

DELEGATED REPORT

Application No:	P/22/0222
Site Address:	Land Northwest Of Aartal Bungalow Efi Industrial Estate Brecon Road Merthyr Tydfil CF47 8RB
Development:	Resiting of existing residential mobile home, expansion of residential curtilage and construction of day room/utility area, provision of ancillary tourer and parking area with ecological enhancements
Case Officer:	David Cross
Site Visit:	24th December 2022
Application Expiry Date:	13th October 2022
Consultation reply date expired:	21st September 2022

APPLICATION SITE

This application relates to an irregular shaped area of land measuring approximately 0.15 of a hectare, which is enclosed by timber fencing. The site is located within the northern part of the Efi Industrial Estate and currently accommodates an industrial building, a stable building and a static home. There is also an unauthorised summerhouse, which the applicant has indicated would be removed from the site. The site largely comprises of a hardstanding area with tarmacadam in the southern half and stone chippings in the northern half.

The site is bound to the north by fields, which appear to have been used for grazing. The field immediately adjacent to the northern boundary comprises of disturbed ground and was previously covered in stone chippings (without planning permission), which has since been removed. To the west of the site is a steep embankment that slopes down to the River Taff, which forms part of a woodland corridor. To the east is a steep embankment that slopes up to the main access road serving the wider industrial estate. It is noted that significant works have been undertaken to this embankment, involving extensive re-profiling and retaining works, together with the loss of a large number of mature trees of native species. To the south is a compound area, which appears to be used for the storage/parking of vehicles.

Access into the application site is directly off a privately maintained road to the east, which links to Brecon Road to the north. The hardstanding area within the site is utilised for parking, which includes caravans and motorhomes.

PROPOSED DEVELOPMENT

Full planning permission is sought retrospectively for the expansion of the residential use of the land to the north and to the east, which would include the retention of the area that has been entirely covered with stone chippings. The application seeks permission for the re-siting of the existing mobile home slightly further east, which currently lies outside of the previously approved residential curtilage, following the unauthorised re-profiling works carried out on the eastern embankment.

It is proposed that a new day room/utility building would be constructed in the northern part of the site in the area of the stone chippings. The building would be single storey measuring 12.1m wide by 8m deep and 4m high with a pitched roof. The external material finishes would comprise render on the elevations with either slate or interlocking clay tiles on the roof. The building would provide a bathroom, an open plan day room with kitchen area and a childrens tutorial room.

The submitted site plan notes ecological enhancements are proposed along the northern boundary in the form of a proposed earth bank with native trees and shrubs.

PLANNING HISTORY

- P/16/0010 - The siting of a mobile home for residential purposes.
REFUSED permission on 07.03.2016 and subsequently ALLOWED at appeal (Ref APP/U6925/A/16/3151450) on 29.09.2016.
- P/15/0035 - Erection of static caravan with associated hardstanding area and boundary enclosure.
REFUSED permission on 25.03.2015 and subsequently DISMISSED at appeal by the Planning Inspectorate (Ref APP/U6925/A/15/3033319) on 22.09.2015.
- P/14/0285 - Erection of static caravan with associated hardstanding area and boundary enclosure.
REFUSED permission on 11.12.2014
- P/13/0211 - Change of use of vacant land to B8 storage and retention of store building. Retention of stable block with associated access. Retention of timber fencing along eastern boundary of site
GRANTED permission on 17.10.2013
- P/11/0263 - Change of use of vacant land for storage (Class Use B8) and erection of two detached storage sheds with associated boundary enclosure (Retrospective application).
GRANTED permission on 08.03.2012

CONSULTATION

Head of Engineering & Highways	-	No objection.
Planning Division's Ecologist	-	Objection due to unacceptable impacts on the SINC and habitat environments.
Welsh Water	-	No objection, subject to further consideration of the foul drainage connection.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the neighbouring properties and a site notice was displayed within the vicinity of the site.

No representations were received as a result of this publicity exercise.

POLICY CONTEXT

National planning policy

The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

Planning Policy Wales (PPW), Edition 11, February 2021:

Para 3.5 – 3.15 set 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 3.55 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Para 6.3.3 – 6.3.4 recognises the intrinsic contribution of landscapes in Wales to a sense of place and local authorities should protect and enhance their special characteristics. Where adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission.

Para 6.3.13 notes that special landscape areas are non-statutory designations that define local areas of high landscape importance, which may be unique, exceptional or distinctive to the area.

Para 6.4.21 – 6.4.23 note 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 any potential impacts on protected species which may result in disturbance or harm to the species or its habitat.

