

INTERNAL MEMORANDUM

To: David Cross - Development Control Case Officer

Reference: P/23/0026

From: Planning Policy and Implementation Section

Ask for: David James

Extension: 7053

Date: 22nd February 2023

Summary

No objection raised. The development meets the relevant Replacement LDP policies (SW4, EcW3, EcW6 and EcW7).

If minded to approve in principle, particular consideration should be given to the impact of the development on the character of the Cyfarthfa Conservation Area (and other relevant heritage assets, mentioned below), the impact on surrounding area and occupiers in terms of noise and disturbance, traffic generation and parking provision, and any other relevant risks to public health and safety, such as flooding (Policies SW11, SW12, CW1, CW2 & EnW4).

Observations in respect of the above development

1. Proposed Development

Application for the change of use from Class A1 (retail) to Class D2 (gym) use at Unit 15 Cyfarthfa Retail Park, Swansea Road, Merthyr Tydfil.

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 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.*
- *LDP Objective 10 Biodiversity: To improve ecosystem resilience and connectivity which support habitats and species of principle importance.*
- *LDP Objective 14 Town and Local Centres: To develop the town and local centres as accessible, attractive, viable and vibrant places.*
- *LDP Objective 15 Leisure, Recreation and Tourism: To support sustainable tourism, leisure and recreation developments and encourage an all year round tourism industry.*

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 CW1: Historic Environment*
- *Policy CW2 Cyfarthfa Heritage Area*
- *Policy EnW1: Nature Conservation & Ecosystem Resilience*
- *Policy EnW4: Environmental Protection*
- *Policy EcW3 Retail Hierarchy – Supporting Retailing Provision*
- *Policy EcW6 Out-of-Town Retailing Areas*
- *Policy EcW7 Tourism, Leisure and Recreation Development*

The following supplementary planning guidance is 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).*

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 Places: Retail and Commercial Development
- Recognising the Special Characteristics of Places: The Historic Environment
- Recognising the Environmental Qualities of Places: Water and Flood Risk

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

Technical Advice Notes (TANs)

TAN 4: Retail and Commercial Development (November 2016).

TAN 12: Design (March 2016).

TAN 15: Development and Flood Risk (July 2004).

TAN 24: Historic Environment (May 2017).

3. Policy Considerations

The application site is a commercial unit located within the Cyfarthfa North area of Cyfarthfa Retail Park. The site is located within the Primary 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 nature of the development, Community Infrastructure Levy (CIL) would not be chargeable.

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.

Considering the nature of the development (the change of use to a gym), and the location of the site (in close proximity to existing residential and commercial uses and heritage assets) particular consideration should be given to the above issues. As such, the views of the Council's Environmental Health department and the Engineering and Traffic Group Leader should be sought where appropriate.

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 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.

Policy CW2 relates to the Cyfarthfa Heritage Area, which is identified on the proposals map to support the development of a heritage based visitor attraction to complement the offer of Cyfarthfa Castle and Park.

The site lies within an Archaeologically Sensitive Area, Urban Character Area (UCA 5), the Cyfarthfa Conservation Area, the Cyfarthfa Heritage Area and the Merthyr Tydfil Landscape of Outstanding Historic Interest. The proposal does not include any external alterations, however the impact of the change of use on these heritage assets should be considered, and the views of the appropriate Council Officer, or Heritage body, should be sought as required.

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. As such, the views of the Environmental Health department should be sought as appropriate.

Policy EcW3 advises that Merthyr Tydfil Town Centre is the favoured location for retail, leisure, and other complementary development, being situated at the head of a retail hierarchy and being followed by the local centres and a new local centre forming part of the 'Hoover Strategic Regeneration Area'. Proposals for new and enhanced retail, leisure and other complementary provision in all these centres will be permitted where they improve the vitality and viability of the centre(s) concerned. Outside the above centres, proposals will be subject to an assessment of need and a strict application of the sequential test. Proposals will then only be permitted where they avoid causing harm to town/local centre vitality and viability.

The proposal is for a change of use to a gym (D2 use) with the site being located within the out-of-town retailing area of Cyfarthfa Retail Park. As such, the proposal is located outside of the Town Centre and local centres, and would require an assessment of need and the application of the sequential test.

Information submitted with the application notes that there are no national multiple low cost gym operators in Merthyr Tydfil, and that the only national multiple gym operator is the Everlast gym at Cyfarthfa Retail Park. The information states that the proposal would therefore provide additional affordable choice in health and fitness facilities for the local

population, and contribute to Welsh Government wellbeing objectives. Additionally, the Merthyr Tydfil Retail and Commercial Leisure Study suggested that there is scope for additional health and fitness facilities in MTCB.

The submitted information also includes a detailed assessment of available units within Merthyr Tydfil Town Centre. This assessment states that the Town Centre is generally characterised by units of small size, with the largest available unit being 1450 sqm. The gym requires a unit of around 1782 sqm. Local centres are not included in the assessment, however it is noted that these centres generally comprise even smaller units.

The information provided is considered sufficient to justify the need for the proposal, and satisfy the requirements of the sequential test. It is also noted that no additional floorspace would be created at the out-of-town retailing area. As such, the proposal would be in accordance with the requirements of Policy EcW3.

Policy EcW6 relates to out-of-town retailing areas, and states that proposals for retail development on new sites or existing retail areas in out-of-town locations, including changes of use, extensions, the merger or subdivision of existing units or amendments to existing planning conditions relating to the sale of goods will only be permitted where:

- It can be demonstrated that there is an additional need for the proposal which cannot be provided within an existing town or local retail centre, and
- The proposal would not either individually or cumulatively with other existing or consented developments have an unacceptable impact on the trade, turnover, vitality and viability of the town or local centres.

Policy EcW7 states that tourism, leisure and recreation development within settlement boundaries is generally supported, particularly where they aid the revitalisation and regeneration of the Town and Local Centres.

The application site is located within the settlement boundary, but is not located within the Town, or a local, Centre. However, the information submitted with the application justifies the required assessment of need and the sequential test (see above paragraphs). Therefore, the proposal is considered to comply with Policy EcW7.