500
- **Drawing 03e** – Site Plan at Scales A3 @1:250
- **Drawing 04b** – Aerial Photograph
- **Drawing 05c** -Utility/Day Room Floor Plan at Scale A3 @ 1:50
- **Drawing 06b**– Utility/Day Room Elevations Plan at Scale A3 @ 1:100
- **Drawing 07b & 08b** – Photo Sheet 1& 2.
- **Drawing 09b** - Comparison site plan at Scale A3 @ 1:1250 showing the site area previous approvals, current application and enforcement notice PE.17/0005 from December 2017
- **Appendix A** – Personal Statement on behalf of the applicant
- **Planning Fee** - £460.00

1.2 This report is prepared in accordance with the requirements of Policies contained within the *Local Development Plan for Merthyr County Borough Council* and *Welsh Government Development Management Manual* (05th May 2017).

2.0 THE APPLICATION SITE AND RELEVANT PLANNING BACKGROUND

2.1 The application site forms part of a long rectangular shaped parcel of land, 1526 square metres in area, located immediately adjacent to the industrial estate road leading to Brecon Road and is generally level and surfaced in a combination of tarmac and rolled hardcore. The site is surrounded on the eastern side by a grassed embankment with a 2m high timber fence above adjacent to the industrial estate road, whilst the remaining boundaries are also surrounded by 2m high timber fencing leading to a gated entrance to the south. A group of mature trees on higher ground lies adjacent to the estate access road to the east and a tributary of the River Taff lies below the western boundary where there are also a group of mature trees. There is a long-established residential bungalow located approximately 15 - 20 metres to the southeast of the entrance to the current application site and is known as 'Aartal'. The site accommodates a static residential caravan (occupied by the applicant and his family), a corrugated sheet storage building associated with the applicant's 24hour vehicle recovery business, and a timber stable block with an area for parking and turning vehicles adjacent to the site entrance. The applicant owns a further sliver of land to the north and a further area of land to the south together with two industrial units to the south, all of which lie outside the application site.

2.2 To the west and south is a woodland area along a steep embankment which slopes down to the River Taff to the west is the Pont Y Cafnau Bridge (being a Grade II Listed Building and Scheduled Ancient Monument (SAM) which provides a link across the watercourse to the Taff Trail. Below the bridge and set into the embankment of the River Taff are the remains of a former hydroelectric station.

2.3 The application site is located within the Cyfarthfa Conservation Area and is in close proximity to the Cyfarthfa Park and Gardens to the north (some 100 metres away). Within the vicinity are also archaeological remains of Blast Furnaces, which are SAMs.

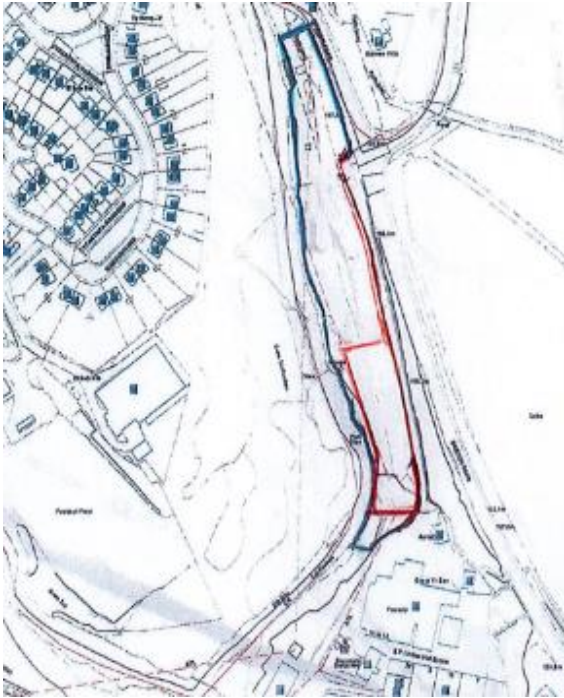
2.4 The land has the benefit of a planning permission (Ref P/11/0263) granted in 2011 for use as a storage compound which included a storage building located in the south-western corner which is used in connection with the applicant's vehicle recovery business.

2.5 A further permission P/13/0211 was granted in October 2013 for a "*Change of Use (COU) of vacant land to B8 storage and retention of store building. Retention of the stable block with associated access. Retention of timber fencing along the eastern boundary of the site*". This consent was implemented and the stable block, B8 building and fencing is in place.

2.6 The applicant applied in January 2016 for the siting of one residential static mobile home which was refused (Ref P/16/0010) by the LPA. Following a successful appeal (Ref APP/U6925/A/3151450) the proposal was conditionally allowed on 29th September 2016. The applicant and his family have been living on site in the static caravan for a period of 5 years following the discharge of condition 2 of the permission in respect of the disposal of foul water

from the caravan in March 2017 (Ref P/17/0032). The caravan is effectively a live/work type of residential accommodation associated with applicant's business interests adjacent.

