

INTERNAL MEMORANDUM

To: Kate Glover - Development Control Case Officer

Reference: P/24/0103

From: Planning Policy and Implementation Section

Ask for: David James

Extension: 7053

Date: 13th June 2024

Summary

No objection raised. The proposal meets the requirements of Replacement LDP Policy SW4 - Settlement Boundaries and, in this instance, satisfies the criteria of Policies SW13 - Protecting and Improving Local Community Facilities and EcW5 - Town and Local Centre Development.

Consideration should also be given to the impact of the development on the character of the surrounding area, the impact on surrounding area and occupiers, the impact on heritage assets and biodiversity, and any other relevant risks to public health and safety (Policies SW11, SW12, CW1, EnW1 & EnW4).

Observations in respect of the above development

1. Proposed Development

Application for the part change of use of a ground floor shop to form part of a dwelling, and the redesign of the front elevation and internal alterations, at 16A Aberfan Road, Aberfan, 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 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 10 Biodiversity: To improve ecosystem resilience and connectivity which support habitats and species of principle importance.*
- *LDP Objective 12 Economic Development: To provide and safeguard appropriate land for economic and skills development.*

The following development plan policies would apply:-

- *Policy SW1 Provision of New Homes*
- *Policy SW2 Provision of Affordable Housing*
- *Policy SW3 Sustainably Distributing New Homes*
- *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 EnW1: Nature Conservation and Ecosystem Resilience*
- *Policy EnW4: Environmental Protection*
- *Policy EcW3: Retail Hierarchy – Supporting Retailing Provision*
- *Policy EcW5: Town and Local Centre Development*

The following supplementary planning guidance is applicable:-

- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 1: Affordable Housing (March 2012).*
- *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 12, February 2024)

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 a Place: Retail and Commercial Development**
- **Activities in a Place: 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 site of the proposal is located within an Other Growth Area, and within the settlement boundary where development will be allowed subject to the proposals compatibility with other plan policies and material considerations (Policy SW4). The site is also within the Aberfan Local Centre (Policies EcW3 and EcW5).

Policy SW9 relates to planning obligations. Given the nature of the proposal, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing, would not be sought. Additionally, 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. The submitted information does not indicate that the development would not benefit from dedicated off-street parking. This 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). As such, the proposal would not appear to be in accordance with Policy SW13, and evidence is required which satisfies the criteria above.

The property appears to have been vacant for a number of years (apparently since at least 2008), and information has been submitted with the application, indicating that the property has been unsuccessfully marketed for commercial use. As such, it appears that the shop is surplus to the needs of the community, and is no longer viable. It is also noted that there are other shops in close proximity to the site. In this instance, taking the above into account, it is considered that the proposal satisfies the criteria above, and is 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. As such, any relevant historic environment assets should be taken into consideration, and the views of the relevant Officer or external Heritage body sought in this regard, as appropriate.

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 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'.

As mentioned in relation to Policy SW13, the property has been vacant for a considerable period of time and has been marketed unsuccessfully for a commercial use. This suggests that the previous use as a shop is no longer economically viable.

Additionally, given that the area is a mix of residential and commercial uses, it is not considered that the introduction of an additional residential unit would result in an over-concentration of non-A1 uses, nor would it have an unacceptable impact on the viability of neighbouring uses. Therefore, the proposal is not considered to be detrimental to the vitality, attractiveness or viability of the Aberfan Local Centre.

As such, the proposal would be in accordance with the requirements of Policy EcW5.