

INTERNAL MEMORANDUM

To: Rebecca Owens - Development Control Case Officer

Reference: P/22/0284

From: Planning Policy and Implementation Section

Ask for: David James

Extension: 7053

Date: 16th January 2023

Summary

No objection raised. The development meets the relevant Replacement LDP policies (SW4 & EcW7).

If minded to approve in principle, particular consideration should be given to the impact of the development on the character of the open countryside, the impact on surrounding area and occupiers in terms of noise and disturbance, traffic generation and parking provision, and other relevant impacts (Policies SW11, SW12 & EnW4). Additionally, the impact on the designated and undesignated historic environment assets, in the vicinity of the site, should be considered (Policy CW1), as well as on nature conservation and ecosystem resilience and sites and areas of regionally important habitats, species and landscapes (policies EnW1, EnW3 & EnW5).

Observations in respect of the above proposal

1. Proposed Development

The change of use of land for the keeping of horses, including erection of stables (proposed), and grading of land to form level area for animal welfare (retrospective), at land to the south west of 152 Heolgerrig, Heolgerrig, Merthyr Tydfil.

2. Development Plan Framework

The existing development plan framework in Merthyr Tydfil is provided by:-

The Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016 - 2031)

The relevant LDP Objectives are:-

- *LDP Objective 1 Sustainable Population Growth: To encourage a sustainable level and distribution of population growth.*
- *LDP Objective 2 Welsh Language and Culture: To protect and enhance Welsh language and culture.*
- *LDP Objective 4 Regeneration: To promote the suitable reuse of previously developed land and the continued regeneration of local communities.*
- *LDP Objective 6 Sustainable Design: To promote high quality, sustainable and inclusive design and support measures which mitigate the predicted effects of climate change.*

- *LDP Objective 7 Transport: To support an integrated transport system, promote active travel and ensure new developments are accessible by walking, cycling and public transport links.*
- *LDP Objective 9 Heritage and Cultural Assets: To protect, enhance and promote all heritage, historic and cultural assets.*
- *LDP Objective 10 Biodiversity: To improve ecosystem resilience and connectivity which support habitats and species of principle importance.*
- *LDP Objective 11 Countryside and Landscape: To protect and enhance the character and appearance of the landscape and the countryside.*
- *LDP Objective 13 Rural Economy: To strengthen and diversify the rural economy.*

The following development plan policies would apply:-

- *Policy SW4: Settlement Boundaries*
- *Policy SW9: Planning Obligations*
- *Policy SW11: Sustainable Design and Placemaking*
- *Policy SW12: Improving the Transport Network*
- *Policy CW1: Historic Environment*
- *Policy EnW1: Nature Conservation & Ecosystem Resilience*
- *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*
- *Policy EcW7: Tourism, Leisure and Recreation Development*

The following supplementary planning guidance is applicable:-

- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 2: Planning Obligations (March 2012)*
- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)*
- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 5: Nature and Development (May 2015)*

National Planning Policy

Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010)

Planning Policy Wales (Edition 11, February 2021)

Planning Policy Wales provide guidance on matters relevant to this application, namely:

- Placemaking in Action: Good Design Making Better Places
- Placemaking in Action: Sustainable Management of Natural Resources
- Placemaking in Action: Placemaking in Rural Areas
- Strategic Placemaking: Previously Developed Land
- Strategic Placemaking: Development in the Countryside
- Activities in Places: Living in a Place
- Distinctive and Natural Places: Recognising the Special Characteristics of Places

Future Wales: The National Plan 2040 (February 2021)

Future Wales provides guidance on matters relevant to this application, including, but not limited to:

- Policy 1: Where Wales will grow
- Policy 2: Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 4: Supporting the rural economy
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

3. Policy Considerations

The application site is located within the Primary Growth Area, as defined by the LDP. It is also located outside the settlement boundary where development is regarded as ‘countryside development’ (Policy SW4), and will not be permitted unless the development:

- is for the purposes of agriculture or forestry;
- is associated with rural enterprises or the winning and working of minerals;
- is for the re-use, adaptation, or replacement of rural buildings and dwellings;
- supports the expansion of an existing business in the countryside;
- is for tourism, recreation or leisure facilities or complementary development where the need for a countryside location is fully justified;
- is for the provision of public utilities, infrastructure or waste management facilities that cannot reasonably be located elsewhere;

The development – the change of use of land for the keeping of horses, including erection of stables (proposed), and grading of land to form level area for animal welfare – could be considered as recreation or leisure facilities, and is considered appropriate to locate such a use in the countryside. The site is also in close proximity to the settlement of Heolgerrig.

