

**Application No.**  
P/15/0206

**Date**  
25th June 2015

**Determining Authority**  
MTCBC

**Proposed Development**

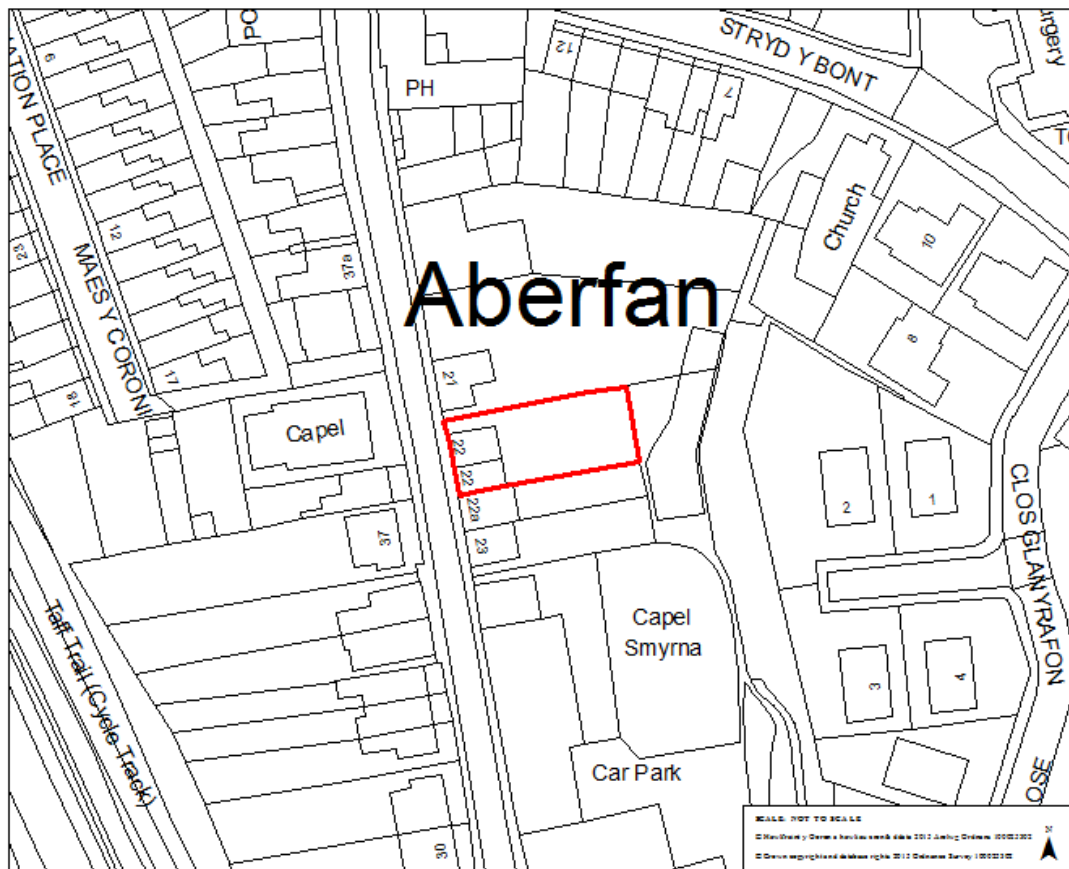
**Location**

**Name & Address of Applicant/Agent**

Change of use of ground floor and basements to 2 No. two bedroom flats, and external alterations

22 Aberfan Road  
Aberfan  
Merthyr Tydfil  
CF48 4QN

Ms Angela Tovey  
c/o Mr G. B. Worthington  
Unit 3  
Creative House  
Rocky Road  
Penydarren



**APPLICATION SITE**

The application site relates to the basement and ground floor levels of two terraced commercial units. The units are located on Aberfan Road, which contains a mix of commercial, community and residential uses. The site is bound by the highway to the front, residential properties to the north, a commercial property to the south and undeveloped land to the rear.

A hair salon previously occupied one of the ground floor commercial units. The other commercial unit has been vacant for at least five years. The basement levels of the properties have historically been used in conjunction with the commercial units. The first floor above the units contain a single flat.



- The change of use of the building to residential would result in increased noise, disturbance and nuisance to the detriment of the residential amenity of surrounding residents.
- Anti-social behaviour is currently being experienced from existing flats in the street. Two additional flats would compound this problem.
- The development would result in the loss of commercial premises.
- A similar proposal was historically refused on the grounds of loss of commercial premises and the existing parking issues in Aberfan.

## POLICY CONTEXT

### National Planning Policy

Planning Policy Wales (PPW) - Edition 7, July 2014

Paragraph 4.4.3, amongst other criteria, states that planning policies, decisions and proposals should:

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take (and especially extensions to the area of impermeable surfaces) and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites.
- Locate developments so as to minimise the demand for travel, especially by private car.

Paragraph 8.4.2 points out that car parking provision is a major influence on the choice of means of transport and the pattern of development. Local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate. Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan.

Paragraph 8.7.1 states that when determining a planning application for development that has transport implications, Local Planning Authorities should take into account:

- the impacts of the proposed development on travel demand;
- the level and nature of public transport provision;
- accessibility by a range of different transport modes;
- the willingness of a developer to promote travel by public transport, walking or cycling, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission to a development for which it would not otherwise be granted);
- the environmental impact of both transport infrastructure and the traffic generated (with a particular emphasis on minimising the causes of climate change associated with transport); and
- the effects on the safety and convenience of other users of the transport network.