2.7 The red lines (planning unit) for 13/0211 and P/16/0010 are scanned below for clarity and have been followed with this submission. Also below are photographs from Drawings P07a and P08a of the stable, block, business unit, caravan / chalet and consented yard.



Existing access. Business unit and chalet / caravan





Consented yard under Planning Permission P/13/0211 - The timber garden room is now being removed and not on submitted plans

2.8 On 13th December 2017 an enforcement notice was served on land north of the residential caravan, which related to domestic paraphernalia linked to the residential use and clearance of land to create parking areas with chippings etc. There was no appeal and a prosecution has been undertaken by the LPA. The site area of the enforcement notice is shown on Drawing 09b Comparison Plan. Some of these activities have been undone and there is an opinion that some of these activities were agreed in the historic P/13/0211 Stables/Yard/Fence and B8 approval – however this application seeks to regularise matters and improve family welfare facilities.

3.0 THE APPLICANT'S FAMILY DETAILS AND GYPSY STATUS

3.1 A private and confidential report on the applicant's family details, living conditions and Gypsy status is contained in **Appendix A**. **Under the General Data Protection Act 2018 these details should not be available for publication or public scrutiny.**

3.2 In summary, the report confirms the applicant have Gypsy status belonging to long-established families with strong family connections in South Wales area. The applicant has enjoyed a gypsy culture lifestyle living in caravans and travelling all his life on either authorised or unauthorised sites. The reasons why the applicant requires a family utility/day room are explained in **Appendix A** which is needed to provide welfare and hygiene facilities for the family and to accommodate an ancillary room to be used as a study area for the children who are tutored at home.

3.3 The family's lifestyle falls within the definition of Gypsies in paragraph 2 of the Welsh Assembly Government Circular 005/2018 - Planning for Gypsy, Traveller and Showpeople Sites. They are:

- a) Persons of a nomadic habit of life, whatever their race or origin, including -*
(i) "Persons who, on grounds only of their own or families or dependent's educational or health needs or old age, have ceased to travel temporarily or permanently, and
(ii) Members of an organised group of travelling show people or circus people (whether or not travelling together as such); and
b) All other persons with a cultural tradition of nomadism or of living in a mobile home.

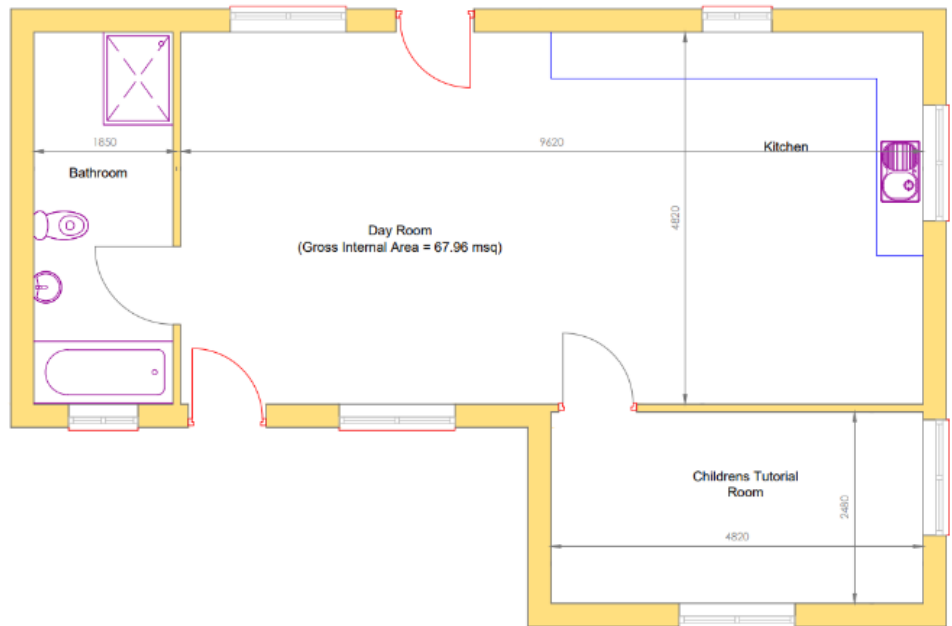
As such the Circular and Gypsy policies in the **LDP** development plan and technical advice from the Welsh Government applies.