Policy SW9 relates to planning obligations. Due to the nature of the development, Community Infrastructure Levy (CIL) and Planning Obligations would not be chargeable.

Policy SW11 requires new development to, among other things:

1. be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;
2. integrate effectively with adjacent spaces, the public realm and historic environment to enhance the general street scene and create good quality townscape;
3. not result in an unacceptable impact on local amenity, loss of light or privacy, or visual impact, and incorporate a good standard of landscape design;
4. allow access for the widest range of people possible, and demonstrate that any traffic movements will not have an unacceptable impact on local amenity or highway safety and satisfy the Council’s parking standards.

Considering the countryside location of the application site, careful consideration should be given to these issues, including the impact of the development on nearby residents and occupiers, and the views of the Engineering and Traffic Group Leader should be sought in this respect, as well as in respect of highway safety issues.

Policy SW12 supports development that encourages a modal shift towards sustainable transport, including the enhancement of pedestrian, cycle, rail and bus facilities, in addition to any necessary road improvements. Development proposals will be expected to demonstrate how they reduce the need to travel and encourage the use of sustainable transport. As such, the views of the Engineering and Traffic Group Leader should be sought in this respect.

Policy CW1 advises that the integrity of our historic environment assets will be conserved and enhanced. Development proposals will only be permitted where it can be demonstrated they would preserve or enhance the architectural quality, character or the historic or cultural importance of our designated historic environment assets. And that, development affecting undesignated historic environment assets including, Locally Listed Buildings or structures, Landscapes of Outstanding Historic Interest in Wales, Urban Character Areas (UCA) and Archaeologically Sensitive Areas should have regard to their special character and archaeological importance.

The application site is located within an Archaeologically Sensitive Area (Merthyr Tydfil West: Heolgerrig, Winch Fawr, Cwm Du, Cwm Glo), Urban Character Area (UCA) 9: West Merthyr, including Heolgerrig and Gellideg, and Landscape of Outstanding Historic Interest. As such, the views of the relevant Officer and/or external body should be sought in this regard.

Policies EnW1 and EnW3 seek to protect biodiversity and regionally important sites, respectively. Given the application site's countryside location, and that it is partially located within Site of Importance for Nature Conservation (SINC) 9: Winchfawr West, the Council's Ecologist Should be consulted.

Policy EnW4 advises that development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:

- Pollution of land, surface water, ground water and the air;
- Land contamination;
- Hazardous substances;
- Land stability;
- Noise, vibration, dust, odour nuisance and light pollution; or
- Any other identified risk to public health and safety.

Where impacts are identified the Council will require applicants to demonstrate that appropriate measures have been incorporated to reduce, or minimise the impact identified to the lowest possible acceptable level. Planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes. With regard to flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN 15.

EnW5 states that development proposals will be permitted where it can be satisfactorily demonstrated that:

- a) It would not cause unacceptable harm to the character and quality of the landscape setting of the County Borough;
- b) Development within Special Landscape Areas are sensitive to their special characteristics;

- c) Development respects the local distinctiveness and historic character of the landscape;
- d) Development will safeguard local landscape character and landscape features, including views, which make a significant contribution to the character, history and setting of the locality;
- e) Development secures the enhancement of the character, appearance and quality of the landscape, through restoration, management or enhancement where possible;
- f) There is no satisfactory alternative and the benefits associated with the development can be demonstrated to outweigh the harm; and
- g) Where damage to local landscape character cannot be avoided appropriate mitigation has been secured.

The application site is partly located within Special Landscape Area (SLA) 2: Winchfawr. As such, the requirements of the above policy should be carefully considered, and the Council's Landscape Architect consulted, as appropriate.

Policy EcW7 states that low-impact tourism, leisure and recreation development outside settlement boundaries will be favoured provided the need for a 'countryside location' is fully justified, the proposal minimises environmental and amenity impacts, maximizes positive effects on the local community, economy and environment and is of an appropriate scale to its surroundings.

Given the nature of the development, its countryside location is considered appropriate. The appropriate Council offices should be consulted in terms of the environmental impacts of the development, and the impacts on amenity and its scale are considered as part of Policy SW11.