Para 6.6.22 – 6.6.27 sets out the need to take a precautionary approach of positive avoidance of development in areas of flooding from the sea or rivers. Development should reduce and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. TAN15 also provide advice on development and flood risk.

Conservation areas

Technical Advice Notes (TAN):

- TAN 5 Nature Conservation and Planning, September 2009
- TAN 12 Design, March 2016
- TAN 15 Development and Flood Risk, July 2004
- TAN 18 Transport, March 2007
- TAN 24 The Historic Environment May 2017

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 - Environmental Protection
- Policy EnW5 - Landscape Protection

Supplementary Planning Guidance (SPG):

- SPG 4 Sustainable Design, July 2013
- SPG 5 Nature and Development, May 2015

Other material considerations:

- Cyfarthfa Conservation Area Character Appraisal, Dec 2009

PLANNING CONSIDERATIONS

Land use

The application site lies within the settlement limits where new development is generally supported in principle under policy SW4 of the LDP, subject to the proposal according with other relevant policies. It is acknowledged that planning permission was previously granted at appeal (Ref P/16/0010 - APP/U6925/A/16/3151450) to use the southern part of the site for residential purposes, which involved the siting of a mobile home.

This application now seeks to use (retrospectively) the land covered in stone chippings in the northern part of the site for residential purposes, including the area of land that has been excavated from the eastern embankment. The development would be located within the Cyfarthfa Park Conservation Area and within the Cwm Taf Fechan Site of Importance for Nature Conservation (SINC 15). Since the determination of the previous application P/16/0010, the site also lies within the Cwm Taf Fechan Special Landscape Area. These designations highlight the importance of the area to the historic environment, its landscape value and its contribution to nature conservation. It is evident that the area of land to be included as part of existing residential unit has resulted in a loss of part of the SINC through the removal of the grassland and vegetation. Additionally, the excavation of the eastern embankment has resulted in the loss of a large number of trees, which not only has an impact on the ecology, but also diminishes the quality of the landscape and in turn affects the character and appearance of the conservation area.

It is necessary to determine whether the needs of the applicant outweighs the harm the development has on the surrounding environment. In this respect, it has been highlighted in the planning statement that the applicant has Gypsy status and falls within the definition of Gypsies as set out in Circular 005/2018 – 'Planning for Gypsy, Traveller and Showpeople Site'. The planning statement also states that the proposed day room/facility building is required 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 home schooled. During the site visit, it was evident that the area of land covered with stone chippings is extensive and far exceeds the area of land required to accommodate the proposed day room/facilities building.

The planning statement refers to Welsh Government guidance relating to the design of gypsy and traveller sites, which includes the provision of amenity blocks to support the welfare of the occupants. It is understood in the guidance that the amenity blocks should have a minimum size of 23sqm and that there is no maximum size. In this regard, the scale of the proposed building (approx. 79sqm) would be akin to a small detached bungalow and would be larger than the existing mobile home (approx. 73sqm). As such, the welfare building would not appear ancillary to the existing residential use. There is little explanation on what has informed the size of the building and its location within the site. Nor have there been any details to demonstrate that other solutions have been considered to minimise the impacts on the surrounding environment. Indeed, there would appear to be sufficient room to accommodate such facilities within the approved residential curtilage (P/16/0010) without encroaching further in to the SINC and conservation area. In this regard, it is noted that the unauthorised summerhouse is to be removed from the site, which would also provide additional space for a welfare building, which could be reduced in size and located to the side of the mobile home.

Whilst the provision of a day room/facility building to serve as part of the existing residential unit would be acceptable in principle, there is little justification for the expansion of the hardstanding area and the encroachment of the development into the SINC and conservation area. Therefore, there are significant concerns with the impact of the development on the above mentioned designations within the LDP.

Character & appearance

The unauthorised hardstanding area covered within stone chippings and the excavation of part of the eastern embankment has had a notable impact on the character and appearance of the conservation area. This element of the development has resulted in the

loss of approximately 576sqm of grassland and a section of the woodland environment along the eastern embankment stretching approximately 61m in length.

One of the key characteristics of the conservation area is the segments of natural woodland and grassland areas alongside the natural watercourses. This natural environment provides the setting for a number of key historic assets in the vicinity, including the Limekilns and the Old Cefn Bridge to the north and the Pont-y-cafnau Bridge to the south. It can be seen from aerial photographs that the woodland environment and grassland areas in the immediate vicinity of the site form part of the wider setting to the Taf Fechan, Taf Fawr and River Taff, which make a significant contribution to the historic character of the conservation area.

With reference to Policy CW1 of the LDP, it is evident that the loss of the grassland and woodland areas has had an impact on the integrity of the historic landscape, through the incremental encroachment of built development, which would neither preserve nor enhance the historic environment.

