



Cyngor Bwrdeistref Sirol  
**MERTHYR TUDFUL**  
**MERTHYR TYDFIL**  
County Borough Council

HEARING SESSION 5  
COMMERCIAL, RETAIL, LEISURE AND TOURISM DEVELOPMENT  
ACTION POINT 5.4 – COUNCIL RESPONSE

HEARING 5 – ACTION POINT 4 RESPONSE

**Action Point**

*Council to amend policy EcW5 and reasoned justification to refer to the viability of existing uses in the context of the agent of change principle.*

**Council's Response**

This statement has been prepared by the Council in response to an issue that arose at Hearing Session 5. Matter 5.3 (e) (iii) of the Council's Hearing Statement proposed amendments to policy EcW5, and its reasoned justification, to include reference to the 'agent of change principle' included in PPW (paragraph 6.7.5). The proposed change referred only to 'amenity' of neighbouring uses and it was considered appropriate to extend this to include reference to the 'viability' of neighbouring uses to cover impacts on existing businesses. For completeness, other changes specified to policy EcW5 contained in the Council's Statement for Hearing 5 have been included in the Matters Arising Change set out below.

**Matters Arising Change**

Policy EcW5: Town and Local Centre Development

Development enhancing the vitality and viability of the Town and Local Centres will be supported.

Within the Town Centre Primary Shopping Area (PSA) the change of use of the ground floor from A1 to another 'A class' use will be permitted where:

- At least 75% of the commercial uses at street level within the PSA remain A1, and;
- There are no more than two adjoining 'non-A1' units in any row of five units, provided there are not more than three 'non-A1' units in any 5 units.

Within the PSA and local centres, the change of use of the ground floor to ~~non-retail~~ **non-A** use classes 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 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,

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- The proposal would not have an unacceptable effect on the amenity **and viability** of neighbouring uses, **having regard to the ‘agent of change principle’.**

Add an additional paragraph 6.8.49 under policy EcW5 as follows:

**6.8.49 PPW states that the agent of change principle requires that a business or person responsible for introducing a change is responsible for managing that change and any related impacts on, for example, the amenity or viability of an existing use. In practice, for example, this means a developer would have to ensure that solutions to address air quality or noise from nearby pre-existing infrastructure, businesses or venues can be found and implemented as part of ensuring development is acceptable.**