4.0 THE PROPOSAL

4.1 The proposals are detailed on Drawing – 03**e**, 05**c** and 06**b** and include the following:-

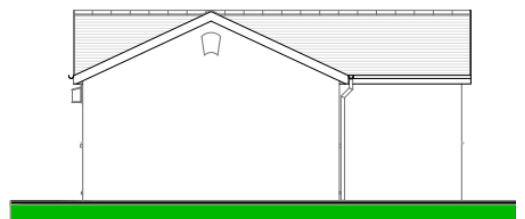
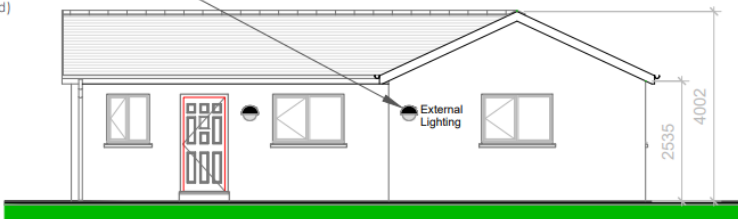
- Firstly, the application retrospectively asks to regularise the planning unit for operation of a traveller site. With an expanding family and good size static caravan is needed and a linked tourer. These have been re-positioned (see Drawing 05c) to achieve a safer layout. The area to the north has been cleared to now create a suitable parking and turning area, and the space made for a much needed dayroom / utility / reading room
- The construction of an 'L' shaped utility/day room located in the northern corner of the site. This single storey, pitched roof, building measures 10.8m long x 4.8m wide with an attached front wing measuring 5m x 2.8m accommodating a study facility for the children. The building will be constructed of rendered blockwork walls finished in a painted sand and cement render with a maximum height of 2.2m to the eaves and 3.6m to the ridge. The roof will be finished in either blue/black slate or interlocking clay tiles. Low intensity downward facing external lighting units will be affixed to the external walls and two small roof lights inserted on the rear elevation roof plane.

- The foul drainage will be disposed via the existing authorised facility and surface/roof water disposed via a soakaway.
- On the side elevations a midi bat box and a bird box will be installed and other landscaping provision of trees and hedge banks will screen and enhance the development.

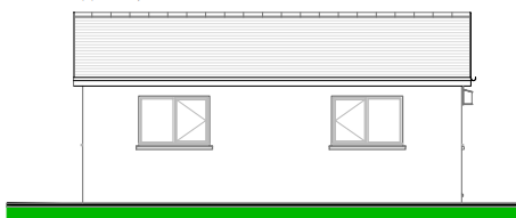
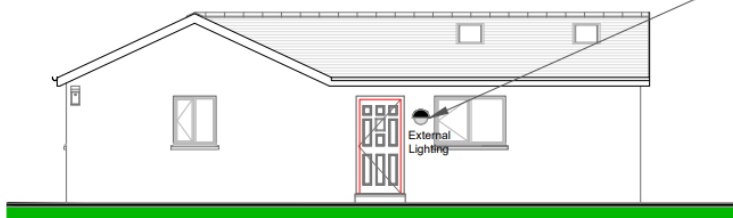


4.2 Paragraphs 3.42 – *Scan of Drawing 05c showing the proposed utility / dayroom floor plan*
 3.51 of the 'Designing Gyps' to the provision of amenity blocks. Whilst it states the recommended minimum floor space to be 23 square metres, there is no maximum. It also recommends that such buildings should be constructed to building regulation standards and that '*...Detached or semi-detached designs should be appropriate. Having a residential appearance will enhance the look of the pitch and the general aesthetic of the site.*'

Proposed external lighting type
 HUR163 with 1 no 16watt 2d lamp
 (See manufacturer data sheet, or
 similar approved)



Proposed external lighting type
 HUR163 with 1 no 16watt 2d lamp
 (See manufacturer data sheet, or
 similar approved)



Scan of Drawing 06b showing the proposed elevations of utility / day room

5.0 CURRENT PLANNING POLICY

5.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning application decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In this case the statutory development plan is the Merthyr Tydfil Replacement Local Development Plan 2016 - 2031, adopted on 29th January 2020. Relevant legislation requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

5.2 The relevant LDP policies are: -

SW4 (Settlement boundaries),
SW6 (Townscape and built environment),
SW7 (Sustainable design),
SW12 (Development Proposals and Transport), and TB11 (Access, parking and accessibility of local facilities).
CW 1 (Historic Environment) and CW2 (Cyfarthfa Heritage Area).

POLICY ASSESSMENT

5.3 The application site lies within the settlement limits and Primary Growth Area where the principle of new development is generally supported. Policy SW 4 relates to settlement boundaries and states that to encourage development within urban areas. The principle of the proposal conforms with Policy SW 4.

