

INTERNAL MEMORANDUM

To: Rebecca Owens - Development Management Case Officer

Reference: P/21/0226

From: Planning Policy and Implementation Section

Please ask for: Natasha Lade

Extension: 6220

Date: 08th July 2021

Policy observations in respect of the request for advice on planning application number P/21/0226 – at the Gellideg Foundation Action Centre Shop 1, 23 Heol Tai Mawr, Gellideg, Merthyr Tydfil CF48 1ND.

1. Proposed Development

The application submitted is for the change of use from café to beauty parlour with associated alterations including change to internal layout; replacement of external shutters and new rear window at the Gellideg Foundation Action Centre Shop 23, Heol Tai Mawr, Gellideg, 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:

Food & Economy – pages 14, 35 & 36, 70; Commercial and Retail– pages 66, 71 and 91.

Planning Policy Wales (Edition 11, February 2021)

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

- Strategic & Spatial Choices: Access and Inclusivity (Paragraph 3.6), Environmental Sustainability (Paragraph 3.7); Community Safety (Paragraph 3.11); Movement (Paragraph 3.13) and Promoting Healthier Places (Paragraph 3.23) and Previously Developed Land (Paragraph 3.51).

- Active and Social Places: Sustainable Transport (Paragraph 4.1.12), Retail Strategies (Paragraphs 4.3.10, 4.3.18 & 19, 4.3.30 and 4.3.40) and Community Facilities (Paragraph 4.4).
- Distinctive and Natural Places: Framework for Addressing Air Quality and Soundscape (Paragraphs 6.6.7-8, 14 & 26) and Lighting Paragraph (6.8.4).

Technical Advice Notes

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 Framework

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 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 8: To support existing community facilities and suitable community led development.*
- *LDP Objective 9: To protect, enhance and promote all heritage, historic and cultural assets.*
- *LDP Objective 14: To develop town and local centres as accessible, attractive, viable and vibrant places.*

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 SW13: Community Facilities.*
- *Policy CW1: The Historic Environment.*
- *Policy EcW3: Retail Hierarchy – Supporting Retailing Provision and*
- *Policy EnW4: Environmental Protection.*

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 Guide (May 2013).**

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 site is located within proximity of the residential area of Gellideg, which lies 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 policies and all other material considerations.

Given that, the proposal is for a complementary commercial use outside of the established town and local centres Policy EcW5 is relevant. This policy dictates that such proposals should be subject to an assessment of need and a strict application of the sequential test. In addition, proposals will only be permitted where they avoid causing harm to town/local centre viability.

Although the strip of commercial units within which the application property sits is not identified on the proposals map as a local centre it could be argued that it functions as a district centre. In line with National Policy, in particular Policy 2 of Future Wales promotes neighbourhoods that are compact and walkable and organised around mixed-use centres. This is supported by paragraph 4.1.31 of PPW11, which describes walkable neighbourhoods as comprising a range of facilities within walking distance. Although walking distance is not fixed, in planning terms it often ranges from 1/8 to a mile or a 10-minute walk dependent on accessibility. The nearest retail and commercial Centres comprise: Cefn Coed situated one mile or a 23 minute away; Brecon Road/Morganstown situated one and a half miles or a half-hour away and the Town Centre situated 2 miles or a half-hour walk away. In this instance, therefore it is considered that the application property is situated within a small-established walkable district centre that has not previously caused harm either to the Town Centre or nearby local centres and thereby accords with Policy SW13.

However, the existing café is a community facility to which Policy SW13 is also applicable. This Policy seeks to protect community facilities and therefore development proposals that would result in the 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.

Given, that no justification has been given for the change of use, until such a time that the proposal can be justified by satisfying one of the above criteria it is considered contrary to this Policy. However, if it can be satisfactorily justified and the Council is minded to approve the application then regard should also be had to the following Policies:

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, 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.
- 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.

The site also lies within the West Merthyr (including Heolgerrig and Gellideg) Urban Character Area (UCA9) and the Merthyr Tydfil Landscape of Historic Interest in Wales; accordingly, Policy CW1 is relevant.

In addition, 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 are relevant. The applicant should be required to demonstrate that they could incorporate appropriate measures to

reduce, or minimise any impacts identified to the lowest possible acceptable level. Planning conditions may also be imposed, or legal obligation requested to secure any necessary mitigation and monitoring processes both during and post construction.

Finally, Policy SW12 recognises the Transport Hierarchy as outlined in PPW11 that 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 this, the views of the Highways and Drainage Engineer are also relevant.