The planning statement acknowledges the conservation area but does not provide any assessment of the impacts of the hardstanding area or the loss of woodland. The main thrust of the justification is that the land is considered to be brownfield and that there is some contention over the red line boundary of previous applications. It is evident from historic aerial photographs that prior to the unauthorised hardstanding being constructed, the land consisted of grassland with no built development. It is noted that a previous applications, relating to the provision of a stable building (P/13/0211) did include part of the field, but this was intended to be used in association with the keeping of horses and grazing and did not comprise any hardstanding area or structures. Nevertheless, this does not justify the intensification of built development and the loss of features that are an important quality to the character and appearance of the area.

The construction of a day room/facility building on the hardstanding would exacerbate the impacts noted above by further developing the land and increasing the built up appearance of the site, in contrast to the natural surroundings. It is acknowledged that the boundary fencing screens the hardstanding area and would likely screen part of the day room/facilities building. However, this does not adequately mitigate the impact the development has on the conservation area. Nor does it conserve or enhance the special character of the area. Therefore, the development fails to comply with policies SW11 and CW1 of the LDP.

Landscape

The development lies within a designated Special Landscape Area (SLA1) relating to Nant Morlais & Cwm Taf Fechan. In such areas, policy EnW5 of the LDP only supports development where it can be demonstrated that it would not adversely impact on its character or the quality of the landscape.

The expansion of the built development across an open field and the excavation works to the eastern embankment, which formed part of the construction of the hardstanding, has greatly affected part of the SLA with the loss of large number of mature trees and the introduction of unnecessary retaining works. The development has had little regard to the special characteristics of the area and does not present a sensitive form of development that respects the local distinctiveness or historic character of the landscape.

The development does not seek to safeguard features that make a significant contribution to the character or history of the locality. For example, there appears to have been no attempt to retain the eastern embankment and the mature trees. Instead, conifer trees have been planted, which are deemed to be an inappropriate species that do not reflect the existing woodland native species.

Whilst a detailed landscaping scheme has not been provided, it is noted on the submitted plans that an earth bank could be provided along the northern boundary with native trees and shrubs planted. Whilst this would offer some benefit, it does not adequately mitigate for what has been lost. Additionally, the development does not seek to secure the enhancement of the character, appearance and quality of the landscape through restoration or management where possible. Where the eastern embankment has been excavated, a timber fence has been erected and it is unclear what type of retaining structure has been constructed, if anything at all. It was noted during the site visit that a gabion basket has been used close to the mobile home. No details have been provided in support of this application. Nonetheless, the presence of an exposed embankment with a timber fence over a considerable length along the bottom does reflect the character of the SLA.

It has not been demonstrated that there were no satisfactory alternatives and the benefits associated with the development do not outweigh the harm. Therefore, the development fails to comply with policy EnW5 of the LDP.

Ecological impact

Policy EnW1 of the LDP requires development to maintain and enhance biodiversity interests. It should be demonstrated that the need for the development outweighs the biodiversity value of the site and that the impacts can be satisfactorily mitigated and managed. Given the location of the development within the Cwm Taf Fechan Site of Importance to Nature Conservation (SINC 15), policy EnW3 of the LDP also requires developments that would have an adverse impact on the SINC, to clearly demonstrate that the need for the development outweighs the conservation value of the site. It needs to be demonstrated that adverse impacts on nature conservation can be avoided, that appropriate and proportionate mitigation and compensation measures can be provided. The development should also maintain and where possible enhance biodiversity interests.

It has been highlighted by the Planning Division's Ecologist that the works undertaken have resulted in the removal of woodland habitat both along the eastern and western boundaries of the site, as well as the disruption/removal of grassland. The trees that were removed from the eastern embankment appear to be similar in age and size to the adjacent trees that remain. This means they were likely medium mature trees of at least 20 years old.

The Planning Division's Ecologist has noted that the assessment of the SINC considers the semi-natural woodland environment to be a key feature, supporting at least 32 indicator species, which are considered to be highly significant. As such, the development has had an adverse impact on the features for which the SINC was designated. It has been highlighted by the Planning Division's Ecologist that no ecological assessments were carried out prior to works being undertaken and therefore no consideration has been given to any negative impacts on protected species e.g. roosting bats, nesting birds, dormice, invertebrates and lichen etc. Whilst the direct impact on protected species is not certain, the removal of habitat has had a negative impact on food sources for a range of species,

as well as the connectivity of the habitat in the area, which again has negative impacts on protected species. Additionally, it has been noted that external lighting has been erected within the site, which can have a further impact on nocturnal species.

