

Application No.
P/15/0104

Date
10th June 2015

Determining Authority
MTCBC

Proposed Development

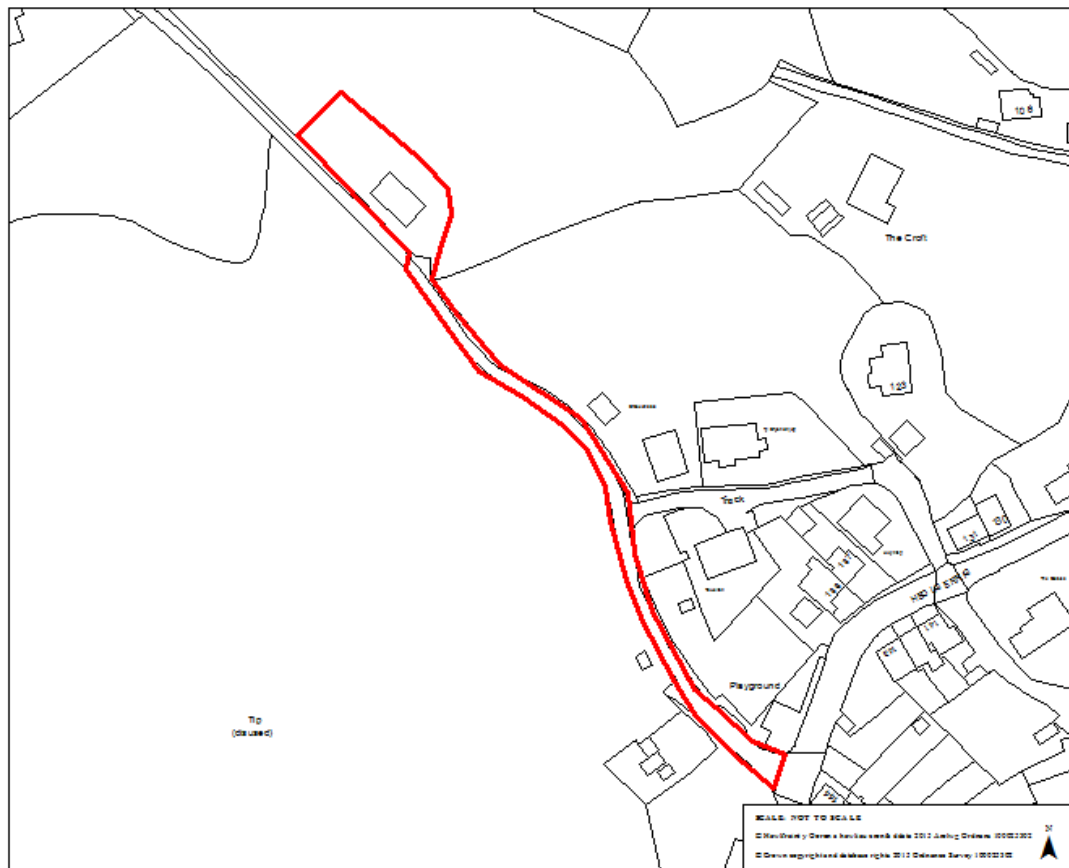
Location

Name & Address of Applicant/Agent

New dwelling with the use of an existing access and associated works

Land At 110 Heolgerrig
Heolgerrig
Merthyr Tydfil

Ms Rhoswen Marshallsea
c/o Brian Griffin P & C C Limited
F.a.o. Mr B Griffin
The Cottage
Green Bottom
Littledean



APPLICATION SITE

The application site relates to a parcel of land, measuring 00.11 hectares, located in Heolgerrig. The land, part of which is a hardstanding/yard area, currently houses a stable building and a caravan. The caravan is located in the north western half of the site and the stable building is located in the south eastern half of the site. The stable building and yard are separated from the caravan by an internal metal gate. There were three horses within the stable building and one pony on the adjoining parcel of land (also under the applicant's ownership), at the time of the site visit. It was also noted that there were no livestock at the

site or on the adjoining parcel of land. Other than a blue storage container, a tractor and a horse box, no other buildings (agricultural or otherwise), were noted on-site. This parcel of land therefore appears to be currently used for the keeping of horses.

The site is enclosed to the north and northeast by timber fencing and is served by a vehicular gated access in the southern boundary. A narrow non-adopted and privately owned tarmac lane, leading from Heolgerrig Road, serves this access. This narrow lane is a no through road which is in poor condition. It serves this site and another 5 residential properties (111, 114, 114a, 115 and 117 Heolgerrig Road) to the north west of the application site.

