

INTERNAL MEMORANDUM

To: Caroline Pulley - Development Control Case Officer

Reference: P/20/0097

From: Planning Policy and Implementation Section

Ask for: David James

Extension: 7053

Date: 18th May 2020

Observations in respect of the above development

1. Proposed Development

Application for the retrospective change of use from "B" use class to an ice cream parlour "A3" use class at Units 10 & 11 Harlan Business Park, Goat Mill Road, Dowlais, 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 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 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 SW10: Protecting and Improving Open Spaces*
- *Policy SW11: Sustainable Design and Placemaking*

- *Policy SW12: Improving the Transport Network*
- *Policy EnW4: Environmental Protection*
- *Policy EcW2: Protected Employment Sites*
- *Policy EcW3: Retail Hierarchy – supporting retail provision*

The following supplementary planning guidance is applicable:-

- *SPG2: Planning Obligations*
- *SPG4: Sustainable Design*

National Planning Policy

Planning Policy Wales (Edition 10, December 2018)

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
- Economic Infrastructure: Economic Development

3. Policy Considerations

It is noted that a similar development was submitted as part of planning application P/19/0295, which was refused permission following an objection on planning policy grounds. The development has been re-submitted as part of the current application, with additional information included to justify the location of the development.

The application site is an industrial unit (formerly a pair of units) at Harlan Business Park, Goat Mill Road, Dowlais. 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):

1. be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;
2. 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;

Considering the nature of the development (change of use to A3), and the location of the site (in close proximity to existing industrial and commercial uses) particular consideration should be given to the mix of land uses impact of the development on surrounding occupiers in terms of loss of privacy, disturbance and traffic movements. 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 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.

The development locates an A3 use (involving the purchase and consumption of food) within an area of commercial and industrial uses. Given the close proximity of such uses, the A3 use may suffer negative impacts from these. Policy Enw4 seeks to protect against negative environmental impacts and, as such, the Environmental Health department should be consulted

Policy EcW2 advises that, at Pengarnddu, Pant Industrial Estate, Goatmill Road, EFI Industrial Estate, Cyfarthfa Industrial Estate, Triangle Business Park, Merthyr Tydfil Industrial Park, The Willows/ Abercanaid Industrial Estate, and at allocated employment sites, 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.

The site is located within the existing employment site boundary for Goatmill Road. The development – the retrospective change of use from "B" use class to an ice cream parlour "A3" use class – does not satisfy the first criteria, above. The second criteria offers the opportunity for ancillary facilities or services that support the primary employment use. The third criteria offers the opportunity for acceptable complementary commercial services outside class B uses. It is not considered that an ice cream parlour would be included within these definitions.

Development proposals at existing or allocated sites for uses other than those specified that result in the loss of employment land or premises will only be permitted where it can be demonstrated that the proposal would not lead to an unacceptable change in the nature of

the employment site. This requires that alternative uses do not undermine or have an unacceptable effect on the employment sites characteristics in terms of its role and function. Such uses have an intended customer base is further afield than the users of the existing employment site. Alternative uses will also need to satisfy other relevant policies of the Plan and ensure there are no unacceptable conflicts with existing users.

In this respect, it is not considered that an ice cream parlour would be an acceptable non-employment use, given its relatively specialized product range and that its intended customer base is further afield than the immediate commercial/industrial area. However, information has been submitted which advises that the site is also used to store vehicles and stock which relate to the original aspect of the business – namely mobile sales of ice-cream etc. This activity is akin to a B8 storage and distribution use, which would be considered an acceptable use at this site, in accordance with policy EcW2. The development therefore has a mixed use character, which somewhat mitigates the use of part of the site as an ice-cream parlour.

Furthermore, additional evidence has been provided with this re-submission, in the form of marketing literature. This advises that the site was marketed for a period of approximately 2 years, with appropriate incentives. There was little interest in the site, with it being inappropriate for the small number of prospective tenants. The comments in response to application P/19/0295 highlighted the findings of the MTCBC Employment Land Review, June 2018, which concluded that Goatmill Road had a 0% vacancy rate (the Planning Department's Annual Monitoring Report 2018/19 recorded a 2% vacancy rate), which suggests that the units here are in demand & should therefore be protected for employment uses. As such, in the absence of justification for this retail use, the employment use should be protected. However, the submitted evidence would suggest that this is not the case for this particular site. As such, it appears that the site is surplus to the requirements of the employment market. In this respect, the development would therefore comply with Policy EcW2.

Policy EcW3 requires that outside local centers new retail development will be subject to an assessment of need and application of the sequential test. Developments will then only be permitted where it is demonstrated that they avoid causing harm to town and local center vitality and viability. Given the additional information received, regarding part of the site being used in a similar way to a B8 use, giving the development a mixed use character, consideration is required as to whether a sequential test and assessment of need is justified in this instance.