

DELEGATED REPORT

Application No:	P/25/0027
Site Address:	Former Kendal Store 29 Pontmorlais High Street Merthyr Tydfil CF47 8UN
Development:	Sub-division of existing first floor flat into 2 flats.
Case Officer:	Kate Glover
Site Visit:	13th February 2025
Application Expiry Date:	8th May 2025
Consultation reply date expired:	7th April 2025

APPLICATION SITE

The application relates to a two storey premises which is located in a terrace of properties on Pontmorlais High Street. The front of the property is positioned last but one in the terrace, however the rear of the building includes 2 storey extensions, projecting from the rear of the building and another wrapping around the back of the end of terrace premises. The plans submitted in support of the application show that a commercial use takes place at the front of the premises and this area of the building is accessed via the High Street. The plans also show that there is a ground floor flat at the rear of the premises and a flat over the entire first floor. Access to both of these flats is at the rear of the building where there is gate and footpath via Gwalia Place.

The external materials used on the premises is render, slate roof and uPVC windows and doors.

The premises is within the core of the town centre and the area is characterised by a mixture of uses including retail, commercial and residential. The application site lies within the settlement boundary – Primary Growth Area, Town Centre boundary and within the Town Centre Conservation Area. It is noted that the Nant Morlais runs near to the rear boundary of the premises and the site is within a Flood Risk area (Zone 3).

PROPOSED DEVELOPMENT

Full planning permission is sought to divide the first floor residential flat into one flat with 1 bedroom and another flat with 2 bedrooms. Access to both of the flats will be provided at the rear of the premises, via Gwalia Place. No external alterations are proposed.

PLANNING HISTORY

The Council's records do not indicate any other recent or relevant planning history for this site.

CONSULTATION

Head of Engineering and Highways: No objection
Planning Policy Officer: No objection
Environmental Health Manager: No objection
Natural Resources Wales: No objection
Dwr Cymru/Welsh Water: No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining properties and a site notice was displayed at the front of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies Planning Policy Wales (Edition 12, February 2024) must be taken into considerations. Relevant sections are identified below:

Paragraphs 3.3 – 3.18 refer to good design and better places.

Creating sustainable development through reducing the reliance on car journeys and maximising opportunities for peoples to make more sustainable and healthy travel choice is emphasised throughout PPW. Paragraph 3.12 highlights that *“Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate”*. Paragraph 4.1.1 reiterates this noting *“The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution”*. Similarly, Paragraph 4.1.37 notes that *“Planning authorities must direct development to locations most accessible by public transport. They*

should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services”.

Section 4.3 relates to retail and commercial development and paragraph 4.3.3 highlights that planning authorities should:

*“promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;
sustain and enhance retail and commercial centres’ vibrancy, viability and attractiveness;
and
improve access to, and within, retail and commercial centres by all modes of transport, prioritising walking, cycling and public transport”.*

An emphasis is placed on creating viable and vibrant centres with paragraph 4.3.33 explaining that *“Vibrant and viable centres are distinguished by a diversity of activity and uses which should contribute towards a centre’s well-being and success, whilst also reducing the need to travel”*. Paragraph 4.3.34 expands on this further and notes that *“In addition to general diversity of uses, mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential in a comprehensive and planned way should also be encouraged where appropriate to promote lively centres during both the day and the evening”*. The introduction of residential use into centres is specifically referred to in paragraph 4.3.37 noting that *“Within a retail and commercial centre boundary change of use to residential may also be acceptable and help contribute to the viability and vibrancy of a centre. However, night-time noise considerations may be a limiting factor in some areas and residential use is unlikely to be suitable on the ground floor within primary areas or other places of concentrated A1 uses because it may fragment the shopping frontage and impact on the vibrancy and viability of a centre”*.

Paragraphs 6.1.14 – 6.1.17 relate to conservation areas. Paragraph 6.1.14 notes that *“There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised”*. With paragraph 6.1.15 clarifying that *“There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level”*.

Paragraphs 6.6.22 – 6.6.29 refer to development and flood risk.

In addition, the following Technical Advice Note (TAN) and related Circular are relevant:

TAN 15: Development, flooding and coastal erosion

Circular 002/2025 states in section 22 *“The provisions contained in the 2012 Direction and Circular 07/12 on “Flood Risk Area Development”, “Flood Risk Area”, “Emergency Services Development” and “Highly Vulnerable Development” will apply to any application for planning permission made to a LPA up to and including 30 March 2025. These provisions will no longer apply to any application made to a LPA on or after 31 March 2025.”*

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW1 Provision of New Homes
- SW2 Affordable Housing SW4 Settlement Boundaries
- SW3 Sustainably Distributing New Homes
- SW9 Planning Obligations
- SW11 Sustainable Design and Placemaking
- EcW3 Retail Hierarchy – Supporting Retailing Provision
- EcW5 Town and Local Centre Development
- EnW4 Environmental Protection

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 1, Affordable Housing
- Note 2, Planning Obligations

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application are the principle of development, impact on the character and appearance of the premises and wider area, residential amenity, parking provision and highway safety, flood risk and planning obligations.

Principle of Development

The premises lies within the settlement boundary - Primary Growth Area. LDP Policy SW4 states that new development in this location is considered acceptable in principle, provided it is compatible with other relevant LDP Policies and material planning considerations. This proposal seeks to subdivide an existing flat (C3 Use Class) and only affects the upper floor and has no impact on the ground floor retail/commercial areas of the building. As such the proposal is appropriately located within a sustainable location and would not be detrimental to the vitality, attractiveness and viability of the Town Centre.