To the north west of the caravan, separated by another timber fence and metal gate, is a manège area. This part of the land is under the applicant's ownership, but does not form part of this application. The undeveloped land beyond the northern and eastern boundaries (and outside this application site) is also under the applicant's ownership.

The site lies within the settlement boundary – Primary Growth Area, as designated within the Merthyr Tydfil Local Development Plan (LDP) 2006-2021.

PROPOSED DEVELOPMENT

This application seeks outline planning permission to construct a new dwelling. All matters (i.e. appearance, landscaping, layout and scale), except access have been reserved for future consideration. In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, the plans and supporting information also include indicative details of the site layout and scale parameters of the proposed dwelling.

Maximum height – 8 metres	Minimum height – 5 metres
Maximum width – 9 metres	Minimum width – 7 metres
Maximum depth – 9 metres	Minimum depth – 7 metres

The supporting Design and Access Statement (DAS) states that the existing building, measuring 84m², is a farm building (noted previously as the stable building) used for housing beef cattle and in conjunction with the agricultural enterprise operating from this site. It also states that the narrow access road is used by livestock lorries, trailers, tractors and other farm vehicles in support of the agricultural use of this site.

The DAS goes on to state that the proposed dwelling would be of 1.5 to 2 storeys and would replace the existing caravan on-site, which the applicant claims has been her place of residence for 10 to 15 years. It also points out that should the application be approved, the agricultural operations on the site would cease and the existing farm building would be used as a domestic garage or removed from the site. The manège area would be retained on the adjoining site (which does not form part of this application) to be used in association with the keeping of horses.

It should be noted that the siting of the caravan is currently being investigated by the Planning Enforcement Section. The applicant has been advised that the siting of the caravan is unauthorised development and, to ascertain whether the applicant can continue living at the site without breaching planning control, a Certificate of Lawfulness application should be submitted that aims to prove that the residential occupation of the caravan has

been taking place continuously for at least 10 years. Committee should note that a Certificate of Lawfulness application has not been submitted.

PLANNING HISTORY

P/01/0287 – Land southwest of 110, Heolgerrig: Change of use of barn and stable block to detached bungalow (resubmission of application P/01/0102) – Refused: 31st August 2001

Reasons for refusal:

1. *The winding undulating narrow access road approximately 2.5 to 3 metres in width is considered unsuitable to serve any additional development. In such respect approval of the application would run contrary to Policies H3 and EV3 of the adopted Mid Glamorgan (Merthyr Tydfil County Borough) Replacement Structure Plan and Policies H2 and NH2 of the adopted Merthyr Tydfil Borough Local Plan.*
2. *The application building is a portal frame structure designed as an agricultural unit but used exclusively as stables. The building is considered unsuitable for conversion to residential use and is not viewed as a development which may be acceptable in terms of the criteria indicated in the policies EV3 of the adopted Mid Glamorgan (Merthyr Tydfil County Borough) Replacement Structure Plan and Policy NH2 of the adopted Merthyr Tydfil Borough Local Plan.*
3. *The proposed conversion of the application building to a dwelling with its attendant curtilage and associated development on this isolated open hillside is considered unacceptable having regard to its impact on the character and amenity of the immediate neighbourhood and the landscape quality of the area. Approval of such a proposal would run contrary to the criteria indicated in Policies H3 and EV3 of the Mid Glamorgan (Merthyr Tydfil County Borough) Replacement Structure Plan and Policies H2 and NH2 of the adopted Merthyr Tydfil Borough Local Plan.*

P/01/0102 - Land southwest of 110, Heolgerrig: Change of use of barn and stable block to detached bungalow – Refused: 28th June 2001 (same refusal reasons as P/01/0287).

