

INTERNAL MEMORANDUM

To: Rebecca Owens – Development Control Manager
From: Planning Policy
Ask for: Natasha Lade
Ext.: 6220

Date: 24th/06/2021

Ref: P/21/0215

Observations in respect of the request for policy advice on planning application no. P/21/0215 1 Bethesda Street, Georgetown, Merthyr Tydfil, CF47 8LL.

1. Proposed Development

The application submitted is firstly for the erection of a canopy and installation of 5 No. fixed benches to form a covered seating area. Secondly, the erection of a new single storey W.C., together with the extension of the external serving area with new flat roof and the creation of a new porch, new ramp, stepped access and new boundary walls at Red Spice, 1 Bethesda 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:

Food & Economy – pages 14, 35 & 36, 70; Recreation - Outcome 1 page 54 & page 77; Health – page 65 & 66 and The Regions – pages 62, 161, 176 & 177.

Planning Policy Wales (Edition 11, February 2021)

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

- Strategic & Spatial Choices: Placemaking (paragraphs 2.28); Promoting Healthier Places (Paragraph 3.20) and Accessibility (paragraphs 3.50).
- Active and Social Places: pages 44 – 46 and Sustainable Transport (Paragraphs 4.1.10/12).
- Distinctive and Natural Places: Development and Water Supply (Paragraphs 6.6.7-8); Framework for Addressing Air Quality and Soundscape (Paragraphs 6.7.6 & 7) and 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 (2014).

Technical Advice Note 23: Economic Development (2014).

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 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 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 EcW3: Retail Hierarchy.*
- *Policy EnW4: Environmental Protection.*

The following Supplementary Planning Guidance is also applicable: -

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

The application site is located adjacent to the Town Centre boundary, which lies 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.

Although the application property lies just outside of the Town Centre where Policy EcW3 would be applicable, Policy SW13 seeks to protect and support the enhancement of the County Borough's existing community facilities, which includes public houses and other facilities serving the public. Given that the proposal will enhance an existing community facility, it is considered to be 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, and less vulnerable development, which includes commercial use (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 only less vulnerable development should be considered, subject to application of justification test, including acceptability of consequences as outlined in sections 6 and 7. Given that commercial use is classified as less vulnerable development, the proposal is likely to be acceptable in flood risk terms. However, 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 and further confirmation sought from Natural Resources Wales.

The application property also lies just outside the Town Centre; High Street and Pontmorlais Urban Character Area and within the Merthyr Tydfil Landscape of Outstanding Historic Interest. Accordingly, Policy CW1 is relevant, which aims amongst other things, to support positive strategic planning and regeneration schemes and appropriately inform the process of change with regard to historic landscapes.

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. Given that, the proposals could generate increased traffic it would be prudent to seek the views of the Highways and Drainage Engineer.

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.