

INTERNAL MEMORANDUM

To: Huw Roberts – Development Control Manager
From: Planning Policy
Please ask for: Natasha Lade
Ext.: 6220

Date: 12th April 2022

Ref: P/22/0078

Observations in respect of the request for policy advice on planning application no. P/22/0078 at Marsh House, 15 Dynevor Street, Georgetown, Merthyr Tydfil, CF47 1AY.

1. Proposed Development

The application submitted is for the change of use from a care home to emergency and temporary supported living accommodation together with a community hub for service support providers at Marsh House, 15 Dynevor Street, Georgetown, 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:

Health – page 22, Housing – pages 50, 54,65 & 66, Town Centres – page 71, Flooding pages – 74 & 75, and the regions pages 164, 167.

Planning Policy Wales (Edition 11, February 2021)

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

- Strategic & Spatial Choices: Accessibility and Inclusive Design (Paragraphs 3.5 – 13) and Promoting Healthier Places (Paragraph 3.21) and Accessibility (paragraphs 3.50).
- Active and Social Places: Sustainable Transport and car parking (Paragraphs 4.1.19 & 51), Housing (Paragraph 4.2.2), Other Complimentary Uses (Paragraphs 4.3.2, 4.3.21 & 34) & Community Facilities (paragraph 4.4.1 & 2).
- Distinctive and Natural Places: The Historic Environment 6.1, 29); Integrating Green Infrastructure and Development and Ecological resilience (Paragraphs 6.2.5, 6.4.5 and Figure 12); Water and Flood Risk (Section 6.6), Framework for Addressing Air Quality and Soundscape (Paragraphs 6.7.6 & 6.7.7, 13, 14, 19 & 24) & Lighting Paragraph (6.8.4).

Technical Advice Notes

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

Technical Advice Note 18: Transport (March 2007)

Technical Advice Note 12: Design (March 2016)

Technical Advice Note 4: Retail and Commercial Development (November 2016)

Technical Advice Note 24: Historic Environment (May 2017)

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.*
- *LDP Objective 3: 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: To promote the reuse of previously developed land and the continued regeneration of communities.*
- *LDP Objective 5: 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: To support an integrated transport system, promote active travel and ensure new developments are accessible by walking, cycling and public transport links.*
- *LDP Objective 8: To support existing community facilities and suitable community led development.*
- *LDP Objective 9: To protect, enhance and promote all heritage, historic and cultural assets.*
- *LDP Objective 10: To improve ecosystem resilience and connectivity which support habitats and species of principle importance.*
- *LDP Objective 14: To develop the town and local centres as accessible, attractive, viable and vibrant places.*
- *LDP Objective 18: To promote the efficient use of resources and ensure an integrated network of waste management facilities.*

The following local development plan policies would apply: -

- *Policy SW1: Provision of New Homes.*
- *Policy SW2: Provision of Affordable Housing.*
- *Policy SW4: Settlement Boundaries.*
- *Policy SW9: Planning Obligations.*
- *Policy SW11: Sustainable Design and Placemaking.*
- *Policy SW12: Improving the Transport Network*
- *Policy SW13: Protecting and improving Local Community Facilities;*
- *Policy CW1: Historic Environment.*
- *Policy EnW1: Nature Conservation and Ecosystem Resilience.*
- *Policy EnW4: Environmental Protection.*
- *Policy EcW3: Retail Hierarchy.*
- *Policy EcW5: Town and Local Centre Retailing Areas.*

The following Supplementary Planning Guidance and other 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 is located on the within the outer edges of the Town Centre, situated within the *Primary Growth Area* 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 relevant policies and all other material considerations.

The application site 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.