P/96/0189 – Conversion of structure (stable building) to residential dwelling house – Withdrawn: 25th September 2006

Other Relevant Planning History

P/06/0065 – Land adjacent to 115 Mountainside, Heolgerrig: Erection of dwelling – Refused: 24th May 2006

Reasons for Refusal:

1. *The winding, undulating narrow access road, approximately 300 metres in length and 2.50 – 3.00 metres in width, with insufficient passing bays and no segregated footways unsuitable to serve further development, and as such is contrary to Policy H2 of the Merthyr Tydfil Local Development Plan and Policy H3 of the Mid Glamorgan (Merthyr Tydfil County Borough) Replacement Structure Plan.*

2. *An approval of this proposal would set an unacceptable precedent for further development in this area and frustrate the aims and objectives of the adopted development plan policies.*
3. *The erection of a dwelling on this site runs contrary to the criteria specified in Policy H2 of the Merthyr Tydfil Borough Local Plan with specific regard to its unacceptable impact on the character and amenity of the immediate neighbourhood, the landscape quality of this area and its setting.*

P/96/0118 – Land south of 111 and 114 Mountainside, Heolgerrig: Bungalow and detached garage – Refused: 16th August 1996

Reasons for refusal:

1. *The narrow access road leading to the site is unsuitable to serve further development.*
2. *The proposed erection of an isolated dwelling on this site runs contrary to the criteria specified in Policy H2 of the Merthyr Tydfil Borough Local Plan (Deposit Version) 1996, particularly with regards to its unacceptable impact on the character and amenity of the immediate neighbourhood, the landscape quality of the area, its setting and highway considerations.*
3. *The proposal is contrary to Policy H3(2) of the Mid Glamorgan (Merthyr Tydfil County Borough) Replacement Structure Plan (Deposit Version) particularly with regard to traffic generation and access considerations.*

CONSULTATION

The following bodies were consulted and their responses are presented below:

Engineering and Highways Manager	Objection. The highway network leading to the application site is substandard in its construction/geometry, with no pedestrian facilities, poor visibility and no passing provision. Therefore the proposal would be detrimental to highway safety.
Town Planning Division's Policy and Implementation Group Leader	No objection.
Town Planning Division's Countryside Officer	No objection, subject to conditions.
Town Planning Division's Landscape Officer	No objection, subject to conditions.
Environmental Health Manager	No objection, subject to conditions.
Natural Resources Wales (NRW)	No objection.

The Coal Authority	No objection, subject to conditions.
Western Power	No response.
Welsh Water	No objection, subject to conditions.
Wales and West Utilities	No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, 3 notices were displayed within the vicinity of the site. No letters of representation have been received as a result of this exercise.

POLICY CONTEXT

National Planning Policies

Planning Policy Wales (PPW) (Edition7, July 2014)

Paragraph 8.7.1 of PPW states that Local Planning Authorities '*...when determining a planning application for development that has transport implications...*' should consider the impact of the proposal on '*...the effects on the safety and convenience of other users of the transport network...*'

Paragraphs 9.3.1, 9.3.3 and 9.3.4 refers to new housing and states that '*...new housing developments should be well integrated and connected to the existing pattern of settlements.....insensitive infilling or the cumulative effects of development or redevelopment...should not be allowed to damage an area's character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing...in determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity...*'

Technical Advice Note (TAN) 12: Design advises that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and deliver environmental sustainability, economic development and social inclusion at every scale throughout wales.

Technical Advice Note (TAN) 18: Transport provides advice on how to integrate land use planning and transport and how transport impacts should be assessed and mitigated.

Local Planning Policies: The Merthyr Tydfil LDP 2006-2021

- BW1 – Development Strategy – Primary Growth Area
- BW4 – Settlement Boundaries / Locational Constraints
- BW7 – Sustainable Design and Place Making
- BW8 – Development and the Water Environment

- BW12 – Development proposals and Transport
- BW17 – Securing Community Infrastructure Benefits
- TB11 – Access, Parking and Accessibility of Local Facilities
- AS6 – Local Nature Conservation Designations
- AS22 – Affordable Housing Contributions

Supplementary Planning Guidance:

- Supplementary Planning Guidance Note 1: Affordable Housing (March 2011)
- Supplementary Planning Guidance Note 2: Planning Obligations (March 2012)
- Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)
- Supplementary Planning Guidance Note 5: Nature and Development (May 2015)

Other guidance:

CSS Wales – Wales Parking Standards 2008

PLANNING CONSIDERATIONS

The issues to consider in the assessment of this application relate to whether the principle of residential development at this site is acceptable and whether the proposed use of the existing access to serve the proposed dwelling would be suitable with regards to highway safety. The proposal must also be assessed with regards to its impact upon the character and appearance of the area and residential amenity.

Principle of Development

The application site lies just inside the designated settlement boundary as defined in the LDP. Opposite the application site and beyond the settlement boundary lies undeveloped countryside, which is designated a Site of Importance for Nature Conservation (SINC). New development is acceptable in this location provided it complies with other relevant policies and material considerations (Policy BW4).

