

<b>DATE WRITTEN</b>	29th April 2019
<b>REPORT AUTHOR</b>	Judith Jones
<b>CASE OFFICER</b>	David Cross
<b>COMMITTEE</b>	Planning and Regulatory
<b>COMMITTEE DATE</b>	8th May 2019

**Application No.**  
P/19/0038

**Date**  
13th February 2019

**Determining Authority**  
MTCBC

**Proposed Development**

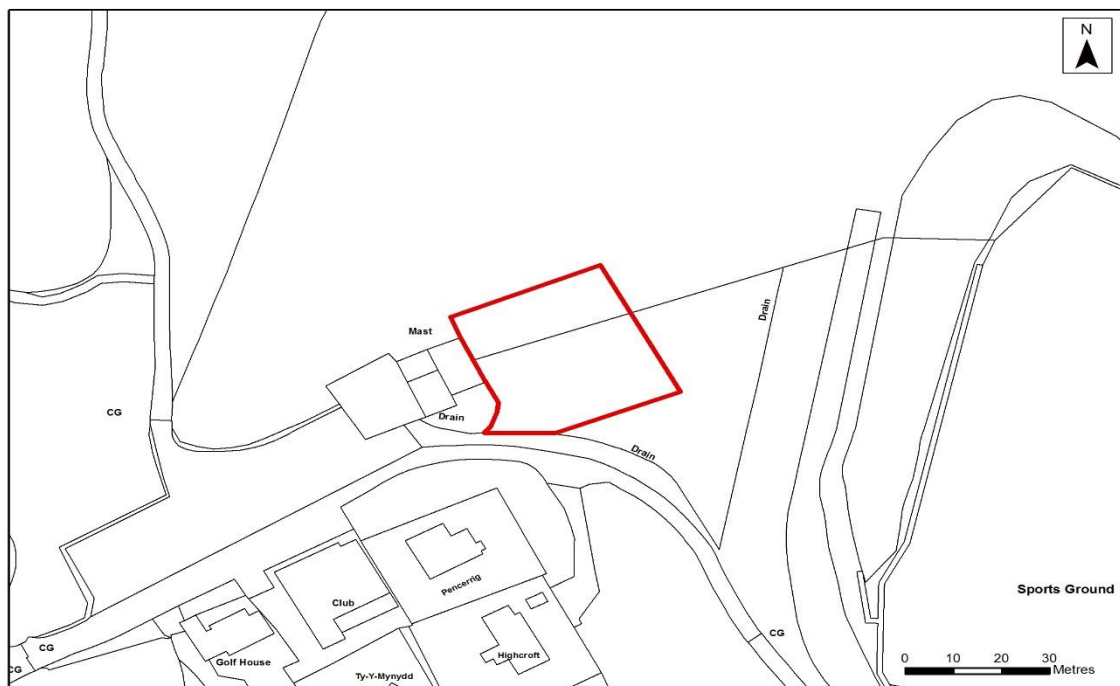
**Location**

**Name & Address of Applicant/Agent**

Proposed chalet development (4-6 units) with access and parking

Merthyr Tydfil Golf Club  
Cloth Hall Lane  
Cefn Coed  
Merthyr Tydfil  
CF48 2NT

Merthyr Tydfil Golf Club  
Limited  
c/o Mr C Meredith  
8 Beech Grove  
Victoria  
Ebbw Vale  
Blaina Gwent



P/19/0038

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## APPLICATION SITE

This application relates to an area of common land measuring approximately 0.3 of a hectare located at the northern extent of Cefn Coed. The site itself is characterised as an area of open grassland with dense vegetation to the south, east and north. A

watercourse/ditch runs along the southern boundary and the land within the site generally slopes down from north-west to the south-east. Although the site lies within the grounds of the Merthyr Tydfil Golf Club, the land does not appear to be used as part of the golf course. It appears to be used for grazing animals as part of the wider Vaynor Common.