5.4 The application site is sustainably located within easy reach of local facilities, services and public transport options. The site is within easy reach of the town centre, with bus stops nearby.

5.5 The proposed development is small in scale and low level in nature, using appropriate building materials, and is located on a level platform within a site surrounded by timber fencing with a grassed embankment on the eastern side with additional boundary fencing above. Beyond this boundary is an area of mature trees to the east and further mature trees on the embankment slopes below the site to the west. These features function as a natural screen when viewed from outside the site. For these reasons the development will have very limited local impact on the character and appearance of the surrounding landscape. The proposal is in accordance with both Policies SW 6 and SW7.

5.6 With regards to Policy SW12 and TB 11, the proposal will have a neutral impact on traffic generation using the established access from the EFI Industrial Estate to Brecon Road. The applicant and his family already reside on site and the proposed utility/day room is an essential welfare facility. There will remain ample space within the confines of the site to accommodate vehicle parking and turning facilities.

5.7 As referred to in paragraph 5.5 above the proposed development is small in scale and low level in nature, using appropriate building materials, and is located on a level platform within a site surrounded by timber fencing with a grassed embankment on the eastern side with additional boundary fencing above. The site is also well screened by natural vegetation when viewed from the housing development above the eastern bank of the Taff tributary and the Taf Fechan section of the Cyfarthfa Heritage Area. The small-scale nature of the proposal will have minimal impact on the Heritage characteristics of the Conservation Area protected by Policy CW1 and CW2. The site is also located within a Site of Importance for Natural Conservation (SINC), however, the siting of the dayroom is with the planning unit and yard of the stables, caravan and shed so, as with the appeal allowed, this brownfield site does not have an impact on the SINC designation or the protected species. Indeed bat / bird boxes are offered to be placed on the dayroom and additional planting / trees are proposed to be added to the boundaries in order to soften the impact of the development.

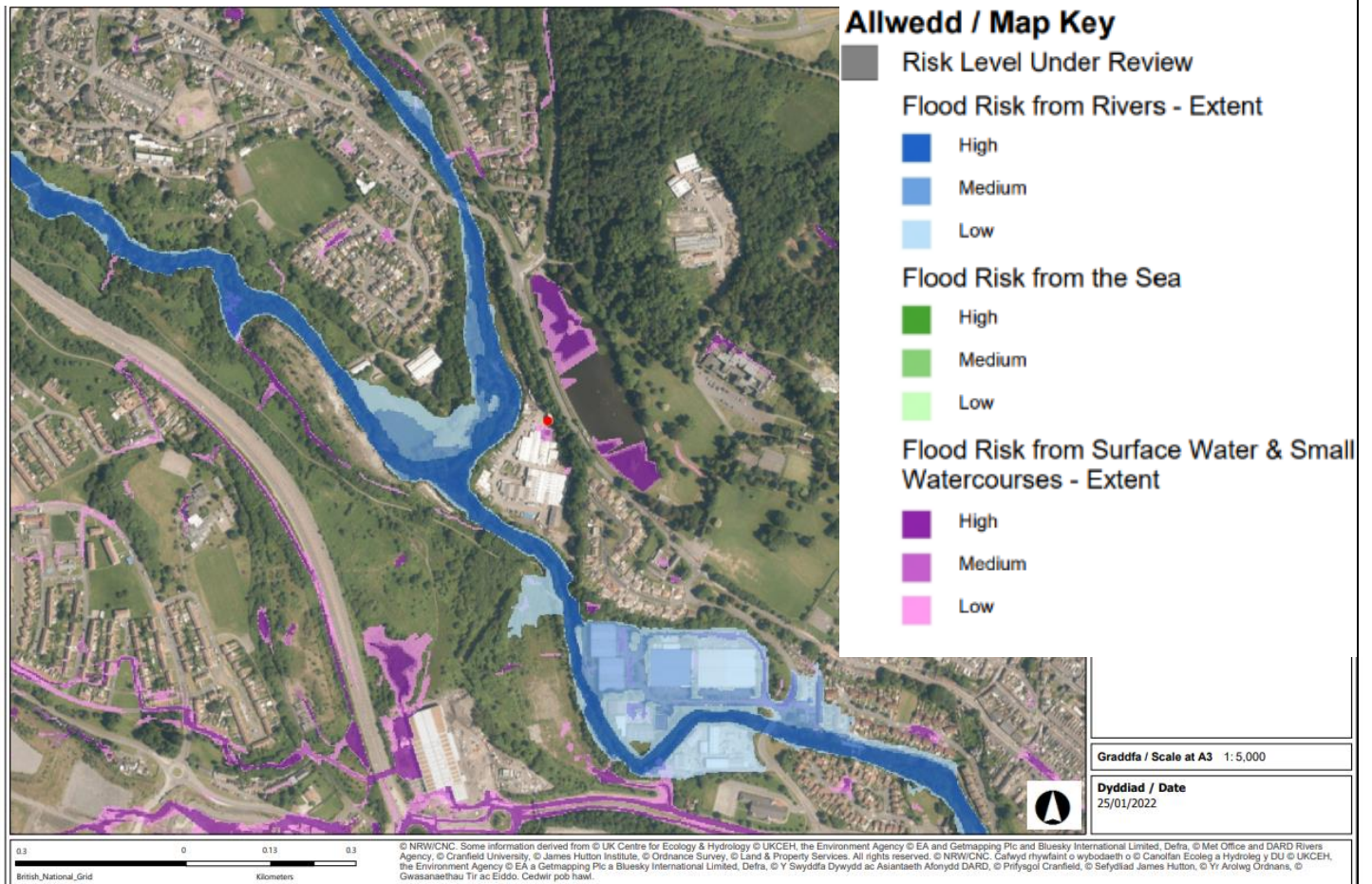
5.8 The Welsh Governments document, Designing Gypsy and Traveller Sites (May 2015 – WAG 242/9) – provides guidance to the layout of Gypsy pitches and amenity facilities, Paragraphs 3.42 – 3.51 relates to the provision of amenity blocks which are generally accepted to be essential for the welfare of the occupants. Whilst it states the recommended minimum floor space to be 23 square metres, there is no maximum. It also recommends that such buildings should be constructed to building regulation standards and that ‘...*Detached or semi-detached designs should be appropriate. Having a residential appearance will enhance the look of the pitch and the general aesthetic of the site.*’ It is considered the utility/day room is sustainably designed for its location in an urban area resulting in a low-level un-intrusive building having minimal impact on the character and appearance of the surrounding area,

