

Planning Statement.

Unit 13, Cyfarthfa Shopping Park, Merthyr Tydfil, CF48
1HY

Prepared on behalf of Hammerson PLC

16 March 2021

Public

KF Ref: I1097220

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1. Introduction

- 1.1 This Planning Statement has been prepared by Knight Frank LLP (hereinafter 'Knight Frank') on behalf of Hammerson PLC (hereinafter 'the Applicant') in support of a Full Planning Application submitted to Merthyr Tydfil County Borough Council for the change of use of Unit 13, Cyfarthfa Retail Park, Swansea Road, Merthyr Tydfil, CF48 1HY (hereinafter 'the Site').
- 1.2 The proposed description of development is as follows:
- "Change of use from the former Carphone Warehouse and Games Store (Use Class A1) units to form two food and drink establishments (Use Class A3)".*
- 1.3 This Planning Statement incorporates a Retail Justification and Sequential Test.
- 1.4 The proposals have been subject to pre-application discussions with relevant Planning Officers at Merthyr Tydfil County Borough Council (hereinafter 'MTCBC'). Details of these pre-application discussions are provided at Section 3 of this Planning Statement.
- 1.5 Alongside the Full Planning Application for the change of use, a Certificate of Lawful Existing Use or Development (hereinafter 'CLEUD') application has been submitted to the Council to formalise and established the lawful sub-division of Unit 13.
- 1.1 Given the current economic climate the Applicant is actively managing Cyfarthfa Retail Park by compelling retailers to renew leases and where possible, attracting new retailers to the Park in an attempt to minimise vacancies and maintain much needed jobs. As part of this initiative the Applicant has recently submitted a planning application for facia treatments to Unit 9 (former Debenhams), in an attempt to ensure the Park remains relevant and continues to benefit Merthyr Tydfil Town Centre and the wider borough.
- 1.2 In accordance with the list of validation requirements agreed through the pre-application formal response, this Full Planning Application comprises the following suite of documents, in addition to this Planning Statement:
- Application Form and Notices – Prepared by Knight Frank
 - Site Location Plan Ref. VA XX (06) 002 – Prepared by Powell Dobson Architects;
 - Existing General Arrangement Plans, Sections and Elevations Ref. G1843-(10)-(20)300 Rev F – Prepared by Powell Dobson Architects; and
 - Proposed Floor Plans Ref. 20095 (06) 003 – Prepared by Powell Dobson Architects.
- 1.3 The purpose of this Statement is to provide a justification in 'town planning' terms for the proposed development; to assess the scheme against the development plan and draw on other material considerations to provide a robust justification for the development. This Statement is structured as follows:
- Section 2 (Site and Surrounding Context) sets out an overview of the Site including consideration of its wider context as well as identifying any relevant planning history;
 - Section 3 (Proposed Development) describes the proposed development and summarises the response of the pre-application consultant engagement;
 - Section 4 (Planning Policy Context) sets out the national and local planning policy framework against which the application is to be considered;
 - Section 5 (Planning Assessment) evaluates the proposal in the context of relevant planning considerations and includes a sequential assessment; and
 - Section 6 (Conclusions) summarises our conclusions in support of the proposals.

2. Site and Surrounding Context

2.1 The following section describes the key characteristics of the Site and surrounding area.

The Application Site

2.2 The Site comprises Unit 13, Cyfarthfa Retail Park, Swansea Road, Merthyr Tydfil, CF48 1HY. The Site extends across an area of approximately 0.03 hectares and lies on the western edge of Cyfarthfa Retail Park. The Site is situated wholly within the administrative boundary of Merthyr Tydfil County Borough Council, which is the Local Planning Authority. The Site is identified in Figure 1 below.