Paragraphs 9.3.1, 9.3.3 and 9.3.4 refers to new housing and states that ‘...new housing developments should be well integrated and connected to the existing pattern of settlements.....insensitive infilling or the cumulative effects of development or redevelopment...should not be allowed to damage an area’s character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing...in determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area’s character and amenity...’

Technical Advice Note (TAN) 12: Design advises that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and deliver environmental sustainability, economic development and social inclusion at every scale throughout Wales.

Technical Advice Note (TAN) 18: Transport provides advice on how to integrate land use planning and transport and how transport impacts should be assessed and mitigated.

### Local Planning Policy

The following policies contained within the Merthyr Tydfil Local Development Plan (LDP) 2006-2021 are relevant to the determination of this application:

- Policy BW4 - Settlement boundaries/location constraints
- Policy BW6 - Townscape & built heritage
- Policy BW7 - Sustainable design and place making
- Policy BW12 - Development proposals and transport
- Policy BW17 - Securing community infrastructure benefits
- Policy AS18 - Retail hierarchy
- Policy AS22 - Affordable housing contributions
- Policy TB11 - Access, parking and accessibility of local facilities

### Supplementary Planning Guidance (SPG):

SPG 1: Affordable Housing (March 2012)  
SPG 2: Planning Obligations (March 2012)  
SPG 4: Sustainable Design (July 2013)

### Other guidance:

CSS Wales Parking Standards 2008

## PLANNING CONSIDERATIONS

The retail units are located within the Aberfan local retail area (as defined by the LDP). Policy AS18 of the LDP encourages new and enhanced retail provision in such areas but it does not protect the loss of existing retail uses. However, Policy BW15 of the LDP defines retail uses as community facilities and resists their loss unless evidence can be provided to demonstrate one of the following:

- 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.

Information provided by the agent indicates that the hair salon, which previously occupied one of the units, has relocated to another shop on Aberfan Road (approximately 25m from the application site). The other unit was once occupied by a charity shop, but has been vacant for at least five years. The information supplied also shows that a number of shops (Use Class A1) and food and drink premises (Use Class A3), as well as other vacant units, are located on Aberfan Road and within 170 metres of the application site. Therefore, given that alternative provision exists nearby and at least one of the units has been vacant for a considerable period of time, the Town Planning Division's Policy and Implementation Group Leader has raised no objection to the proposal. As such the principle of the proposal is considered acceptable as it complies with Policy BW15 of the LDP.

The units are located in an area of the street where the dominant use of the properties is residential. It is considered that the proposal would result in a reduction in the noise and disturbance to local residents when compared to the permitted commercial uses. The number and frequency of activities and associated noise and disturbance, from two retail uses (i.e. from deliveries, customer/staff movements, activities within the units etc) could be far greater than that generated from two, 2 bedroom flats. As such, it is considered that the proposal would not have an adverse impact on residential amenity and complies with Policy BW7 of the LDP. Committee will be aware that anti-social behaviour, in this instance, is not a planning consideration and, if it does occur in the future, is a matter to be controlled by the Police and/or the Council's Environmental Health Department.

It is noted that the property does not benefit from any off-street parking provision (although a public car park is located on Aberfan Road, within 30m of the application site). The CSS Wales Parking Standards state that a maximum of one parking space per bedroom should be provided for the residential units. However, the established uses of the two units would potentially generate more vehicular movements than the proposal. Therefore, the change of use could reduce the parking and traffic movements in this part of Aberfan Road. There are no double yellow lines outside the application site and although the road is fairly narrow, vehicles are permitted to park on sections of the road, allowing for traffic to flow freely on the other side. It should also be noted that indiscriminate illegal parking is a matter for the Police. Given these factors and considering that the Engineering and Highways Manager has not objected to the development, it is not considered that the proposal would have a detrimental impact on highway safety and as such complies with Policies BW12 and TB11 of the LDP.

It is acknowledged that a proposal for the provision of an additional residential unit (P/94/0355) at 23 Aberfan Road was refused permission due to the lack of off-street parking in 1994. An appeal, following this decision, was also subsequently dismissed in 1995. However, there has been a significant change in policy at both national and local level since this decision was issued over 20 years ago. The importance of providing new development in locations which reduce the reliance on the car (and in doing so reducing harmful emissions) is one of the principle aims of PPW and the LDP. This proposal, positioned in an area where local facilities are in easy walking distance, would enable the

occupation of the flats by people that do not own or have use of a car. There is also a regular bus service which is easily accessible. Finally, it should also be noted that a public car park has been provided, since the 1995 appeal decision, 30 metres to the south of the application site. The Engineering and Highways Manager has taken these factors into consideration and has, in this case, not raised any objection.

The proposed external render and windows, which would replace the existing shop-fronts, are considered to be of an acceptable design and scale and would be finished in materials to match the existing first floor front elevation. Therefore it is not considered that they would have an adverse impact on the character or visual amenities of the properties or indeed the wider area. The windows located at ground floor would not result in any overlooking or loss of privacy to neighbouring residents. Therefore, this aspect of the proposal is considered to comply with Policy BW7 of the LDP.

Policies BW17 and AS22 of the LDP consider the requirements for planning obligations and affordable housing respectively. Using the default values within the Three Dragon's Toolkit, the Town Planning Division's Policy and Implementation Group Leader has acknowledged that no planning obligation for the provision of affordable housing or any other contributions have been sought, as this would likely render the development financially unviable.

Therefore the proposal complies with policies BW17 and AS22 of the LDP and the following recommendation is made:

**RECOMMENDATION: BE APPROVED** subject to the following **CONDITION:**

1. The development shall begin not later than five years from the date of this decision.

**Reason** - To comply with Section 91 of the Town and Country Planning Act 1990.

---