

INTERNAL MEMORANDUM

To: Caroline Pulley
From: Planning Policy
Please ask for: Natasha Lade
Ext.: 6220

Date: 22nd October 2020

Ref: P/20/0241

Observations in respect of the request for policy advice on planning application no. P/20/0241 at 137 High Street, Merthyr Tydfil, CF47 8DN.

1. Proposed Development

The application submitted is for the change of use from an A1 shop to an A3 takeaway with flue at 137 High Street, 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, 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) & Retail and Commercial Development (paragraphs 4.3.30-36 & 39).
- 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 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 SW4: Settlement Boundaries.*
- *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 4: Sustainable Design (July 2013).*
- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 3: Shopfront Design.*
- *Policy EcW5: Town and Local Centre Development - Explanatory Note*

3. Policy Considerations

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

The application property is 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.

The application property lies 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. Although complementary commercial uses including A3 are acceptable in the Town Centre boundary the loss of an A1 use, e.g. the IQ Clothing store could affect the viability of the town centre, by reducing the number of A1 uses with active shopfronts within the Town Centre.

Policy EcW5 reinforces this by also supporting development that enhances the vitality and viability of the Town Centre. In addition, the application property lies within the Primary Shopping Area (PSA) where change of use from A1 retail to another 'A Class' use, which includes A3, will only be permitted where:

- At least 75% of the commercial uses at street level within the PSA remain A1, and;
- There are no more than two adjoining 'non-A1' units in any row of five units, provided there are not more than three 'non-A1' units in any 5 units.

Policy EcW5: Town and Local Centre Development - Explanatory Note gives guidance on how to apply this policy, which offers a level of protection for existing retail uses whilst ensuring there is an appropriate level of flexibility within the Town Centre. This Note provides examples of acceptable and unacceptable changes of use, to non-A1 uses in the PSA, in relation to the second criterion listed above. If the proposal accords with Policy EcW5 as outlined in the Note and the Council is minded to approve the application then the following Policies are also applicable.

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 PPW10, 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 and retail 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 and retail 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 sought from Natural Resources Wales.

The application property also lies 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 localized 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.

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,
- 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.

In addition, 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 should demonstrate how they intend to reduce the need to travel and encourage the use of sustainable transport. Given that a number of parking spaces are to be retained and the proposed use will entail the loading and unloading of deliveries, 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 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.