

INTERNAL MEMORANDUM

To: Caroline Pulley - Development Management Case Officer

From: Planning Policy

Please ask for: Natasha Lade

Ext.: 6220

Ref: P/21/0138

Date: 1st June 2022

Observations in respect of the request for policy advice on planning application no. P/21/0138 at 39 & 42 - 43 Pontmorlais High Street, Merthyr Tydfil, CF47 8UN.

1. Proposed Development

The application submitted is for the change of use of part of the second floor at 39 and second floors at 42 - 43 Pontmorlais High Street to create two two-bedroomed flats. The proposals include the installation of roof lights, alterations to the first and ground floors and installation of external steel stairs at 39 and 42 – 43 Pontmorlais High Street, Merthyr Tydfil.

2. Development Plan Framework

National Planning Policy

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:

Economy – page 34, Commuting, Broadband – page 40, Transport Infrastructure – page 42, Housing page – 50 and the regions – pages 133, 160, 167 & 175.

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, 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), and paragraphs 4.3.34 & 4.3.44 in relation to residential development and the agent of change principle.
- 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 TAN 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 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 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 SW1: Provision of New Homes.*
- *Policy SW2: Affordable Housing.*
- *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 EnW4: Environmental Protection.*
- *Policy EcW3: Retail Hierarchy –Supporting Retailing Provision and*
- *Policy EcW5: Town and Local Centre Retailing Areas.*

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 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 properties are 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 SW1 provides for an additional 2,821 new homes including a windfall contribution allowance on non-allocated sites, and the proposal therefore accords with this Policy.

Policy SW9 relates to Planning Obligations however, given that the proposal is for two dwelling units 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.

The application properties lay 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. Given that, the proposed alterations relate to the upper floors and potentially bring the vacant floors into beneficial use, they are considered to accord with this Policy; subject to compatibility with the Plan's other relevant policies and all other material considerations.

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. PPW11 states *“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”*.

In addition, PPW11 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.

Furthermore, 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 amongst other things:

- Pollution of land, surface water, ground water and the air.
- Hazardous substances.
- 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 and 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 could be imposed or legal obligation requested to secure any necessary mitigation and monitoring processes both during and post construction.

The application properties also sit 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, which includes highly vulnerable development that includes residential use 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, 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. However, given the proposals relates to the second floor they are likely to be acceptable in flood risk terms. Nevertheless, the flood risks should be brought to the applicants’ attention 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 properties also lay 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 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.

Policy SW11 is also relevant. It 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,
- 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.

Finally, 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 should demonstrate how they intend to reduce the need to travel and encourage the use of sustainable transport. Given that there is currently, no parking provided and no new parking proposed, it would be prudent to seek the views of the Highways and Drainage Engineer.