

INTERNAL MEMORANDUM

To: Rebecca Owens - Development Management Case Officer
Reference: P/22/0043

From: Planning Policy and Implementation Section
Please ask for: Natasha Lade
Extension: 6220

Date: 16th March 2022

Policy observations in respect of the request for advice on planning application number P/22/0043 at 48 Dennithorne Close, Dowlais, Merthyr Tydfil, CF48 4HE.

1. Proposed Development

The application submitted is for the change of use of adjacent land, part of an existing Public Open space, to form an extension of the residential garden at 48 Dennithorne Close, Dowlais, Merthyr Tydfil.

2. Development Plan Framework

National Planning Policy

Future Wales – The National Plan 2040

Future Wales – The National Plan 2040 is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system. Matters relevant to this application include:

Open Space – 54, Strategic Placemaking Principles and Green Infrastructure – pages 65 & 66, Policy 3 - page 67 and The Regions – pages 162, 164, & 168.

Planning Policy Wales (Edition 11, December 2018)

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

- Strategic & Spatial Choices: (Paragraph 3.5 – 12 - 14, 17, 3.20 - 22 & 23).
- Active and Social Places: Sustainable Transport (Paragraphs 4.1.10, 25, 34 & 35), & Recreational spaces (Paragraph 4.5.1, 3 & 4).
- Distinctive and Natural Places: The Historic Environment (Paragraphs 6.1.29); Integrating Green Infrastructure and Development (Paragraph 6.2.4 & 5);

Framework for Addressing Air Quality and Soundscape (Paragraphs 6.7.24, 6.6.7-8, 14 & 26) and Lighting (Paragraphs 6.8.3 & 4).

Technical Advice Note 12: Design (March 2016)

Technical Advice Note 16: Sports Recreation and Open Space (January 2009).

Technical Advice Note 5: Nature Conservation and Planning (September 2009).

Technical Advice Note 24: Historic Environment (May 2017).

Local Planning Policy Framework

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

The relevant LDP Objectives are -

- *LDP Objective 4: To promote the reuse of previously developed land and the continued regeneration of communities.*
- *LDP Objective 5 - Infrastructure: To ensure that community infrastructure and open space supports the regeneration of local communities.*
- *LDP Objective 6: 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 10: To improve ecosystem resilience and connectivity which support habitats and species of principle importance.*

The following local development plan policies would apply: -

- *Policy SW4: Settlement Boundaries.*
- *Policy SW10: Protecting and Improving Open Spaces.*
- *Policy SW11: Sustainable Design and Placemaking.*
- *Policy SW12: Improving the Transport Network.*
- *Policy CW1: Historic Environment.*
- *Policy EnW1: Nature Conservation and Ecosystem Resilience.*
- *Policy EnW4: Environmental Protection and*
- *Policy EnW5: Landscape Protection.*

The following Supplementary Planning Guidance and other Guidance is also applicable: -

- *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).*
- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 6: A Design Guide for Householder Development (September 2015).*

3. Policy Considerations

The Council formally adopted The Merthyr Tydfil County Borough Council Replacement Local Development Plan (RLDP) (2016 - 2031) in January 2020. The proposal is considered against the policies contained within it.

The application site lies in an area of grass verge located within the residential area of Dowlais, which lies within the *Primary Growth Area*, within the defined settlement boundary where Policy SW4 applies. Here new development is considered acceptable in principle; subject to the proposal, being compatible with the Plan's other policies and all other material considerations.

The application property lies within an area of semi natural / natural greenspace, known as rear of Dennithorn Close, designated as an area of open space, on the LDP Proposals Map, where Policy SW10 applies. This policy seeks to prevent development having an unacceptable adverse impact on areas of open space. Furthermore, it states that development proposals that would result in a loss of open space will not be permitted unless:

- It would not cause or exacerbate a deficiency of open space in accordance with the Council's open space standards or;
- The majority of the open space can best be retained and enhanced through the redevelopment of a small part of the site or;
- Satisfactory equivalent community benefit or enhanced compensatory provision can be provided in accordance with the Council's open space standards and
 - a. In all cases, the open space has no significant nature or historic conservation importance.

Given that, a change of use is proposed to an area of designated Open Space unless the proposal can be justified by satisfactorily fulfilling one of the above criteria the proposal is considered contrary to Policy SW10. Furthermore, Policies EnW1 and EnW5 seek to promote the resilience of ecosystems, maintain and enhance biodiversity interests and provide wider landscape protection; given this, the views of the Council's Landscape Architect and Council's Ecologist should also be sought.

Policy CW1 seeks to conserve and enhance historic environment assets. Given that the application property is located within, the Dowlais Ironworks Supporting Infrastructure Dowlais Gas Archaeologically Sensitive Area and the Merthyr Tydfil Landscape of Historic Interest regard should be had to its special character and archaeological importance. As such, the views of GGAT should be sought as appropriate, proportionate to the scale of the development.

In addition, given that the site lies within an existing residential area regard should also be has to Policy SW11. This advises that development must contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design and where appropriate, new development will be required, amongst other things, to –

- be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density.
- integrate effectively with adjacent spaces, the public realm and historic environment to enhance the general street scene and create good quality townscape.
- 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.
- contribute to the provision of green infrastructure, including open space in accordance with the Council's standards, sustainable drainage systems where appropriate, and ensure that the County Borough's network of green infrastructure is accessible and connected.
- incorporate measures to improve ground and surface water quality wherever possible.
- promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour.

Finally, Policy EnW4 states that development proposals will be required to demonstrate that they would 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.

To this end the views of the Public Health Officer should be sought. Where impacts are identified the applicant should be required to demonstrate that appropriate measures can be incorporated to reduce, or minimise the impact identified to the lowest possible acceptable level. Planning conditions may be imposed, or legal obligation requested to secure any necessary mitigation and monitoring processes both during and post construction.