5.9 On 10th August 2022 the Welsh Government Senedd's Local Government & Housing Committee released a paper on “Welsh Government & Local Authorities Facility Traveller Communities”. The Committee's report found issues in relation to poor facilities, more sites being needed and racism. The Senedd's Local Government and Housing Committee is now calling for immediate action after the issue of this report, as the report clearly illustrates wide-ranging failures by the Welsh Government and local authorities in providing adequate sites for Gypsy, Roma and Traveller communities. It has been stated that despite previous commitments made by the Welsh Government to improve the situation, this has not translated into any meaningful changes for families to date.

5.10 Informally, the LPA Case Officer has indicated (agreed) that the principle of the dayroom and other procedural paperwork needs addressing. This has now been addressed in this revised submission.

Flood Risk Assessment

5.9 The site is adjacent to a C2 Floodzone, however, with Zones B, and as this is an ancillary day / utility room only no Flood Consequence Report (FCR) is deemed necessary, and there is no breach of TAN 15 or the local planning policies. In checking the new flood maps, in replacement of TAN 15, the site is outside Floodzones 3 and 2, as shown on NRW's website



Scan of Flood Risk Assessment Map showing the area of CF47 8RB and the application site

Website link: <https://naturalresources.wales/flooding/check-your-flood-risk-on-a-map-flood-risk-assessment-wales-map/?lang=en>

5.10 The proposal meets one of the criteria in the the Well-being of Future Generations (Wales) Act 2015 by providing an essential welfare facility on this authorised site. It enables the family to follow their traditional culture of residing on a well serviced pitch. The proposal will also provide education facilities for the applicant's children who are all home tutored.

6.0 CONSERVATION AREA / HISTORIC IMPACT ASSESSMENT

6.1 The Statement draws on the guidance on the statutory requirement to prepare a Heritage Impact Statement in association with developments which would impact upon heritage assets. The guidance is complementary to the Historic Environment (Wales) Act 2016 and is underpinned by the modern conservation philosophy of CADW's *Conservation Principles for the Sustainable Management of the Historic Environment in Wales (2011)*.

6.2 The legislative and policy context includes the following:

- Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Historic Environment (Wales) Act 2016
- Technical Advice Note 24 (The Historic Environment) 2017 including annex 1 (Historic Impact Assessment in Wales) and 6 (Setting of Historic Assets in Wales)
- Planning Policy Wales Edition 11 (February 2021), Section 6 (Distinctive and Natural Places)
- Merthyr Tydfil County Borough Local Development Plan (January 2020)
- Conservation Principles for the Sustainable Management of the Historic Environment in Wales', CADW, 2010.
- Council's Cyfarthfa Conservation Area Appraisal (2009)

6.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

6.4 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states:

'In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area.'

