

INTERNAL MEMORANDUM

To: David James – Development Management Officer

Reference: P/21/0303

From: Planning Policy

Please ask for: Natasha Lade

Ext.: 6220

Date: 07^h September 2021

Policy observations in respect of the request for policy advice on application number P/21/0303 at 19 Lower High Street Merthyr Tydfil CF47 8EB.

1. Proposed Development

The application submitted is for the change of use from an A1 retail unit to a non-residential educational use at 19 Lower High Street, 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 and Education pages 14, 35, 54, and 71.

Planning Policy Wales (Edition 11, February 2021).

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

- Strategic & Spatial Choices: Accessibility and Inclusive Design (paragraphs 3.5, 9, 10, 12, 13 & 16) & Promoting Healthier Places (paragraph 3.19).
- Active and Social Places: Sustainable Transport (paragraphs 4.1.10, 12, 15), Car Parking (paragraph 4.1.51 & 54), Retail and Commercial Development, including educational and non-retail establishments (paragraphs 4.3.30-36 & 39).

- Distinctive and Natural Places: The Historic Environment (paragraphs 6.1.21 & 29), Water and Flood Risk (paragraphs 6.6.5, 18, 19, 24, 26 & 29); Air Quality and Soundscape (paragraphs 6.7.5, 6, 7, 14, & 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 4: To promote the reuse of previously developed land and the continued regeneration of 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 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 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 EnW4: Environmental Protection.*
- *Policy EcW3: Retail Hierarchy –Supporting Retailing Provision and*
- *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 3: Shopfront Design*
- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 4: Sustainable Design (July 2013).*

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 property is located within 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.

Policy SW13 that relates to community facilities, includes educational facilities, seeks to support community facilities subject to satisfying other relevant LDP policies. The provision of community facilities foster cohesive communities and contribute to a sense of place that is important to the health, well-being and amenity of local communities. Their existence is often a key element in creating viable and sustainable communities. The development as a proposed educational facility is in keeping with this Policy.

The application property lies within the Town Centre boundary, where Policies EcW3 and EcW5 apply.

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. Although complementary educational uses and non-residential establishments are acceptable in the Town Centre boundary the loss of an A1 use, i.e. the former 'Topline Print Shop', could affect the vitality of the town centre, by reducing the number of A1 uses with active shopfronts within the Town Centre. However, there is no indication that alteration to the shop front will take place and thereby the vitality of the town centre should therefore remain unharmed.

Policy EcW5 also supports development that enhances the vitality and viability of the Town Centre. This Policy recognises that careful blending of retail uses with cultural, leisure and other uses is essential if the Town Centre is to continue to thrive.

Given that, the development proposal would bring a vacant property into beneficial use and the property is located outside the retail core, it is in accordance with this Policy.

The application property also 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 public buildings and less vulnerable development, which includes commercial uses (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 emergency services and highly vulnerable development should not be considered. In addition, less vulnerable development should only be considered, subject to application of justification test, including acceptability of consequences as outlined in sections 6 and 7.

Given that public buildings are classified as vulnerable development but commercial uses are considered as less vulnerable, that may be more acceptable in flood risk teams subject to the necessary justifications and tests, advice should be sought from Natural Resources Wales. Either way the applicant should be made aware of the flood risks so that consideration can be given to the incorporation of design features to minimise risks in line with TAN15.

The application property also lies within the Town Centre Conservation Area, the Town Centre (High Street and Pontmorlais) Urban Character Area (UCA1) and the Merthyr Tydfil Landscape of Outstanding Historic Interest. Accordingly, Policy CW1 is relevant, which aims amongst other things, to preserve or enhance the character and appearance of conservation areas, support localized management initiatives, regeneration and conservation schemes in relation to urban character areas and appropriately inform the process of change with regard to historic landscapes. To this end, regard should be had to this Policy.

In addition, Policy SW11 relates to sustainable design and placemaking, and requires development to 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:

- 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.
- 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.

Likewise, regard should be had to Policy EnW4 that 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. The applicant should be required to demonstrate that they could incorporate appropriate measures to reduce, or minimise any impacts identified to the lowest possible acceptable level. Planning conditions may also be imposed or legal obligation requested to secure any necessary mitigation and monitoring processes both during and post construction.

Finally, Policy SW12 recognises the Transport Hierarchy as outlined in PPW11, which supports development that encourages a modal shift towards sustainable transport. Development proposals should demonstrate how they reduce the need to travel and encourage the use of sustainable transport. Given this the views of the Highways and Drainage Engineer are of relevance.