

INTERNAL MEMORANDUM

To: Rebecca Owens - Development Management Case Officer

From: Planning Policy

Please ask for: Natasha Lade

Ext.: 6220

Date: 5th May 2021

Ref: P/21/0161

Observations in respect of the request for policy advice on planning application no. at Unit 4, The Arches, Plymouth Court, Clare Street, Twynyrodyn, Merthyr Tydfil, CF47 0YS.

1. Proposed Development

The application submitted is for the change of use from kitchen supplier to personal training fitness studio at the vacant Unit 4, The Arches, Plymouth Court, Clare Street, Twynyrodyn, 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:

Economic Action Plan – page 14, Employment – pages 62, 164 and 165.

Planning Policy Wales (Edition 10, December 2018)

- Strategic & Spatial Choices: (Paragraph 3.5, 3.13 & 51).
- Active and Social Places: Sustainable Transport (Paragraphs 4.1.10, 29, 33, 34 & 38).
- Productive & Enterprise Spaces: Economic Development (Paragraphs 5.4 2 & 18), Energy (Paragraphs 5.7.7, 8 & 13; 5.8.3 & 6; 5.9.5 - 6 & 9).
- Distinctive and Natural Places: Integrating Green Infrastructure and Development (Paragraph 6.2.5), Water and Flood Risk (paragraphs 6.6.5, 18, 19, 24, 26 & 29); Soundscapes (Paragraphs 6.7.7, 14, 15, 21 & 24) & and Lighting (Paragraphs 6.8.3 & 4).

Technical Advice Note 15: Development and Flood Risk (July 2004 under review)
Technical Advice Note TAN 18: Transport (March 2007)
Technical Advice Note 23: Economic Development (February 2014)
Technical Advice Note 12 Design (March 2016)

Local Planning Policy

The Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016 - 2031)

The relevant LDP Objectives are -

- *LDP Objective 4 - Regeneration: To promote the suitable reuse of previously developed land and the continued regeneration of local communities.*
- *LDP Objective 6 - Sustainable Design: To promote high quality, sustainable and inclusive design and support measures, which mitigate the predicted effects of climate, change.*
- *LDP Objective 7 - Transport: 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 - Heritage and cultural assets: 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 and*
- *LDP Objective 12 - Economic Development: To provide and safeguard appropriate land for economic and skills development.*

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 CW1: Historic Environment.*
- *Policy EnW1: Nature Conservation and Ecosystem Resilience.*
- *Policy EnW4: Environmental Protection.*
- *Policy EnW5: Landscape Protection.*
- *Policy EcW2: Protecting Employment sites.*

The following Supplementary Planning Guidance is also applicable: -

- *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).*

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 property comprises a small vacant unit, within The Arches Neighbourhood Employment Site, residing within the Twynnyrdyn residential area, lying within the Primary Growth Area and settlement boundary where Policy SW4 applies. Here new development can be considered acceptable in principle subject to proposals being compatible with the Plan's other policies and all other material considerations.

Policy EcW2 seeks to protect existing office, employment and industrial warehousing land (B1, B2 and B8 uses) to ensure their role and function in providing accessible sources of employment. At allocated employment sites, which includes The Arches, development will be permitted if it: is within Use Classes B1(b), B1(c), B2 or B8; or provides an ancillary facility or service that supports the primary employment use, or is an acceptable complementary commercial service outside class B uses.

Development proposals for uses other than these that would result in the loss of employment land or premises will only be permitted:

- if it can be demonstrated that the proposal would not lead to an unacceptable change in the nature of the employment site and
- where the existing use is inappropriate or
- the land / premises are surplus to the requirements of the employment market.

If the change of use can be justified by meeting the above criteria and the Council is minded to approve the application then regard should also be had to the following policies:

Firstly, the application property 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.”* Paragraph 6.6.29 further states *“the ability of emergency services to respond to flood events should be taken into account when considering if a development is appropriate.”*

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 (Paragraph 5.1, Figure 2), which includes employment and commercial uses. In addition, paragraph 6.2 states that *“new development should be directed away from zone Cin zone C the tests outlined in sections 6 and 7 will be applied. Given that commercial uses are 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 should be sought from Natural Resources Wales.

Secondly, the application property also lies within the Plymouth Street Area Urban Character Area 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. To this end, the views of the Conservation Officer are pertinent.

Additionally, 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, which supports development that encourages a modal shift towards sustainable transport and therefore development proposals should demonstrate how they will reduce the need to travel and encourage the use of sustainable transport. Given that, the unit lies within an area of safeguarding land for a new metro station at the Hoover Strategic Regeneration Area (HSRA), it would be prudent to seek the views of the Highways and Drainage Engineer.

Regard should also be had to Policies EnW1 and EnW5 which seek to maintain and enhance biodiversity interests and provide wider landscape protection, respectively. Given that the proposal includes landscape design changes including the introduction of artificial grass within the application site the views of the Council's Landscape Architect and or Ecologist should be sought.

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.