6.5 The Conservation Area covers an extensive area. It is divided into four character areas, with the application site lying within Character Area 4 – Cyfartha Ironworks. Character Area 3 – Taf Fechan is located to the immediate north-west of the industrial estate. The Conservation Area Appraisal document refers to the EFI Industrial Estate being established in the 1980s on land to the north of the former Ironworks site. The Taff Trail was also developed through the Ironworks site and up the Taf Fawr valley to the Cefn Viaduct by the Groundwork Trust in the 1990s, improving it as a recreational route. The Conservation Area stretches to include

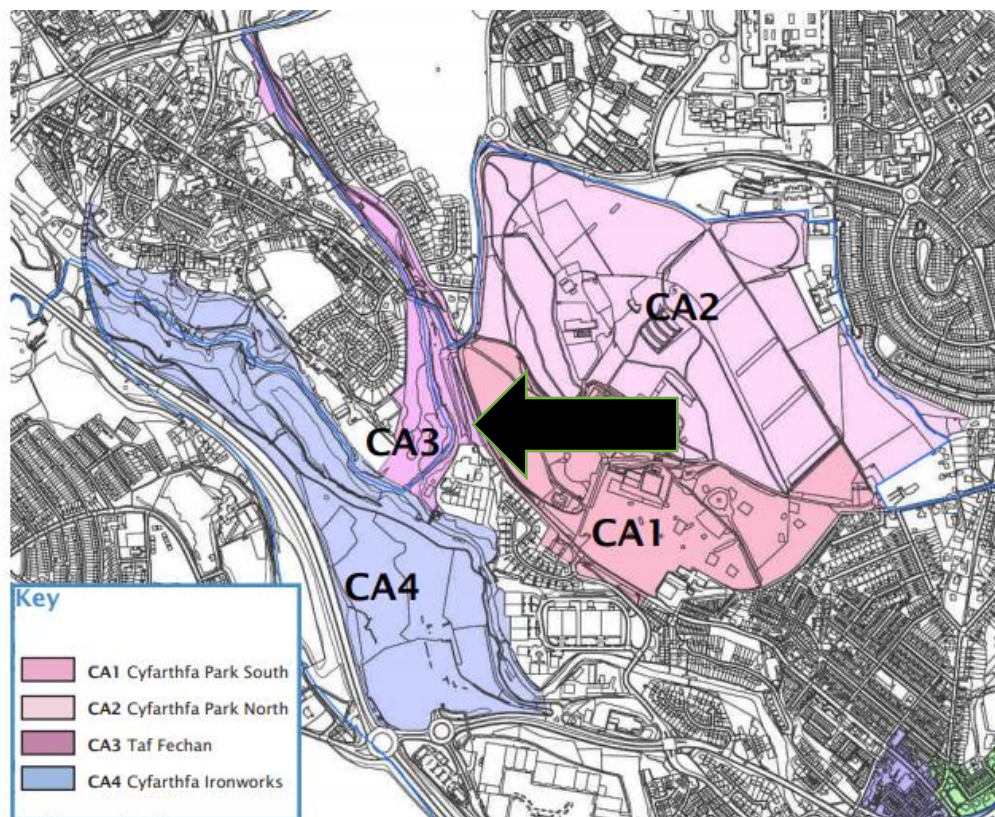
sections of the rivers Taf Fawr and Taf Fechan which runs from the Brecon Beacons National Park through steep sided and wooded valleys