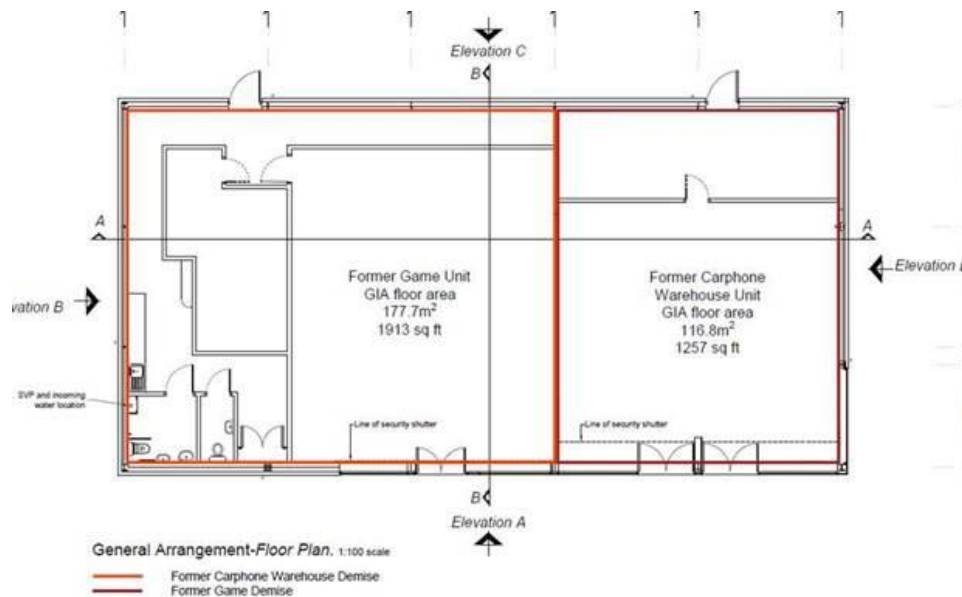
Figure 1: Site Location Plan



Source: Google

- 2.3 Cyfarthfa Retail Park is an established retail destination comprising department stores, retail fashion chains and familiar fast-food outlets. The Site is considered to be out-of-centre in retail planning terms but is located in close proximity to the main centre of Merthyr Tydfil town centre, situated approximately 1km away.
- 2.4 The Site is bound to the north by the A4102 (Swansea Road) roundabout, to the west by a McDonald's drive thru, and to the south by a surface level car park that provides parking for the Site, the McDonalds and the KFC. Beyond the car park, is the A470 dual carriageway. The Site is located in a part of the Cyfarthfa Retail Park that provides the majority of the food and drink offering.
- 2.5 The Site currently comprises a one storey building, providing two separate retail units (Use Class A1) across 294 sq.m (GIA) of retail floorspace, as shown in figure 2 overleaf. The Site has operated as two separate retail units for over 10 years and a CLEUD application has been submitted alongside this application to confirm the lawful subdivision.
- 2.6 The Site is currently vacant but was formerly occupied by Game and Carphone Warehouse, the sub-divided units comprised approximately 178 sq.m (GIA) and 117 sq.m (GIA) of retail floorspace, respectively. Communal WCs and shared services were also provided within the Site.

Figure 2: Existing Floorplan Arrangement



Source: Powell Dobson Architects

- 2.7 Access to the Site is gained via the A4102 (Swansea Road) roundabout. The Site is detached from the Park's principle shopping area that is located to the east of the Site, by a busy one-way road.

Surrounding Area

- 2.8 Cyfarthfa Retail Park and Trago Mills Shopping and Leisure Park are the predominant retail uses in the surrounding area. Cyfarthfa Retail Park comprises approximately 30,000 sq.m of commercial floorspace and includes Matalan who are located in the Park's principle shopping area (3,700 sq.m) and B&Q who are located at Cyfarthfa North (4,290 sq.m).
- 2.9 The existing quantum of food and drink floorspace (Use Class A3) within the park totals 9,999 sq.m, which includes the McDonald's Drive Thru, KFC, Pizza Hut and Costa Coffee. Overall, this equates to 3% of the total commercial floorspace within Cyfarthfa Retail Park being used for food and drink purposes (Use Class A3).
- 2.10 Merthyr Tydfil town centre is located 0.85km to the southeast of Cyfarthfa Retail Park, and is the borough's core retail destination.

Site History

- 2.11 A review of the Council's online planning records indicates that there are a number of minor planning applications relating to the Site, in addition to a series of advertisement consents. Those of relevance are considered below:
- **P/02/0514.** Erection of retail parking including A1 and A3 units, health and fitness (D2), covered builders' yard and garden centre, with associated car parking, servicing and access roads. Granted: 10th June 2003.
 - **P/08/0099.** Installation of double doors with infill panels to front elevation for the Games Store. Granted: 15th April 2008.
 - **P/15/000.** Amendments to the design of each shop front of Units 12, 13, 14, 15 and 16, including alterations to the roof of Units 12-13. Granted: 9th February 2015.

