

INTERNAL MEMORANDUM

To: David Cross - Development Management Case Officer

Reference: P/21/0261

From: Planning Policy and Implementation Section

Please ask for: Natasha Lade

Extension: 6220

Date: 10th August 2021

Observations in respect of the request for policy advice on planning application no. P/21/0261 at land south of Unit 7 EFI Industrial Estate, off Brecon Road, Merthyr Tydfil, CF48 8RB.

1. Proposed Development

The application submitted is for the provision of a two-storey dwelling (live/work) together with parking, landscaping and ecological enhancements utilising access from the Industrial Estate road on 0.3ha of land south of Unit 7 EFI Industrial Estate, Cyfarthfa Road 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 and Transport Infrastructure – page 42, Broadband – page 40, Housing page – 50, Strategic Placemaking Principles – pages 65 & 66, Policy 3 - page 67 and The Regions – pages 162, 164, & 168.

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 & 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)).

- Productive & Enterprise Spaces: Economic Development (Paragraph 5.4.1 & 2 & 4).
- Distinctive and Natural Places: The Historic Environment (paragraphs 6.1.1 – 21 & 32), Integrating Green Infrastructure and Development (Paragraph 6.2.5), Water and Flood Risk (paragraphs 6.6.5, 18, 19, 24, 26 & 29), 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 (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)

Technical Advice Note 24: The 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 - 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 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 SW1: Provision of New Homes.*
- *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 CW2: Cyfarthfa Heritage Area.*

- *Policy EnW1: Nature Conservation and Ecosystem Resilience.*
- *Policy EnW3: Regionally Important Geological Sites, sites of Importance for Nature Conservation, Local Nature reserves and Priority Habitats and Species.*
- *Policy EnW4: Environmental 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).*
- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 5: Nature and Development (May 2015)*
- *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. The proposal is considered against the policies contained within it.

The application site lies within the EFI Industrial Estate located within the Primary Growth Area and settlement boundary where new development can be considered acceptable in principle (Policy SW4), subject to proposals being compatible with the Plan's other policies and all other material considerations.

The EFI Industrial Estate is a protected employment site where Policy EcW2 is applicable and development will be permitted if:

- *"It is within Use Classes B1(b), B1(c), B2 or B8; or*
- *It provides an ancillary facility or service that supports the primary employment use; or*
- *It is an acceptable complementary commercial service outside class B uses, or*
- *It is an appropriate waste management facility compatible with existing industrial and commercial activities".*

It is considered that the proposals do not satisfy any of the above criteria and therefore are contrary to this part of the Policy. Furthermore, the Policy states that development proposals for uses other than those stipulated above, resulting in the loss of employment land is only permissible where:

- it is demonstrated it would not lead to an unacceptable change in the nature of the employment site and
 - where the existing use is inappropriate or
 - the land is surplus to the requirements of the employment market.

If it can be demonstrated that the second part of the policy can be satisfied the and the Council is minded to approve the application the proposals would also be subject to the following Policies:

The application site sits mainly within Flood Zone B and partially within Flood Zone C2, as illustrated on the LDP Constraints Map 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.”*

Figure 1 states that Flood Zone ‘B’ indicates areas known to have been flooded in the past where site levels should be checked against the extreme (0.1%) flood level. C2 zones, i.e. areas of the floodplain without significant flood defence infrastructure, where only less vulnerable development should be considered, subject to application of justification test, including acceptability of consequences as outlined in sections 6 and 7.

Figure 2 outlines the vulnerability of different land uses to flooding and identifies three separate development categories: emergency services, highly vulnerable development that includes residential, and less vulnerable development, which includes general industrial, employment and commercial development. Paragraph 6.2 of TAN 15, states *‘New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C and parts of zone B the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development in zone C2 should not be permitted’.*

Given that, the application site is mainly in zone B but partially within zone C the views of the Highways and Drainage Engineer and Natural Resources Wales should be sought. They can help advice whether the development proposals are likely to be acceptable in flood risk terms. If this is the case, 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.

Parts of the site lie either within or within proximity to a Site of Importance for Nature Conservation (SINC 15 -Cwm Taf Fechan), where Policies EnW1 and EnW3 apply. Given this, seek the views of the Council’s Ecologist.

Parts or the entire application site also lie within the Cyfarthfa Conservation Area, The Cyfarthfa Ironworks and Infrastructure Archaeologically Sensitive Area, the Cyfarthfa Park and Ironworks Urban Character Area, The Cyfarthfa Heritage Area and the Merthyr Tydfil Landscape of Historic Interest, and within proximity to a Listed Building and Scheduled Ancient Monuments where policies CW1 and CW2 are applicable. Therefore, regard should be had to these policies and the views of the Glamorgan and Gwent Archaeological Trust (GGAT) sought.

As the proposal is for one dwelling, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing, is not sought, in accordance with Policy SW9. Community Infrastructure Levy (CIL) is chargeable on residential development in this part of the County Borough.

Policy SW11 advises that development must contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design. Where appropriate, new development will be required to:

1. be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;
2. integrate effectively with adjacent spaces, the public realm and historic environment to enhance the general street scene and create good quality townscape;
3. 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;
4. 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;
5. 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;
6. incorporate a range of inclusive/adaptable design specifications, a mix of house types, tenures and sizes to meet identified local needs;
7. incorporate resource efficient/adaptable buildings and layouts using sustainable design and construction techniques;
8. minimise the demand for energy and utilise renewable energy resources;
9. provide and protect relevant utility services and infrastructure without causing any unacceptable environmental impacts;
10. incorporate measures to improve ground and surface water quality wherever possible;
11. provide adequate facilities and space for waste collections and recycling; and
12. 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 proposals include access and parking arrangements, 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 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.

The applicant should be required to demonstrate that appropriate measures are incorporable to reduce, or minimise the impact identified to the lowest possible acceptable level, for identified impacts. Planning conditions may be imposed, or legal obligation requested to secure any necessary mitigation and monitoring processes both during and post construction. To this end, the views of the Public Health Officer and the Health and Safety Executive are relevant.