

# INTERNAL MEMORANDUM

**To:** Caroline Pulley - Development Management Case Officer

**From:** Planning Policy

**Please ask for:** Natasha Lade

**Ext.:** 6220

**Ref:** P/22/0037

**Date:** 24<sup>th</sup> February 2022

**Policy observations in respect of the request application advice on application number P/22/0037 at 95 - 96 High Street, Merthyr Tydfil, CF47 8UD.**

## **1. Proposed Development**

The application submitted is for the conversion of the first floor to four flats with the construction of an additional storey to provide office accommodation and various external works to former Manettes at 95 - 96 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:

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 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), 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 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 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 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).*

### **3. Policy Considerations**

The Council formally adopted The Merthyr Tydfil County Borough Council Replacement Local Development Plan (RLDP) (2016 - 2031) in January 2020. This Policy advice therefore considers the development proposal 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 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 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, only less vulnerable development should be considered, subject to application of justification test, including acceptability of consequences as outlined in sections 6 and 7. This is of particular relevance given that the first floor proposed use is residential, which is classed as highly vulnerable development and is therefore unlikely to be acceptable. However, given that, TAN 15 classifies commercial use as less vulnerable development, the new floor proposed for office accommodation is 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.

If the above issues are resolved and the Council is minded to approve the application, then regard should also be had to the following Policies:

Policy SW9 relates to Planning Obligations however, given that the proposal is for four 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.

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 proposal does not appear to include parking provision, the views of the Highways and Drainage Engineer are of relevance.

The application property also 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. Given that, the proposed alterations would improve the appearance of the property and the proposed uses could potentially bring the vacant property into beneficial use, including the splitting of one A1 unit into two, 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.

Policy EnW4 reinforces this by stating 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.

In addition, 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. 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.

Reference should also be made to *Supplementary Planning Guidance Notes 3: Shopfront Design* and *4: Sustainable Design*, in relation to the external alterations.

In addition, under the separate SAB Approval process, all new development (of more than one dwelling, or where the construction area is 100 sqm or more) is required to incorporate SuDS that meets the statutory sustainable drainage standards set by Welsh Government.

Finally, 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 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.