

INTERNAL MEMORANDUM

To: Rebecca Owens - Development Control Case Officer

Reference: P/24/0209

From: Planning Policy and Implementation Section

Ask for: David James

Extension: 7053

Date: 23rd October 2024

Summary

No objection raised, provided that the proposed commercial use is, and remains, secondary and subordinate to the main residential use of the dwelling. Appropriate conditions should be attached to any planning permission to ensure this, in order to mitigate the impacts resulting from it (such as the impact on the surrounding area and occupiers in terms of loss of privacy, odour, noise and disturbance, traffic generation and parking provision), and so that it does not result in a harmful impact to the vitality or viability of the town or local centres, to comply with Replacement LDP policies SW11, EnW4, EcW3 & EcW6.

If minded to approve in principle, particular consideration should be given to the impact of the development on the character of the area, and any other identified risk to public health and safety (policies SW11, SW12 & EnW4), and the impact on the designated and undesignated historic and natural environment assets in the vicinity of the site (policies CW1, EnW1 & EnW3).

Observations in respect of the above proposal

1. Proposed Development

An application for the change of use of part of the dwelling to a beauticians, at 13 Argyle Street, Twynyrodyn, 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 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 SW11: Sustainable Design and Placemaking*
- *Policy SW12: Improving the Transport Network*
- *Policy SW13: Protecting and Improving Local Community Facilities*
- *Policy CW1: Historic Environment*
- *Policy EnW1: Nature Conservation & Ecosystem Resilience*
- *Policy EnW3: Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority*
- *Policy EnW4: Environmental Protection*
- *Policy EcW3: Retail Hierarchy – Supporting Retailing Provision*
- *Policy EcW6: Out-of-Town Retailing Areas*

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 3: Shopfront Design (May 2013)*
- *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 Places: Retail and Commercial Development
- Activities in Places: Community Facilities
- Distinctive and Natural Places: Recognising the Special Characteristics of Places

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 the Primary Growth Area , as defined by the LDP, and within the settlement boundary where development will be allowed subject to the proposals compatibility with other plan policies and material considerations (Policies SW4).

Policy SW9 relates to planning obligations. Community Infrastructure Levy (CIL) is chargeable in this part of the County Borough. However, due to the nature of the proposal, CIL would not be chargeable in this case.

Policy SW11 requires new development to, among 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. integrate effectively with adjacent spaces, the public realm and historic environment to enhance the general street scene and create good quality townscape;
3. 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;
4. 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 location of the application site, in close proximity to existing dwellings, careful consideration should be given to these issues, particularly in terms of the impact of the proposal on local amenity, and the impact of increased traffic movements. The submitted information indicates that the application site benefits from off-street parking provision. As such, the proposed parking provision 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.

Appropriate conditions could be attached to any planning permission, which limit the operation of the business to specific areas of the property, and/or limit the times of the operation of the business, in order to mitigate the impacts mentioned above (please comments below in relation to policies EcW3 and EcW6).

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. Development proposals 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 (UCA) and Archaeologically Sensitive Areas should have regard to their special character and archaeological importance. As such, the views of the relevant Officer or external body should be sought in this regard.

The site is located within Urban Character Area 2 - Thomastown and Penyard. The impact of the proposal on this, and any other relevant, Heritage asset should be particularly considered and, as such, the views of the relevant Officer or external heritage body should be sought, as appropriate, in this regard.

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. With regard to flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN 15. As such, the views of the Engineering and Traffic Group Leader, and the Environmental Health department, should be sought as appropriate.

Policy EcW3 states 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 local centres. 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.

Policy EcW6 states that proposals for retail development on new sites or existing retail areas in out-of-town locations 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.

It is acknowledged that the proposal would introduce a commercial *sui generis* use (a beautician), outside of a defined town or local centre. However, the submitted plans indicate that the business would operate from only one room of the dwelling, and that there would be no additional employees. As such, the commercial use would be secondary and subordinate to the main residential use. To ensure this, a planning condition could be attached to any permission granted, which limits the operation of the business to a limited area of the dwelling.

The submitted information also indicates that the commercial use would operate from 0900-17 on Mondays to Fridays, and 0900-1300 on Saturdays, with only one client being treated at any one time. An additional planning condition could ensure that the hours of operation were limited to these hours, or restricted further if deemed necessary.

In this instance and considering the scale and nature of the proposed commercial use, it is unlikely to have a harmful impact upon the vitality or viability of the town centre or any other centre. Given the small scale of the proposal, it is also considered unnecessary to require an assessment of retail need, or apply the sequential approach. As such, the proposal could comply with policies EcW3 and EcW6.