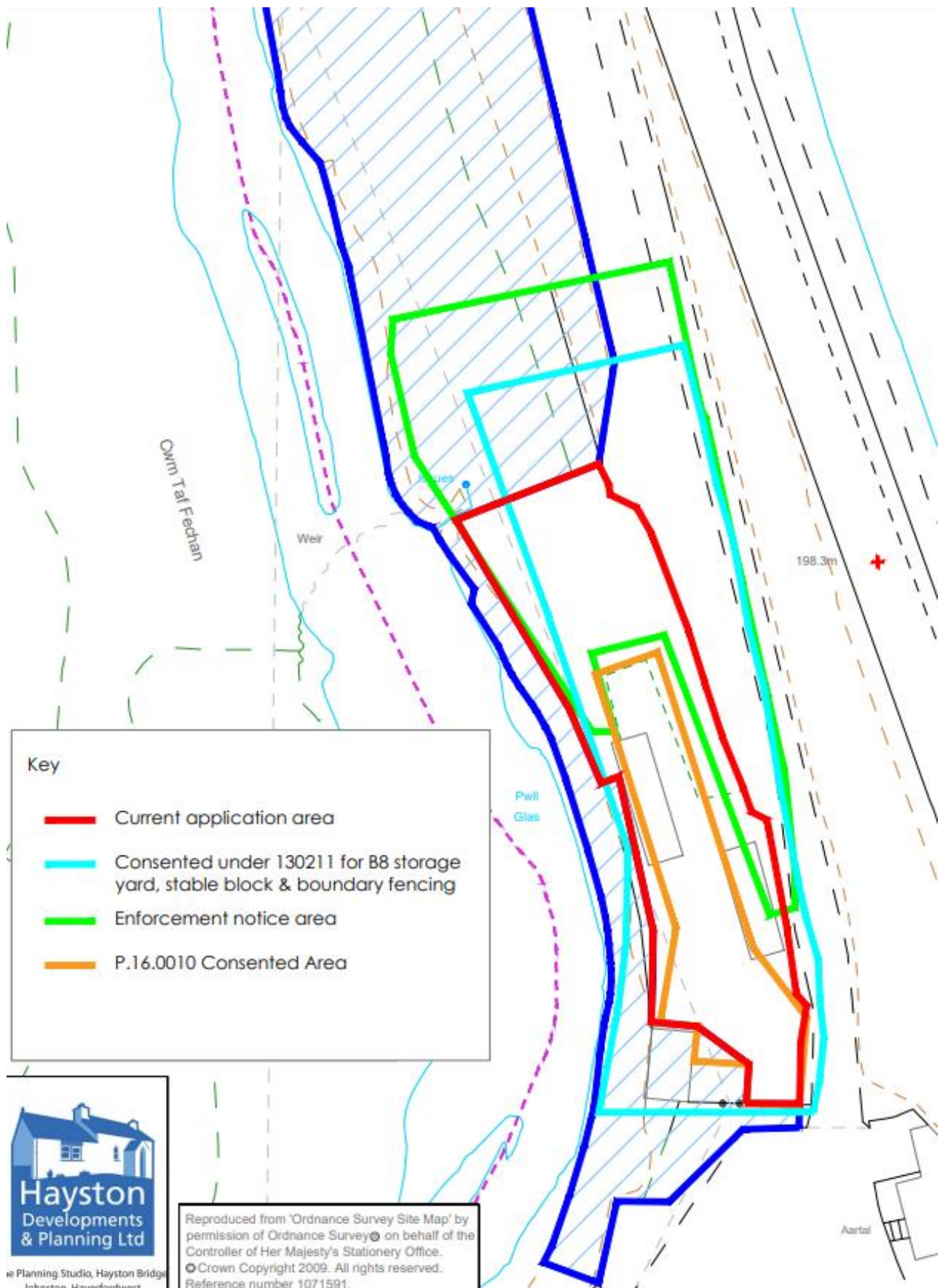
6.6 The Character Area largely consists of the expanses to the west of the River Taf. This includes the western part of the former Ironworks which contains a number of historic features, with much it comprising wasteland. The River Taf flows along the eastern flank of the Conservation Area with the Appraisal document notes this makes a large contribution in terms of its setting and function. The Appraisal describes the condition of the Conservation Area as follows:

'The general condition of the Cyfarthfa Conservation Area is an area of contention. On one hand, the Area is in good condition, given the continually developing landscape, the general state of retained buildings and its continuing function as a tourist attraction. However, the area has lost a number of significant buildings and features over time by means of natural deterioration or by deliberate demolition or removal. This lack of appreciation for some buildings has changed the landscape of the Conservation Area permanently, and in comparing it to its condition 100 years ago, there is a significant change.'

