

INTERNAL MEMORANDUM

To: Caroline Pulley – Development Management Officer

Reference: P/21/0187

From: Planning Policy

Please ask for: Natasha Lade

Ext.: 6220

Date: 26th June 2021

Policy observations in respect of the request for advice on application number P/21/0187, at 32 High Street, Merthyr Tydfil, CF47 8DE.

1. Proposed Development

The application submitted is for conversion and refurbishment of the first and second floors to accommodate three one-bedroomed self-contained flats at 32 High Street. The application also includes the change of use from an A1 retail to an A3 takeaway use to the rear ground floor of 32 High Street, with a new frontage to Masonic Street and alterations to the rear of the existing Barber Shop, at 32 High Street, 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:

Retail, Food & Economy – pages 14, 35, 36, 71 & 107; Broadband – pages 40 & 91; Housing - pages – 15, 50, 51, 59, 62, 65 - 67, 71 – 73; Parking – page 86 and The Regions – pages, 102, 106, 160, 162, 167 & 170.

Planning Policy Wales (Edition 11, February 2021).

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) & in particular 4.3.34 in relation to residential development.
- 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 1: To encourage a sustainable level and distribution of growth.*
- *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 and other 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 3: Shopfront Design*
- *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).*
- *Policy EcW5: Town and Local Centre Development - Explanatory Note*

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 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, 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 but recognises that retail uses must be carefully blended with cultural, leisure and other uses if the Town Centre is to continue to thrive. Bringing a vacant property into a viable use could therefore be regarded as improving the vitality of the Town Centre.

However, the application property also lies within the Primary Shopping Area (PSA) where change of use of the ground floor 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.

With regard to the first criterion of this Policy currently, 78.63% of ground floor commercial uses within the PSA are A1. A change of use of this unit from A1 to A3 would result in the number of A1 units in the PSA decreasing to 77.78%, which would remain above the threshold.

Policy EcW5: Town and Local Centre Development - Explanatory Note gives guidance on how to apply this policy in relation to the second criterion i.e. by providing examples of acceptable and unacceptable changes of use, to non-A1 uses in the PSA. 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 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: emergency services, highly vulnerable development, which includes residential 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 highly vulnerable development should not be considered.

In addition, less vulnerable development should only 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 change of use from A1 to A3 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.

Additionally, Policy SW11 relates to sustainable design and placemaking, and requires development to contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design. 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.
- 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. Development proposals should demonstrate how they reduce the need to travel and encourage the use of sustainable transport. Given that the proposals do not include parking provision, the views of the Highways and Drainage Engineer are of relevance.

Policy SW9 relates to Planning Obligations however, given that the proposal is for less than ten 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.

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.