Accordingly, the proposal meets with the requirements of LDP Policies SW4, EcW3 and EcW5.

Character and Appearance

The proposed subdivision of the existing first floor flat does not result in any external alterations to the principal façade and rear elevation of the premises. As such, the proposed development would not cause an adverse impact upon the appearance of the premises, the character of the street scene or the Town Centre Conservation Area. The proposal meets with the requirements of LDP Policies SW11 and CW1.

Residential Amenity

The premises adjoins two other premises, both of which operate as retail/shops at ground floor level and appear to have residential accommodation/flats at first floor level.

Whilst the surrounding uses, due to their associated noise and disturbance, could potentially impact upon the amenities of the future occupiers of the proposed flat. It should be noted that the existing use of the first floor is residential and the other building adjacent

to the application site accommodates residential flats which are surrounded by commercial uses.

As such, the proposed subdivision of an existing flat in this location, would not be considered to adversely impact upon the privacy or amenities of nearby residential or commercial occupiers, nor would the surrounding commercial uses be deemed significantly harmful to the future occupiers of these flats. It is considered that the proposal meets with the requirements of LDP Policies SW11 and EnW4.

Parking and Highway Safety

The proposed development would not be served with on-site parking provision.

The Head of Engineering and Highways has not raised an objection to this proposal and requests that a cycle stand for one space is provided within the site and in respect to the pedestrian access to the flats, that any gate/door is hung so that it cannot open outwards and on to the pavement.

It is noted that the application property occupies a prominent position within a sustainable town centre location, near a variety of facilities and in close proximity to bus stops and a train station. A cycle stand would not be necessary in this instance and there is the ability to store a bicycle within the flats.

The proposed plans show that the pedestrian access would be secured with a fire door and would open on to the pavement. As such, there is a danger that the door could open on to the pavement and knock into pedestrians. A condition which controls the movement of any door or gate is reasonable in this instance. It is considered that the proposal meets with the requirements of LDP Policy SW11.

Flood Risk

TAN15 and the Flood Map for Planning identifies the application site to be at risk of flooding and falling within Flood Zone 3 Rivers. It should be noted that the planning application was submitted prior to 30th March 20025 and, therefore prior to the adoption of the current version of TAN15.

It is noted that the proposal would not result in an increase in floor area and the residential nature of the current use and that the proposed use remains residential. Indeed, there is no change in the vulnerability and the current occupant of the first floor flat has the benefit of being positioned above ground floor level. The proposal does not result in a change to the current position in relation to flood risk and vulnerability, as the use would continue to be highly vulnerable development and would not result in an intensification in the use of the site, to a degree that would warrant a recommendation of refusal in this instance.

TAN15 states that in Zone 3 highly vulnerable development should not be considered or permitted, unless proposals which include residential development must ensure that such uses do not occur at ground floor level. Natural Resources Wales (NRW) advise that the proposed residential accommodation (highly vulnerable development) would be elevated above the flood risk and there is no change in the vulnerability at ground floor level. NRW have therefore not objected to this application subject to the developer being made aware of the potential flood risks. This can be done through a suitably worded informative.

Given the above it is considered that the proposed development is acceptable in principle and meets the requirements of TAN15.

Planning Obligations

LDP Policy SW9 considers the requirement for planning obligations and affordable housing respectively. Given that the proposal is only for 1 additional residential unit, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing, would not be sought. However, CIL would be liable in this part of the County Borough at £25 per sqm.

Conclusion

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Having regard to the policy context above, the proposal is considered to be acceptable and the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and document:

Drawing Number: 5303-101, Rev B (General Arrangement as Proposed), Received on 04 March 2025.

Drawing Number: 5303-102, Rev A (External Access - Proposed Alterations), Received on 04 March 2025.

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. At no time shall the rear pedestrian access to serve the development hereby approved be fitted with any doors or gates which open outwards on to Gwalia Place.

Reason - To prevent obstruction to the highway, in the interests of highway safety to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The application site lies entirely within Zone 3 as defined by the Flood Map for Planning (FMfP) referred to in Technical Advice Note 15: Development, flooding and coastal erosion (TAN15). As such the developer is advised of the flood risk to the current/future occupiers of the property and is advised to consider incorporating flood resistance/resilience measures into the refurbishment works and making provisions for flood warning and emergency access/egress.

The developer may also wish to undertake a Flood Consequence Assessment (FCA) for their own benefit. The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Figure 2 - Technical requirements of a Flood Consequences Assessment (FCA) of TAN15. The FCA should be appropriate to the scale and nature of the development being proposed. If the building and/or access/egress routes are shown to flood during events up to and including a predicted 0.1% (plus an allowance for climate change) flood event, the FCA should propose suitable and appropriate mitigation measures to reduce the effects and consequences of flooding.

Flood resistance/resilience measures that could be incorporated into the development include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels. Appropriate measures and advice is set out in the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available at <https://www.gov.uk/government/publications/improving-the-flood-resistance-of-domestic-and-small-business-properties-interim-guidance> and information from CIRIA (www.ciria.org/flooding). Additional guidance can be found <https://www.gov.uk/prepare-for-flooding/future-flooding>. Further advice can be found on the Natural Resources Wales website.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

pp

DATE: 29.04.2025