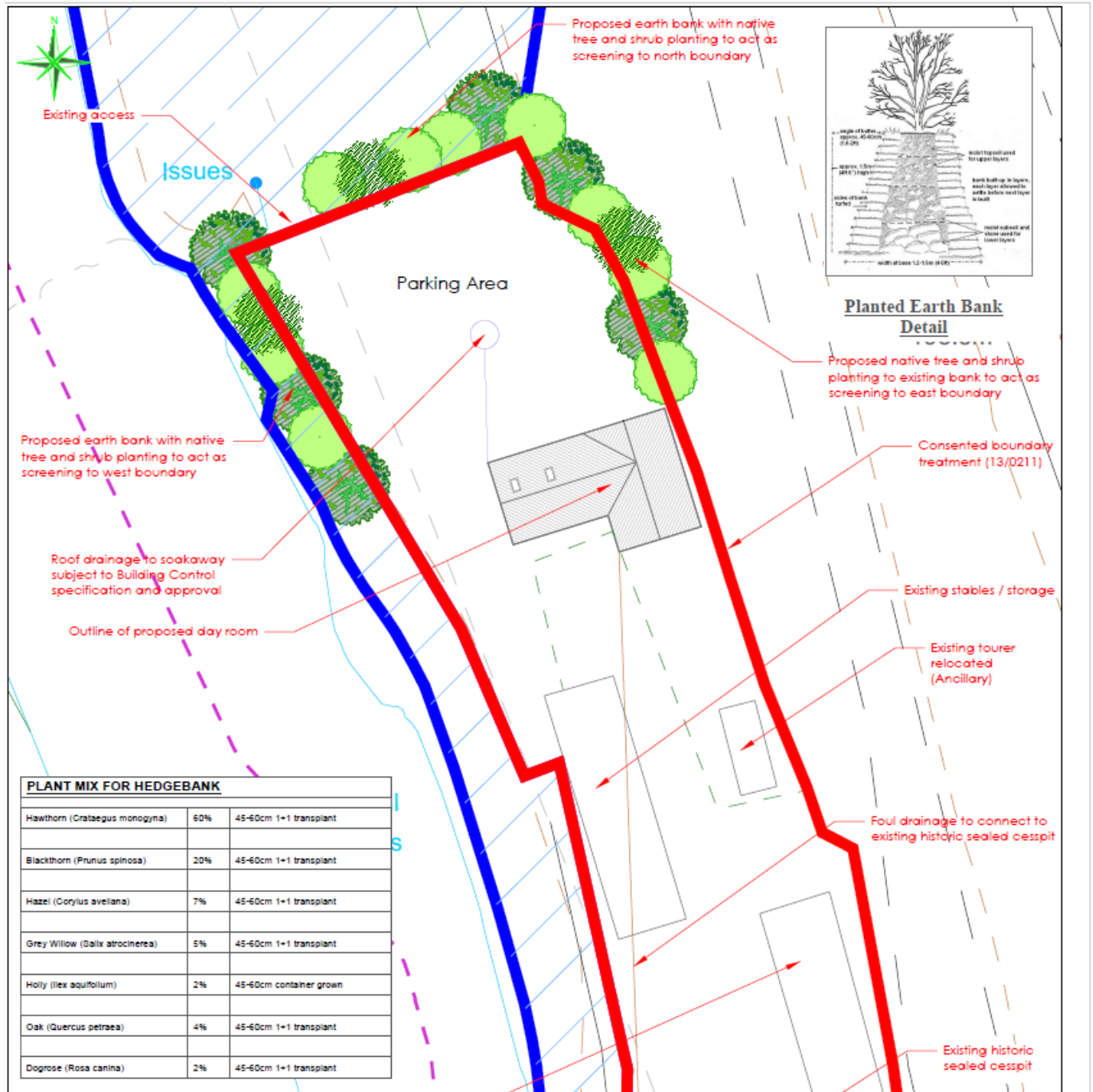
'In its present condition, the remaining buildings of the Conservation Area are maintained well, offering a positive aura in terms of character.'

6.7 The location of the application site in relation to the Conservation Area is shown on the following Inset Map taken from the Conservation Area Appraisal (2009) document:





Scan of Drawing 09b showing the Comparison Plan



Scan of Drawing 03d showing the proposed site plan with landscaping enhancements

7.0 CONCLUSION

7.1 The applicant's lifestyle and family traditions fall within the statutory definition of Gypsies as defined in Welsh Assembly Government Circular 005/2018 'Planning for Gypsy, Traveller and Show People sites and Section 108 of the Wales Housing Act. They have a strong family history and connections within the south Wales area. The site was purchased to enable them to continue their Gypsy lifestyle, to move to a safe and secure environment and for the applicant to be close to his work premises.

7.2 The building is low level, in nature, of a sustainable design and use of materials set against a backdrop of mature trees and elevated land. It is well screened by surrounding boundary fencing significantly reducing its visual impact on the character and appearance of the surrounding area and importantly having minimal impact of the historical features and characteristics of the conservation area. / SINC. Ecological enhancements and planting are offered to help screen the site.

7.3 The site is outside any designated flood zones.

7.4 The site is a brownfield site and previously approved and implemented as a yard and muck heap area.

7.5 The proposal provides an important social and welfare facility for the family to enjoy their traditional Gypsy cultural way of life and an educational facility for the applicant's children.

7.6 Following the issue of a report on "Welsh Government & Local Authorities Facility Traveller Communities", the Senedd's Local Government and Housing Committee is calling for immediate action by the Welsh Government and local authorities in regard to providing adequate sites for Gypsy, Roma and Traveller communities. In this respect to and we hope this minor addition as this traveller site can be supported for logical welfare reasons.

Should you require any further information please do not hesitate to contact Hayston Developments and Planning Ltd

REPORT PREPARED BY
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DIRECTOR/PRINCIPAL PLANNER



APPENDIX A