3. Proposed Development

Change of Use

- 3.1 This application seeks Full Planning Permission for the change of use of Unit 13, Cyfarthfa Retail Park, Swansea Road, Merthyr Tydfil, CF48 1HY.
- 3.2 The proposed description of development is as follows:
“Change of use from the former Carphone Warehouse and Games Store (Use Class A1) units to form two food and drink establishments (Use Class A3)”.
- 3.3 No external alterations, or advertisements, are proposed as part of this application; rather, this application seeks a change of use only.
- 3.4 The proposal will create a food/drink quarter that complements the existing neighbouring units (McDonalds & KFC) and serves the wider Cyfarthfa Retail Park.
- 3.5 A3 floorspace currently represents 3% of Cyfarthfa’s floorspace. Post the change of use this would increase to just 4%.

Pre-Application Engagement

- 3.6 The proposed change of use was discussed at a pre-application meeting which was held with the Council on the 20th January 2021. Formal written advice was received on the 18th February 2021 and can be found at Appendix 1 (Pre Application Ref: PA/21/0009).
- 3.7 The Planning Officer agreed that the Merthyr Tydfil Retail and Commercial Leisure Study undertaken by Lichfield’s in 2017 is the most up-to-date evidence base to review the capacity/need for the proposal and as such, a requirement for a new capacity assessment would not be necessary or proportionate to support the proposed development.
- 3.8 The Planning Officer concluded that it had been demonstrated that there is an identified need for additional floorspace in relation to food and drink purposes. As such, the principle of the development is considered acceptable, subject to an appropriate application of the Sequential Test. It was also acknowledged that the proposal would bring two existing vacant units back into beneficial use and that the proposed food and drink uses (Class A3) would complement the adjacent businesses (McDonalds and KFC).
- 3.9 Alongside the pre-application formal written advice, the Council issued a list of vacant town centre units that are comparable size to the proposed development, which have been reviewed as part of the accompanying Sequential Test.

4. Planning Policy Context

- 4.1 This section sets out the planning policy framework (including other material considerations) against which the planning application should be determined.
- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that planning applications should be determined in accordance with development plans, unless material considerations indicate otherwise.
- 4.3 The adopted development plan for Merthyr Tydfil County Borough Council is the Merthyr Tydfil Replacement Local Development Plan 2016 – 2031, which was formally adopted by the Council's Cabinet in January 2020.
- 4.4 Within the adopted Merthyr Tydfil Replacement Local Development Plan Proposal Map the Site is wholly unallocated.
- 4.5 Other material considerations pertinent to this planning application include:
 - Planning Policy Wales (PPW) Edition 11 (February 2021);
 - Technical Advice Note (TAN) 4 – Retail and Commercial Development (2016); and
 - Merthyr Tydfil Retail and Commercial Leisure Study (MTRCLS) (2017).

Adopted Planning Policy

Merthyr Tydfil Replacement Local Development Plan 2016 – 2031

- 4.6 The Merthyr Tydfil Replacement Local Development Plan 2016 – 2031 was adopted by the Council's Cabinet in January 2020 and provides a framework for sustainable development in the area up to 2031.
- 4.7 The relevant policies to be considered in the determination of this planning application and as agreed at the pre application stage include:
 - Policy SW4 – Settlement Boundaries;
 - Policy EcW3 – Retail Hierarchy – Supporting Retail Provision;
 - Policy EcW5 – Town Centre Development; and
 - Policy EcW6 – Out-Of-Town Retailing Areas.
- 4.8 Policy SW4 (Settlement boundaries) states that the Council will encourage development within urban areas, support the re-use of previously development land and will protect and support the functioning of the rural economy. The settlement boundary is defined by the Merthyr Tydfil Primary Growth Area, which the Site forms part of.
- 4.9 Policy EcW3 (Retail Hierarchy – Supporting Retail Provision) outlines the retail hierarchy (1. Merthyr Tydfil town centre and 2. Local centres of Dowlais, Gurnos, Cefn Coed and Brecon Road/Morgantown, Troedyrhiw, Aberfan and Treharris) within which the LPA will favour retail, leisure and other complementary developments. Other complementary commercial developments can include hotels, cafes, restaurants, banks, leisure and tourism and entertainment and community uses.
- 4.10 Policy EcW3 applies the application of a Sequential Test and assessment of need for proposals outside the abovementioned centres, in accordance with the sequential approach set out in PPW and TAN 4.
- 4.11 Additionally, Policy EcW3 requires that where proposals are located outside a centre, need must be satisfactorily justified, and a Retail Impact Assessment will be required for all applications of 2,500 sqm or more gross floorspace. An Impact Assessment may also be required from smaller development proposals proportionate to the potential impacts.
- 4.12 Policy EcW5 (Town and Local Centre Development) states development that enhances the vitality and viability of town and local centres will be supported. In this regard, policy EcW5 seeks to protect the percentage of A1 uses in the town centre and imposes restrictions on the number A3 uses, particularly in the Primary Shopping Area. Policy EcW5 confirms that the change of use of a ground floor A1 use 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.