Given that no ecological assessment has been carried out, the full extent of any impact of the development on protected species and habitats has not been taken into consideration. Whilst a planting scheme has been proposed, this does not adequately mitigate or compensate for the loss of features that form an important part of the SINC designation. Nor does it mitigate for any impacts on protected species. Furthermore, it has not been demonstrated that the development outweighs the conservation value of the site. Therefore, the development has an adverse impact on the conservation value of the Cwm Taf Fechan SINC, contrary to policies EnW1 and EnW3 of the LDP.

Local amenity

The application site is located away from nearby residential properties and the development would not likely give rise to any overlooking or overbearing concerns. It is acknowledged that the site is in close proximity to the industrial units to the south and that there is some potential for elevated noise emanating from the industrial estate to have an impact on the existing occupants. However, the development would not give rise to any greater impacts than that which may already exist. Additionally, no objections have been received from nearby residents or the local businesses.

Highway implications

The means of access to the application site would be via the main road serving the wider industrial estate, which is privately maintained and connects to the adopted highway (Brecon Road), located approximately 187m north of the site.

The access road serving the site is generally considered to be substandard, with no pedestrian segregation and a poor junction onto Brecon Road, that has greatly reduced driver visibility and an acute turning radii. Notwithstanding this, it is noted that the development would serve the existing residents and would not result in a greater level of traffic movements, which may otherwise give rise to significant highway safety concerns. Additionally, the development would maintain adequate space to accommodate the parking, including provision for a tourer caravan. It is acknowledged that the Head of Engineering and Highways has not raised any objection to the development. Therefore, the proposal complies with policy SW11 of the LDP.

Flood risk

It has been identified on the Development Advice Maps (DAM), prepared by Natural Resources Wales (NRW), that the southern part of the site, where the stable building and mobile home are located, largely lie within Zone B flood risk area. However, it appears that approximately 50% of the hardstanding area (covered in chippings) in the northern part of the site, including part of the day room/facilities building, lies within Zone C2 flood risk area. As such, part of the development would be located in an area of floodplain without significant flood defence infrastructure. It is advised in TAN 15: Development and Flood Risk, that residential premises constitute 'highly vulnerable development'. New development should be directed away from Zone C and towards more suitable land in Zone A, otherwise to Zone B, where river or coastal flooding will be less of an issue.

TAN15 is quite clear that highly vulnerable development should not be permitted within Zone C2.

The planning statement considers the development to be situated within Zone B and that given the day room/facility building would be ancillary to the existing residential use, a Flood Consequence Assessment was not deemed necessary. In this instance, it is evident that the area covered in stone chippings encroaches into the Zone C2 flood risk area, which is intended to be used for residential purposes. Additionally, the siting of the day room/facility building would be clearly located within part of Zone C2 flood risk area. Accordingly, the expansion of the residential use would pose an unacceptable risk to the existing occupants, contrary to policy EnW4 of the LDP.

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.

The development would have an adverse impact on the Cyfarthfa Conservation Area, the Nant Morlais & Cwm Taf Fechan Special Landscape Area and the Cwm Taf Fechan Site of Importance for Nature Conservation. It has not been demonstrated that the need for the development outweighs the conservation value of these designations. Furthermore, the residential use would constitute a highly vulnerable form of development located partly within the Zone C2 flood risk area. Therefore, the development is unacceptable and runs contrary to policies SW11, EnW1, EnW2, EnW4 and EnW5 of the LDP. Accordingly, the following recommendation is made:

RECOMMENDATION: BE REFUSED for the following REASONS:

1. The proposal, by virtue of the extended hardstanding area and re-profiling works to the eastern embankment, has resulted in the loss of grassland and woodland areas to the detriment of the character and appearance of Cyfarthfa Conservation Area and the quality of the Nant Morlais & Cwm Taf Fechan Special Landscape Area. Therefore, the development is contrary to policies CW1 and EnW5 of the Merthyr Tydfil Replacement Local Development Plan.

2. The proposal, by virtue of the loss of grassland and woodland habitat environments, has a detrimental impact on the conservation value of the Cwm Taf Fechan Site of Importance to Nature Conservation. The development fails to maintain and enhance biodiversity interests and is therefore contrary to policies EnW1 and EnW3 of the Merthyr Tydfil Replacement Local Development Plan.

3. The proposed extended residential use (highly vulnerable development), would be inappropriately located partly within a zone C2 flood risk area, as defined by the Development Advice Map (DAM), referred to under TAN15: Development and Flood Risk. Therefore, the development is contrary to policy EnW4 of the Merthyr Tydfil Replacement

Local Development Plan, Planning Policy Wales (11th Edition) and TAN15: Development and Flood Risk.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

15/11/22