

# INTERNAL MEMORANDUM

**To:** Caroline Pulley  
**From:** Planning Policy  
**Ask for:** Natasha Lade  
**Ext.:** 6220

**Date:** 1<sup>st</sup> July 2020

**Ref:** P/20/0125

**Observations in respect of the request for policy advice on planning application no. P/20/0125 at 32 Victoria Street, Dowlais, Merthyr Tydfil, CF48 3RN.**

## **1. Proposed Development**

An application has been submitted for the change of use of a vacant commercial property to two self-contained flats with associated external alterations at 32 Victoria Street, Dowlais, Merthyr Tydfil.

## **2. Development Plan Framework**

### **National Planning Policy**

#### **Planning Policy Wales (Edition 10, December 2018)**

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

- Strategic & Spatial Choices: Accessibility and Inclusive Design (Paragraphs 3.5 & 16) and Promoting Healthier Places (Paragraph 3.23).
- Active and Social Places: Sustainable Transport (Paragraphs 4.1.10/12/15/20/37 & 39), Car Parking (Paragraph 4.1.51, Retail (Paragraphs 4.3.30) and Community Facilities (Paragraphs 4.4 1).
- Distinctive and Natural Places: Integrating Green Infrastructure and Development (Paragraph 6.2.4); Development and Water Supply (Paragraphs 6.6.7-8); SuDs (Paragraph 6.17 & 18); Framework for Addressing Air Quality and Soundscape (Paragraphs 6.7.6 & 7); and Lighting Paragraph (6.8.4).

### **Technical Advice Notes**

**Technical Advice Note TAN 18: Transport** (March 2007)

**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 1: To encourage a sustainable level and distribution of growth.*
- *LDP Objective 3: To ensure the sufficient provision of land for the delivery of a range and choice of housing and affordable housing to address local housing needs.*
- *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 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 SW13: Protecting and Improving Community facilities.*
- *Policy CW1: Historic Environment.*
- *Policy ENW1: Nature Conservation and Eco-Resilience.*
- *Policy EnW4: Environmental Protection.*
- *Policy EnW5: Landscape Protection.*
- *Policy EcW3: Retail Hierarchy and*
- *Policy EcW5: Town and Local Centre Retailing Areas.*
- *Policy EcW9: District heating.*

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 Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016 - 2031) has been formally adopted by the Council. The proposal has therefore been considered against the policies contained within it.

The application site is located within the local district centre of Dowlais which is situated within the *Primary Growth Area* settlement boundary, where RLDP 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.

RLDP Policy SW9 relates to Planning Obligations however, given that the proposal is for two dwellings, 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 property clearly lies within the Dowlais local centre (although this is not apparent from the way in which the outline appears on the proposals map), where Policies EcW3 and EcW5 apply. Policy EcW3 relates to the retail hierarchy, with the Town and Local Centres being the favoured locations for retail, leisure and other complementary uses. Policy EcW5 relates to Town and Local centre development where proposals promoting non-A class retailing uses will require robust evidence that demonstrates the facilities are no longer required or such a loss would not have a detrimental impact upon local service provision or local amenity.

However, given that it could be argued that the property does not fall within the Dowlais local centre, due to the way the proposals plan has been drawn, Policy SW13 which seeks to protect and support the enhancement of the County Borough's existing community facilities, would be relevant. In this case, permission would only be forthcoming for development proposals that would result in the loss of an existing community facility where there is evidence that:

- alternative provision of at least equivalent value to the local community can be provided nearby, or
- it can be demonstrated that existing provision is inappropriate or surplus to the needs of the community and is no longer required, or
- it can be demonstrated there is no longer a viable community use for the facility.

The property was previously occupied by a launderette (*Sui generis*) although it is unclear how long the property has been vacant. Given that no evidence has been provided in support of the application, and until such evidence is provided the proposal is considered contrary to Policy SW13.

However, If the required evidence were to be supplied successfully justifying the proposal and the Council were minded to approve the application regard should also be had to the following:

RLDP Policy SW11: Sustainable Design and Placemaking which 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.

RLDP Policy SW12 recognises the Transport Hierarchy as outlined in PPW10 which 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, no on-site/off road parking provision appears to have been included in the proposals it would be prudent to seek the views of the Highways and Drainage Engineer.

RLDP 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.

RLDP Policy EnW5 provides a wider landscape protection policy and should also be considered.

Finally, the application property lies within a Project Heartlands district heating area, where Policy ECW9 applies, here the use of district heating, amongst other things, is encouraged. However, only major development is expected to incorporate infrastructure for district heating, where viable and technically feasible.