- 4.13 Furthermore, policy EcW5 sets out that in the Primary Shopping Area (PSA) and local centres, proposals promoting non-A class retailing uses will require robust evidence that demonstrates the facilities are no longer required or such a loss would not have a detrimental impact upon local service provision or local amenity.
- 4.14 Policy EcW6 (Out-of-Town Retailing Areas) confirms that proposals for retail development on new sites or existing retail areas in out-of-town locations, including changes of use, extensions, the merger or subdivision of existing units or amendments to existing planning conditions relating to the sale of goods, 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.
- 4.15 Policy EcW6 also applies the Sequential Test, adding that the Applicant will need to demonstrate that all potential town centre options have been thoroughly assessed using the sequential approach before edge and out-of-centre sites are considered for key town centre uses. This approach requires developers and retailers to be flexible and innovative about the format, design and scale of the proposed development and the amount of car parking provided, tailoring these to fit local circumstances.
- 4.16 While, policy EcW6 relates specifically to new retail development in out-of-town retailing areas, it does not reference instances where the proposed change of use is for a non-retail use. While, this policy is more relevant to new retail development, it is not wholly relevant in its interpretation as this application seeks the change of use for a non-retail use.

Material Planning Considerations

Planning Policy Wales (February 2021)

- 4.17 Planning Policy Wales (hereinafter 'PPW'), Edition 11 (February 2021), sets out the Welsh Government's planning policy framework for development and is a material planning consideration.
- 4.18 The PPW sets out that LPA should establish a hierarchy of retail and commercial centres in their development plan strategy and identify and categorise these by functions they fulfil, consider their future roles and recognise opportunities to support Welsh Government retail and commercial centre objectives (Paragraphs 4.3.10 and 4.3.11).
- 4.19 Need is considered in paragraphs 4.3.13 to 4.3.17 which set out guidance for how to determine retail planning applications, stating that planning authorities should first consider whether there is a need for additional retail provision.
- 4.20 The Welsh Government operates a 'town centre first policy' in relation to the location of new retail and commercial development. Paragraph 4.3.18 explains that "...*planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses*". This means that by adopting a sequential approach first preference should be to locate new development within a retail and commercial centre, as defined by the development plan retail hierarchy.
- 4.21 However, "*if a suitable site or building to meet identified need is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes, including active travel and public transport, be considered*".
- 4.22 The PPW states that the onus of proof is on the Applicant to demonstrate compliance with the Sequential Test.
- 4.23 It is noted that the sequential approach applies to retail and all other uses complementary to retail and commercial centres. Other complementary uses include, for example, financial and professional services (A2) and food and drink (A3).

- 4.24 The PPW confirms that retail planning applications or retail site allocations of 2,500 sq. metres or more gross floorspace that are proposed on the edge of or outside designated retail and commercial centres should, once a need has been established, be supported by a Retail Impact Assessment (paragraph 4.3.26). However, if a planning authority does request a Retail Impact Assessment on smaller developments, these should be proportionate to the potential impacts. A Retail Impact Assessment has not been required for this planning application.
- 4.25 Furthermore, paragraph 5.4.13 states the LPA should aim to promote the re-use of previously developed, vacant and underused land to ensure development is directed to the most efficient and most sustainable locations.