The golf clubhouse is located to the south-west of the site, adjacent to a number of residential properties and a car park, which essentially marks the extent of the built environment in the area. Access to the site is achieved either via Cloth Hall Lane (to the west) or along Lon Maes Du (to the south), both of which lead to the car park serving the golf club. In the wider context, there is a sports pitch located to the east at a much lower level to the site and to the north is expansive undulating open access common land.

## PROPOSED DEVELOPMENT

Outline permission is sought for a proposed chalet development comprising 4 to 6 units with an associated shared access road. All matters relating to access, appearance, landscaping, layout and scale have been reserved for future consideration. As such, it is only the principle of the development that is to be considered under this application.

To demonstrate how the site could be developed, an indicative layout plan has been submitted in support of the application. It is suggested that six chalets could be simply arranged with three plots positioned to either side of a central (5m wide) shared access road, which links to Lon Maes Du. The layout plan also indicates a 1.2m high post and wired fence could be erected along the boundaries of the site. Whilst details of the chalets have not been provided, the submitted plans indicate they would measure between 10m to 12m wide by 10m deep and between 6m to 9m high. Reference is made on the submitted plans that these scale parameters could support either bungalows or houses.

## PLANNING HISTORY

There is no relevant planning history relating to the application site.

## CONSULTATION

Engineering & Traffic  
Group Leader

- An objection has been raised on the grounds that the additional traffic movements along Cloth Hall Lane and Lon Maes Du would be detrimental to highway safety.

Planning Division's  
Ecologist

- An ecological assessment of the site should be submitted to fully consider the potential impact of the development.

Planning Division's Landscape Architect	-	Concerns have been raised that the development would result in the expansion of built development onto common land which would erode its open character.
Environmental Health Manager	-	No response.
Welsh Water	-	No objection subject to a condition relating to surface water and land drainage.
Wales & West Utilities	-	No objection.
Western Power Dist.	-	No response.

## PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties on the 15<sup>th</sup> February 2019 and three site notices were displayed within the vicinity of the site on the 21<sup>st</sup> February 2019.

As a result of this publicity exercise, 8 letters of objection were received, which raise the following concerns:

- It has been highlighted that all 'right-holders' (those who have the rights to use common land) should be informed of the planning application and that the applicant should apply to the Welsh Government through the Planning Inspectorate for the land to be de-registered/released as common land.
- The site address should not refer to the golf club but rather land at Vaynor & Cilsanws Common.
- The application form does not acknowledge the limitations of ownership, being that the proposal relates to common land which 20 units/farms have grazing rights over.
- The current use of the land (as noted on the application form) is not part of the played golf course but is actually used exclusively for grazing stock.
- The location of the development outside of the settlement boundary has not been fully justified.
- The development would fall within a Special Landscape Area and would be in close proximity to a Site of Importance for Nature Conservation.
- The development would be clearly visible from Brecon Beacons National Park and would adversely impinge on this specially designated landscape.
- The development would give rise to noise and disturbance in the area.
- The proposal would generate additional traffic along the existing highways, which are steep, narrow and partially unlit with a lack of forward visibility for drivers and no segregation for pedestrians.
- The chalets would have an impact on a beautiful area and would set an unwelcomed precedent for further development in the area.

- Concerns have been raised over the viability of the golf club and whether the proposal would have any long term benefits to the community.

Councillor Howard Barrett and Councillor Lisa Mytton have requested that this application be reported to Committee to consider the tourism aspect of the development.

## POLICY CONTEXT

The following policies are relevant to 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 3.51 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

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 5.5.2 encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and the needs of visitors and those of local communities.

Para 5.5.4 notes that much of the existing provision of facilities and accommodation for tourism occurs in urban locations.

Para 5.5.6 sets out the need to consider the scale and broad distribution of existing and proposed tourist attractions and enable complementary developments such as accommodation and access to be provided in ways which limit negative environmental impacts as well as consider the opportunities to enhance biodiversity.

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 6.3.17 notes common land is a finite resource and should not be developed unnecessarily. It is important in agricultural terms and valued for its leisure and environmental interests, particularly its significant role in habitat conservation.

