

INTERNAL MEMORANDUM

To: Rebecca Owens - Development Control Case Officer

Reference: P/23/0173

From: Planning Policy and Implementation Section

Ask for: David James

Extension: 7053

Date: 25th July 2023

Summary

No objection raised. The development meets the relevant Replacement LDP policies (SW4, SW13 & EcW5).

If minded to approve in principle, particular consideration should be given to the impact of the development on the character of the Treharris Conservation Area, the impact on surrounding area and occupiers, traffic generation and parking provision, and any other relevant risks to public health and safety (Policies SW11, SW12, CW1 & EnW4).

Observations in respect of the above development

1. Proposed Development

Application for the change of use from a shop to a crèche, with external alterations including a new shopfront and erection of elevated deck, at 36 - 37 Fox Street, Treharris.

2. Development Plan Framework

The existing development plan framework in Merthyr Tydfil is provided by:-

The Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016 - 2031)

The relevant LDP Objectives are:-

- *LDP Objective 1 Sustainable Population Growth: To encourage a sustainable level and distribution of population growth.*
- *LDP Objective 2 Welsh Language and Culture: To protect and enhance Welsh language and culture.*
- *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 8 Community Facilities: To support existing community facilities and suitable community led development.*

- *LDP Objective 9 Heritage and Cultural Assets: To protect, enhance and promote all heritage, historic and cultural assets.*
- *LDP Objective 12 Economic Development: To provide and safeguard appropriate land for economic and skills development.*
- *LDP Objective 14 Town and Local Centres: To develop the town and local centres as accessible, attractive, viable and vibrant places.*

The following development plan policies would apply:-

- *Policy SW4: Settlement Boundaries*
- *Policy SW9: Planning Obligations*
- *Policy SW11: Sustainable Design and Placemaking*
- *Policy SW12: Improving the Transport Network*
- *Policy SW13: Protecting Community Facilities*
- *Policy CW1: Historic Environment*
- *Policy EnW4: Environmental Protection*
- *Policy EcW5: Town and Local Centre Development*

The following supplementary planning guidance is applicable:-

- *SPG 2: Planning Obligations*
- *SPG 3: Shopfront Design*
- *SPG 4: Sustainable Design*

National Planning Policy

Planning Policy Wales (Edition 11, February 2021)

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

- Placemaking in Action: Good Design Making Better Places
- Strategic Placemaking: Previously Developed Land
- Activities in Place: Retail and Commercial Development
- Active and Social Places: Community Facilities
- Recognising the Special Characteristics of Places
- Recognising the Environmental Qualities of Places

Technical Advice Notes (TANs)

TAN 12: Design (March 2016).

Future Wales: The National Plan 2040 (February 2021)

Future Wales provides guidance on matters relevant to this application, including, but not limited to:

- Policy 1: Where Wales will grow
- Policy 2: Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

3. Policy Considerations

The application site is commercial unit located within the Treharris Conservation Area and the Treharris Local Centre (Policy EcW5). The site is located within an 'Other Growth Area' and settlement boundary where new development can be considered acceptable in principle (LDP Policy SW4) subject to proposals being compatible with the Plan's other policies and all other material considerations.

Policy SW9 considers the requirement for planning obligations. Due to the size and nature of the development, a financial contribution to affordable housing would not be sought. Community Infrastructure Levy (CIL) is not chargeable 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 (amongst other things):

- be appropriate to its local context in terms of scale, height, massing, elevational 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.
- provide adequate facilities and space for waste collections and recycling.

Considering the nature of the development, and the location of the site (in close proximity to existing residential and commercial uses) consideration should be given to the above issues. Any proposed parking provision should be checked against the Council's current parking standards, and the views of the Engineering and Traffic Group Leader should be sought in this respect.

Policy SW12 supports development that encourages a modal shift towards sustainable transport, including the enhancement of pedestrian, cycle, rail and bus facilities, in addition to any necessary road improvements. Developments will be expected to demonstrate how they reduce the need to travel and encourage the use of sustainable transport. As such, the views of the Engineering and Traffic Group Leader should be sought in this respect.

Policy SW13 states that the provision of new and enhanced community facilities will be supported subject to satisfying other relevant LDP policies. And that the Council will protect and support the enhancement of the County Borough's existing community facilities. Development proposals that would result in a loss of an existing community facility will only be permitted where:-

- 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 proposal would result in the loss of a community facility (a shop). However, it would be replaced with another community facility (a creche). Additionally, there are a number of other shops, and other uses, within the Treharris local centre. There are also a number of vacant units which have been vacant for some time, which suggests that they are surplus to the needs of the community. Taking the above into consideration, it appears that the proposal would satisfy the criteria above, and therefore, in this instance, would be in accordance with Policy SW13.

Policy CW1 advises that the integrity of our historic environment assets will be conserved and enhanced. Development proposals will only be permitted where it can be demonstrated they would preserve or enhance the architectural quality, character or the historic or cultural importance of our designated historic environment assets. And that, development affecting undesignated historic environment assets including, Locally Listed Buildings or structures, Landscapes of Outstanding Historic Interest in Wales, Urban Character Areas and Archaeologically Sensitive Areas should have regard to their special character and archaeological importance.

The impact of the change of use on the character of the Treharris Conservation Area should be carefully considered, as well as the impact of any potential external alterations. As such, the relevant Council Officer and/or external Heritage organisation should be consulted.

Policy EnW4 advises that development proposals will be required to demonstrate they will 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.

Where impacts are identified the Council will require applicants to demonstrate that appropriate measures have been incorporated to reduce, or minimise the impact identified to the lowest possible acceptable level. Planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes.

Policy EcW5 advises that development enhancing the vitality and viability of the Town and Local Centres will be supported. And that within local centres, the change of use of the ground floor to 'non-A' use classes will only be permitted where:-

- It is demonstrated through active and appropriate marketing that the existing use is no longer economically viable; and,
- The proposal would not result in an over concentration of non-A1 uses that would be detrimental to the vitality, attractiveness and viability of the local centre; and,
- The proposal would not result in the creation of a dead window frontage; and,
- The proposal would not have an unacceptable effect on the amenity and viability of neighbouring uses, having regard to the 'agent of change principle'.

Given that the proposal would result in the loss of an commercial unit (with a former A1 use), it would not be in accordance with Policy EcW5. However, there are a number of vacant units within the local centre, which have been vacant for some time, and information has been

submitted with the application indicating that the application site has been vacant for approximately 15 years. Other vacant units within the local centre have been marketed for at least 6 months. These factors suggest that the economic viability of a new A1 use at this location is poor. Additionally, there are many other commercial units currently operate from the local centre, with a mix of 'A1', and other, uses.

The proposal would not result in a dead window frontage as the vacant unit now has or, for example, a use which operated only in the evenings would have. It would also bring back into beneficial use a vacant unit in a local centre with a number of vacant units. Furthermore, while the use is a D1 use, a crèche, is considered to be an appropriate use within a local centre, and may not have a negative impact on the amenity and viability of neighboring uses.

Taking the above into consideration, it appears that the proposal would satisfy the four criteria above, and therefore, in this instance, would be in accordance with Policy EcW5. However, future proposals within Treharris local centre will need to be monitored closely, to ensure that an over-concentration of non-A1 uses, that would negatively effect the vitality, attractiveness and viability of the local centre, does not occur.