

INTERNAL MEMORANDUM

To: Caroline Pulley - Development Control Case Officer

Reference: P/21/0418

From: Planning Policy and Implementation Section

Please ask for: Natasha Lade

Extension: 6220

Date: 5th January 2022

Observations in respect of the request for policy advice on planning application No. P/21/0418 at 4 Greenfield Court, Pentrebach, Merthyr Tydfil, CF48 4BH.

1. Proposed Development

The application submitted is for the construction of a detached granny annexe within rear garden at 4 Greenfield Court, Pentrebach, 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:

Broadband – page 40, Housing page – 50, Strategic Placemaking Principles – pages 65 & 66, Policy 3 - page 67 and The Regions – pages 162, 164, & 168.

Planning Policy Wales (Edition 11, December 2018)

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

- Strategic & Spatial Choices: Paragraphs 3.5 – 3.14 & 16) and Promoting Healthier Places (Paragraph 3.23) and Previously Developed Land (paragraph 3.55).
- Active and Social Places: Sustainable Transport (Paragraphs 4.1.20/20/30 & 31).

- Distinctive and Natural Places: The Historic Environment (Paragraphs 6.1.10); Integrating Green Infrastructure and Development (Paragraph 6.2.4); Framework for Addressing Air Quality and Soundscape (Paragraphs 6.6.7-8, 14 & 26) and Lighting Paragraph (6.8.4).

Technical Advice Note 15: Development and Flood Risk (July 2004 under review).

Technical Advice Note TAN 18: Transport (March 2007).

Technical Advice Note 23: Economic Development (February 2014)

Technical Advice Note 12 Design (March 2016)

Local Planning Policy

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

The relevant LDP Objectives are:

- *LDP Objective 1: To encourage a sustainable level and distribution of growth.*
- *To ensure the sufficient provision of land for the delivery of a range and choice of housing and affordable housing to address local housing needs.*
- *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 - Historic Environment: 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.*

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 and Ecosystem Resilience.*
- *Policy EnW4: Environmental Protection.*
- *Policy EnW5: Landscape Protection.*

The following Supplementary Planning Guidance is also applicable: -

- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 1: Affordable Housing (March 2012).*

- *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).*
- *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 development proposal is considered against the policies contained within it.

The application site lies within the residential area of Pentrebach located within the *Primary Growth Area* and settlement boundary where new development can be considered acceptable in principle in accordance with LDP Policy SW4, subject to proposals being compatible with the Plan's other policies and all other material considerations.

The application property sits within Flood Zone C2 as illustrated on the LDP Constraints Map, and DAM Zone 2 and Floodmap Zone 2 on the Natural Resources Wales environmental data maps. Paragraph 6.6.26 of PPW11, which considers development and flood risk, states that reference should be made to TAN 15: Development and Flood Risk and that *"Development located in flood risk areas remain at risk from flooding even if mitigation measures are applied."*

Section 5 of TAN 15 considers the vulnerability of different land uses to flooding and identifies three separate development categories: emergency services, highly vulnerable development, which includes residential and less vulnerable development (see Paragraph 5.1, Figure 2). Figure 1 further indicates that in C2 zones, i.e. areas of the floodplain without significant flood defence infrastructure, that highly vulnerable development should not be considered. Given that the proposed position of the development is partly within a flood C2 zone the proposal is unlikely to be acceptable in principle and further confirmation should be sought from Natural Resources Wales.

If however, the development is deemed to be acceptable, due to for example repositioning or redesign and the Council is minded to approve the application then the following Policies would also be applicable:

Policy SW9 relates to Planning Obligations however, given that the proposal is for a single unit on-site provision of affordable housing or open space, or a financial contribution towards affordable housing, in this instance, would not be required. However, Community Infrastructure Levy (CIL) is chargeable on residential development in this part of the County Borough.

Policy SW11 advises that development must contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design. 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;
- 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; and
- promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour.

Policy SW12 recognises the Transport Hierarchy as outlined in PPW11, which supports development that encourages a modal shift towards sustainable transport and therefore development proposals must demonstrate how they will reduce the need to travel and encourage the use of sustainable transport. Given that, the proposal may generate additional traffic and parking requirements the views of the Highways and Drainage Engineer is of relevance.

Policies EnW1 and EnW5 seek to maintain and enhance biodiversity interests and provide a wider landscape protection, respectively and regard should be had to these policies. Given the existing mature and established vegetation on site and absence of a landscaping scheme, the views of the Council's Ecologist and Landscape Architect would be relevant.

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 are relevant. 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.