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 any potential impacts on protected species that may result in disturbance or harm to the species or its habitat.

#### Technical Advice Notes (TAN)

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

#### Local planning policy

##### *Merthyr Tydfil Local Development Plan (LDP) 2006-2021:*

- BW1 - Development Strategy - Primary Growth Area
- BW4 - Settlement boundaries / locational constraints
- BW5 - Natural heritage
- BW6 - Built heritage
- BW7 - Sustainable design and place making
- BW8 - Development and the water environment
- BW12 - Development proposals and transport
- AS4 - Historic landscape
- TB11 - Access, parking and accessibility of local facilities

##### *Supplementary Planning Guidance (SPG):*

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

## PLANNING CONSIDERATIONS

### Land use

The site is located within the Primary Growth Area as defined by policy BW1 of the LDP, where the majority of new development is generally encouraged within the main Merthyr Tydfil settlement. However, in this instance, the proposal would be located outside of the settlement limits as defined by policy BW4 of the LDP and would be regarded as 'countryside development'. In such locations, policy BW4 clearly sets out the appropriate forms of development that can be supported in principle which would include amongst other things, proposals relating to the expansion of an existing business in the countryside, or proposals relating to tourism, recreation or leisure facilities, where the need for a countryside location is fully justified.

Prior to the submission of this application, the applicant was advised of the potential issues that would need to be addressed and any supporting information that would be

required to properly assess the proposed development. Whilst the provision of holiday chalets within the countryside can be supported in principle, their location needs to be fully justified. The applicant was advised that a viability assessment is required, which should identify a particular need for the holiday accommodation in this specific area. It would also need to be demonstrated that the holiday accommodation is an essential element to the viability of the golf club and that alternative options have been fully considered in order to avoid encroaching into the countryside.

Regardless of the advice given, no details have been provided in support of the application to fully justify the proposed development within a countryside location. It is noted in the covering letter submitted with this application, that the golf club is seeking to raise finances in order to secure the long term viability of the facility. However, no details have been provided to substantiate this position. The applicant has previously noted that the development would help to provide funds to upgrade the clubhouse facilities, which could include an expansion of the kitchen and cellar to improve the catering facilities, as well as, the modernisation of the clubhouse interior. This does not provide an adequate justification for the proposed development in a countryside location. Nor does it demonstrate that there is a viable need for accommodation in the area to serve the golf club. Furthermore, should the development not be successful, there would be a permanent impact on the countryside and that there would be increasing pressure to utilise the properties as dwellings, contrary to policy BW4 of the LDP.

It is acknowledged that the development would be located on common land, which would also require separate consent from the Planning Inspectorate, under Section 38 of the Commons Act 2006 to un-register/release the common land. The proposal would unavoidably impact on common land and no details have been provided to identify suitable alternative land that could be used to compensate/replace the area of land that would be lost.

The need for the proposed development within a countryside location has not been fully justified. There are also significant concerns over the viability of the development and the unjustified loss of common land. Therefore, the principle of the proposed development is unacceptable and is contrary to policy BW4 of the LDP.

### Environment

Whilst the majority of the site comprises an area of sloping grassland, there are a number of features within the vicinity, which are of ecological interest. It has been highlighted by the Planning Division's Ecologist that within 500m of the site, there are records for birds (including ground-nesting species e.g. skylark and nightjar), bats, otter and reptiles (common lizard and slow worm). There are also records of Devil's Bit Scabious which supports Marsh Fritillary Butterfly within 500m of the site. The development would be adjacent to the Cilsanws Common South Site of Importance for Nature Conservation (SINC 14) and within 500m of the Cwm Taf Fechan Site of Special Scientific Interest (SSSI).

The applicant was advised that an ecological assessment of the site should be carried out to identify potential impacts on protected species, habitats or other features of ecological interest. Any assessment should also set out measures to manage the

ecological risks associated with the development. Regardless of this advice, no ecological assessment has been submitted to enable the potential impacts of the development to be fully considered. Therefore, due to the lack of information provided, the application fails to demonstrate that the development would maintain, enhance or not cause harm to the biodiversity interest of the site, contrary to policy BW5 of the LDP.

