

INTERNAL MEMORANDUM

To: Caroline Pulley - Development Control Case Officer
From: Planning Policy
Please ask for: Natasha Lade
Ext.: 6220

Date: 5th August 2021

Ref: P/21/0244

Observations in respect of the request for policy advice on planning application no. P/21/0244 at 3 Chestnut Way Gurnos, Merthyr Tydfil, CF47 9BS.

1. Proposed Development

The application submitted is for the change of use from an A1 unit to A3 at 3 Chestnut Way, Gurnos, 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:

Economic Action Plan – page 14 and Retail – pages 35, 36, 70, 71, and 107.

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, 3.10, 3.12, 13 & 16) & Promoting Healthier Places (paragraph 3.19).
- Active and Social Places: Sustainable Transport (paragraphs 4.1.10, 12, 15, 25, 28, 31 & 33 & 35), & Retail and Commercial Development (paragraphs 4.3.18, 31 & 45).
- Distinctive and Natural Places; Air Quality and Soundscape (paragraphs 6.7.5, 6, 7, 14, & 24) & Lighting (paragraph 6.8.4).

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

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 4: To promote the reuse of previously developed land and the continued regeneration of communities.*
- *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 14: To develop the town and local centres as accessible, attractive, viable and vibrant places.*
- *LDP Objective 18: To promote the efficient use of resources and ensure an integrated network of waste management facilities.*

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: Protecting and Improving Community facilities.*
- *Policy CW1: Historic Environment.*
- *Policy EnW4: Environmental Protection.*
- *Policy EcW3: Retail Hierarchy and*
- *Policy EcW5: Town and Local Centre Retailing Areas.*
- *Policy EcW9: District heating.*

The following Supplementary Planning Guidance may also be relevant: -

- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 3: Shopfront Design.*
- *Policy EcW5: Town and Local Centre Development - Explanatory Note*

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 property is located within the Gurnos local district centre, 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 relevant policies and all other material considerations.

Given that the application property lies within the Gurnos local centre, Policies EcW3 and EcW5 are applicable.

Policy EcW3 relates to the retail hierarchy, with the Town Centre being the favoured location for retail and other complementary uses followed by Local centres where they improve the vitality and viability of the Centre. Although complementary commercial uses including A3 are acceptable in Local centre boundaries the loss of an A1 use could affect the vitality of the centre, by reducing the number of A1 uses with active shopfronts within the local Centre. However, given that, no external alterations are proposed, the proposal is unlikely to affect the vitality of the Local Centre.

Policy EcW5 reinforces Policy EcW3 by also supporting development that enhances the vitality and viability of the Town Centre and Local Centres. Within Local Centres change of use from A1 to another, A- class use is acceptable in principle, subject to it enhancing the viability of the centre.

However, Policy SW13 relates to protecting and improving community facilities. Given that a former convenience store occupied the application property, this policy is also applicable. In this case, permission would only be forthcoming for development proposals that would result in the loss of an existing community facility where there is evidence that:

- 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 convenience stores are located at numbers 9, 11 and 23 Chestnut Way, it is considered that the first criterion is met.

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, elevation 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.
- 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.

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 will be expected to demonstrate how they will reduce the need to travel and encourage the use of sustainable transport. Although there is no change to parking, given the above the views of the Highways and Drainage Engineer should be sought.

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 should be sought. Where impacts are identified the applicant should be required to demonstrate that appropriate measures can be incorporated to reduce, or minimise the impact identified to the lowest possible acceptable level. Planning conditions may be imposed, or legal obligation requested to secure any necessary mitigation and monitoring processes both during and post construction.

Finally, the application property lies within the Goat Mill Road district heating area, where Policy ECW9 applies, here the use of district heating, amongst other things, is encouraged. However, only major development is expected to incorporate infrastructure for district heating and this would therefore not be pursued in this instance.