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. (Paragraph 5.1, Figure 2). Figure 1 further indicates that in C2 zones, i.e. areas of the floodplain without significant flood defence infrastructure, only less vulnerable development should be considered, subject to application of justification test, including acceptability of consequences as outlined in sections 6 and 7. In this case, the views of Natural Resources Wales should be sought. If the proposals are considered acceptable in flood risk terms and the Council is minded to approve the application, then regard should also be had to the following Policies:

Policy SW1 supports a total windfall contribution allowance of 625 dwellings on non-allocated housing sites whilst SW2 seeks to secure the delivery of up to 253 affordable dwellings across the County Borough over the plan period. Given that the proposals comprises a large element of affordable housing the proposals accord with these Policies.

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

As the former care home use was a community facility, Policy SW13 is applicable. This policy seeks to protect and support the enhancement of the County Borough's existing community facilities and states that, development proposals resulting in the loss of an existing community facility would only be permitted where:

- alternative provision of at least equivalent value to the local community can be provided nearby, or
- it can be demonstrated that existing provision is inappropriate or surplus to the needs of the community and is no longer required, or

- it can be demonstrated there is no longer a viable community use for the facility.

Firstly, as an existing care home neighbours the property it is considered that the first criterion is satisfied. Likewise, given that the property is vacant demonstrates that the existing provision is surplus to the needs of the community and no longer required. In addition, the proposals include a community hub that is a new community facility, which Policy SW13 also seeks to support. The proposals therefore comply with this Policy, subject to satisfying other LDP Policies.

Since the application property sits on the perimeter on the Town Centre boundary regard should also be had to Policies EcW3 and ECW5.

Policy EcW3 relates to the retail hierarchy, with the Town Centre being the favoured location for retail and other complementary uses where they improve the vitality and viability of the Town Centre. Given that, complimentary development can include community facilities the proposals that relate to the community hub accord with this Policy.

Policy EcW5 also supports development that enhances the vitality and viability of the Town Centre and recognises that retail uses should carefully blend with cultural, leisure and other uses if the Town Centre is to continue to thrive. Moreover, PPW11 promotes sustainable places and thereby the opportunity to live in retail and commercial centres (see paragraph 4.3.2 & 3). However, it also states that the 'agent of change' principle requires that anyone introducing a change is responsible for managing that change and any related impacts e.g. ensuring that solutions to address air quality and noise from any nearby pre-existing uses are addressed to ensure that the new development is acceptable.

Policy EnW4 states also 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 also relevant. 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, where impacts are identified. Planning conditions may be imposed, or legal obligation requested to secure any necessary mitigation and monitoring processes, both during and post construction.

In addition, Policy SW11 advises that development must contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design. It states that where appropriate, new development will be required, amongst other things, to:

- be appropriate to its local context in terms of scale, height, massing, elevation 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.
- 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.
- Incorporate resource efficient/adaptable buildings and layouts using sustainable design and construction techniques.
- minimise the demand for energy and utilise renewable energy resources.
- provide and protect utility services and infrastructure without causing any unacceptable environmental impacts.
- incorporate measures to improve ground and surface water quality wherever possible.
- provide adequate facilities and space for waste collections and recycling 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 that supports development that encourages a modal shift towards sustainable transport and therefore development proposals will be expected to demonstrate how they will reduce the need to travel and encourage the use of sustainable transport. Although there is existing on-site parking within the curtilage of the application property, the proposals do not show parking provision or specific access arrangements. Given this, it would be prudent to seek the views of the Highways and Drainage Engineer.

The application property also lies within the Georgetown and Ynysfach Urban Character Area (UCA8) and the Merthyr Tydfil Landscape of Outstanding Historic Interest. Accordingly, Policy CW1 is relevant, which aims amongst other things, to support localised management initiatives, regeneration and conservation schemes in relation to urban character areas and appropriately inform the process of change with regard to historic landscapes.

Finally, Policy EnW1 seeks to maintain and enhance biodiversity interests. Given that, the eastern boundary sits adjacent to a Site of Importance for Nature

Conservation (SINC 58 - Afon Taf) which includes mature vegetation the views of the Council's Ecologist are relevant.