### Design and landscape

Whilst matters relating to the design of the development in terms of the layout, appearance, scale and landscaping have been reserved for future consideration, an indicative plan has been submitted, which suggests a potential layout of the scheme, along with the scale parameters for each chalet.

The existing car park and lane (Lon Maes Du) clearly marks the extent of the built environment in the vicinity of the site, which in turn defines the edge of the open countryside. The siting of buildings beyond the lane would appear as an obvious encroachment into the countryside. In order to form the access into the site, there would no doubt be a loss of some trees/hedgerows which run along the southern boundary. Furthermore, there would be a permanent loss of common land which is evidently used for grazing alongside the golf course. The Planning Division's Landscape Architect has raised concerns that the proposal would lead to an expansion of built development on land that exhibits an open character, which would constitute 'development creep' and would result in the erosion of this character. No details were provided in support of the application to otherwise demonstrate the development could integrate sensitively with its surrounding context.

The presence of buildings would appear incongruous within the landscape and its open nature would draw greater prominence to the development from the surrounding area. Furthermore, given the potential size of each plot and the footprint of the chalets, along with any parking requirements and the access road, there would remain little space within the site to provide a meaningful landscaping proposal.

For the above reasons, the proposed development would have an unacceptable impact on the open countryside and common land to the detriment of its character and appearance, contrary to policies BW5 and BW7 of the LDP.

### Highways

Access to the site would either be via Cloth Hall Lane to the west (part adopted and part private) or via Lon Maes Du to the south, which is a privately maintained lane. It has been highlighted by the Engineering and Traffic Group Leader that these access lanes have steep gradients, are narrow with limited opportunity for vehicles to pass and there is restricted forward visibility for drivers with no designated footpaths. Given the substandard nature of the highway network serving the site and the likely increase in traffic movements, there is potential for the development to give rise to highway safety concerns. The applicant was advised that a Highway Safety Audit should be undertaken to fully assess the highway implications and identify measures to minimise any safety concerns. However, this supporting information has not been provided.

In the covering letter submitted in support of the application it is acknowledged by the applicant that the access to the site is not ideal and that there is a willingness to carry out highway improvement works where possible. However the opportunity to undertake such works appears to be limited due to the narrowness of the lanes and the likelihood of third party land ownership implications. Notwithstanding this, a Highway Safety Audit would have identified key areas where mitigation measures are deemed necessary to overcome any highway safety concerns.

In terms of parking, it is noted that there is an existing car park which is primarily used by those visiting the golf club. The applicant was advised to review the capacity of the car park to accommodate the development as part of the Highway Safety Audit. Whilst no details of the proposed parking arrangement have been provided, it is considered that at least two parking spaces could be accommodated within the application site adjacent to each plot.

Given that insufficient information has been provided to fully consider the potential impact of the development, the Engineering and Traffic Group Leader has raised an objection on the grounds that the additional traffic movements along the aforementioned lanes would be detrimental to highway safety. Therefore, the proposal is contrary to policy BW12 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.

For the above reasons, the proposed development is unacceptable and runs contrary to policies BW4, BW5, BW7 and BW12 of the LDP. Accordingly, the following recommendation is made:

### **RECOMMENDATION: BE REFUSED for the following REASONS:**

1. The proposed development, by virtue of its siting in the open countryside, would have an adverse impact on the character and appearance of the surrounding landscape and Vaynor Common. As such, the proposal is contrary to policies BW4, BW5 and BW7 of the Merthyr Tydfil Local Development Plan 2006-2021.
2. 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 Policy BW5 of the Merthyr Tydfil local Development Plan 2006-2021.
3. The existing highways (Cloth Hall Lane and Lon Maes Du) serving the site are sub-standard in their width, gradient, restricted forward visibility for drivers and



lack of pedestrian segregation. The increased use of these roads 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.