It is therefore considered that new residential development in this location would be acceptable in principle, however, there are other site specific matters which require consideration. These are addressed below.

Access and Parking Provision and Highway Safety

The indicative site layout suggests that there could be sufficient parking and turning areas provided on-site to cater for a single dwelling. However, as stated above, the access lane (measuring approximately 160 metres from Heolgerrig Road to the application site and a further 124 metres to the end of the lane where it leads to the other properties) to serve the proposed dwelling is privately owned, in a poor state of repair and already serves 5 dwellings.

The access lane is long, narrow, poorly surfaced, lacks segregated footways and passing bays, and has limited visibility along its length. Given this, the Engineering and Highways Manager has raised an objection, since an increase in vehicular and pedestrian activities

along this lane as a result of a sixth dwelling would be detrimental to highway and pedestrian safety.

Although some resurfacing has taken place (approximately 10-15 years ago), this only related to the first 15 metres of the south-eastern part of the lane (just off Heolgerrig Road). Minor works have also been carried out to the ditch running along the side of the lane. Despite these works, the access lane remains in poor condition. The Engineering and Highways Manager met with the applicant on-site, prior to the submission of this application, where it was confirmed that the existing access lane was substandard to serve any further residential development and would require significant upgrading. The planning application does not contain any details which indicate any upgrading of the access lane. Furthermore, the applicant was advised of the objection raised by the Engineering and Highways Manager during the progress of this application, and no additional details/amended plans have been forthcoming.

The DAS states that '*...the light traffic generated by a household would be offset by the loss of agricultural vehicles, such as trailer, livestock lorries, tractors and other farm vehicles...*' which currently use this lane in support of the existing farming enterprise. However, it should be noted that the existing farm building, constructed over 15 years ago, did not require planning permission provided it was used for agricultural purposes. This farm building has in fact, the appearance of a stable, and appears to be used for the keeping of horses (as noted during the site visit on 7th May 2015). Furthermore, historically, it has also been primarily used for the keeping of horses as noted from the previous planning history of this site (P/96/0189 and P/01/0287). Thus, whilst the DAS states that the lane is already heavily used for the transportation of livestock and other activities associated with the use of the agricultural enterprise, this was not reflected by the activities being undertaken at the site and on the adjoining field.

As a result, the proposed dwelling would intensify the use of a substandard access lane to the detriment of highway and pedestrian safety. The proposal is therefore contrary to Policies BW7 and TB11 of the Merthyr Tydfil Local Development Plan 2006-2011.

Layout, Character and Appearance

The illustrative plans indicate the approximate siting of the proposed dwelling, located behind the existing hedgerow (which runs alongside the access lane), garden areas located to the north and east of the property, and parking and turning areas.

The scale parameters indicated in the DAS demonstrate that a dwelling of this scale could be realistically accommodated within the site. However, as the layout and appearance of the dwelling have been reserved for future consideration, the impact of the dwelling on the character and appearance of the area would need to be assessed under a future reserved matters application.

It is considered that an appropriately designed dwelling could be accommodated on-site without having an adverse impact on the character and appearance of the area.

Residential Amenity

New developments should not have a harmful impact on the amenities of neighbouring properties. Due to the distance of the application site from neighbouring dwellings, it is considered that the proposed dwelling could be sensitively located without having an overbearing, overshadowing or overlooking impact on neighbouring residents.

Planning obligations

Policies BW17 and AS22 of the LDP consider the requirements for planning obligations and affordable housing respectively. The requirements for an affordable housing contribution or any other appropriate planning obligations have been assessed by the Town Planning Division's Policy and Implementation Group Leader.

In this instance no contributions would be sought for the provision of affordable housing or any other planning obligations. To do so, would likely render the development financially unviable. This conclusion is based on an assessment using default values in the Three Dragons Toolkit. Accordingly, the proposal complies with policies BW17 and AS22 of the LDP.

Conclusion

The proposal would have an adverse impact upon highway and pedestrian safety and for this reason does not comply with LDP Policies BW7 and TB11.

RECOMMENDATION: BE REFUSED

1. The access lane, by virtue of its width, alignment, poor visibility and lack of passing bays and footways is substandard and would fail to adequately cater for the additional traffic generated by the proposed dwelling. As such, there would be an adverse impact upon highway and pedestrian safety, contrary to Policies BW7 and TB11 of the Merthyr Tydfil Local Development Plan 2006-2021.