TAN 4: Retail and Commercial Development

- 4.26 Additionally, in November 2016, the Welsh Government adopted Technical Advice Note (hereinafter 'TAN') 4, which provides detailed planning advice for retail and commercial development. This Technical Advice Note is a material planning consideration.
- 4.27 TAN4 reemphasises that there is a requirement to consider retail need as the starting point for planning for new retail development. There is a need to demonstrate quantitative retail needs for an application in an edge-of-centre or out-of-centre location.
- 4.28 As set out above, the requirements of the sequential approach are references in the PPW but Section 7 of the TAN 4 (Retail and Commercial Development) sets the context for applying the sequential test. It states that:
- "The sequential test supports the Welsh Government's policy objective of promoting centres identified in the retail and commercial centre hierarchy, as the most suitable locations to live, shop, socialise and conduct business. Development plan site allocations or planning applications for retail, leisure and other complementary uses should be subject to the sequential test. The sequential location of development plan allocations and planning applications should be considered in the following order:*
- *Firstly, within retail and commercial centres identified in the retail hierarchy where suitable sites, or buildings for conversion are available. Where this relates to a development plan allocation, they must be available for development within the plan period. Local planning authorities should ensure that any development plan allocation or planning application is of an appropriate scale in relation to the role and function of the centre.*
 - *If no suitable sites are available in retail or commercial centres then edge-of-centre locations should be considered, with preference given to brownfield sites that are or will be well connected to the existing centre and accessible by a variety of means of transport, particularly walking, cycling and public transport.*
 - *Only when retail and commercial centres and edge-of-centre locations have been considered and found to be unsuitable can out-of-centre options within, and then outside, a settlement area be considered. Where out-of-centre sites are concerned, preference should be given to brownfield sites which are or will be well served by a choice of means of transport and are close to an established retail and commercial centre."*
- 4.29 Of relevance in the case of this Assessment is paragraph 7.5 which states that:
- "Developers and retailers should be flexible and innovative about the format, design and scale of the proposed development and the amount of car parking needed, tailoring these to fit local circumstances. In particular, developers proposing large scale retail and/ or leisure developments with a large quantity of car parking are encouraged to consider whether or not elements of their proposal could be located on a site or number of sites in a centre, rather than automatically seeking to locate on a single edge-of-centre or out-of-centre site. Such an approach could take advantage of shared parking facilities."*
- 4.30 In summary, applying the sequential test means:
1. Firstly, assessing whether there are any available sites that are suitable and available in sequentially preferable locations;
 2. When considering the suitability and availability of sequential sites, applying a degree of flexibility;
 3. Acknowledging the market and locational requirements of the uses concerned; and
 4. Ensuring the assessment is proportionate and appropriate to the given proposal.

Merthyr Tydfil Retail and Commercial Leisure Study (MTRCLS) (2017).

- 4.31 The MTRCLS provides the most up to date evidence base to the adopted Local Plan. Given the scale of the proposal it is not considered appropriate or proportionate to undertake additional capacity assessments to support the proposal.
- 4.32 However, the MTRCLS concludes that available food and beverage expenditure within Merthyr Tydfil County Borough is expected to increase from £67.37m in 2016 to £84.11m in 2031. By 2021 it is expected that there will be a small food and beverage expenditure surplus of £2.19m, which will increase to £11.51m by 2031.
- 4.33 This translates to a surplus floorspace of 428 sq.m by 2021, rising to 2,136 sq.m by 2026. The proposal totals just 294 sqm. This clearly demonstrates that there is sufficient need/capacity to accommodate the proposal.

5. Planning Assessment

5.1 Having regard to the application site's context and relevant planning policy, this section sets out the key planning issues to which the proposed development is assessed against, as listed below:

- Principle of Development;
- Principle of Retail Use; and
- Transport.

Principle of Development

- 5.2 The Site is not allocated in the Merthyr Tydfil Replacement Local Development Plan. The Cyfarthfa Retail Park, is however an established retail location where retail and food and beverage development has previously been found acceptable, as set out in the Planning History section of this Statement.
- 5.3 The proposed development will comprise the change of use from two vacant retail units (Use Class A1) to form two food and drink establishments (Use Class A3), thereby enabling the units to be brought back into economic use and to provide further consumer choice to visitors of Cyfarthfa Retail Park and the wider borough.
- 5.4 In line with Paragraph 5.4.13 of the PPW significant weight should be given to proposals that support economic growth and productivity, which the proposed development would successfully do. Furthermore, bringing two vacant unit back into viable use, would wholly align with the aspiration of PPW paragraph 5.4.13.
- 5.5 At a time of unprecedented changes in the retail market, the current proposal will ensure that the units do not remain vacant, reactivate an economic use and continues to provide local employment opportunities and consumer choice. As such, the principle of development is considered to be acceptable.

Principle of Retail Use

- 5.6 National policy is clear that proposals for new retail development outside established centres require consideration of retail need, the sequential site search process and potential impacts on established centres (PPW 11 paragraphs 4.3.13 - 4.3.24). The PPW 11 also notes that LPAs should be flexible in their approach and this should be proportionate to the nature and scale of the proposal.
- 5.7 Policy EcW6 (Out-of-Town Retailing Areas) of the adopted Development Plan sets out the criteria by which proposals for new retail development on existing out-of-town locations will be assessed. Such uses are only to 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.
- 5.8 It is noted that this policy could be interpreted to consider retail development only, and that non-retail development should not be considered against the policy requirements set in EcW6. Nonetheless, we take the policy requirements in turn below, applying a proportionate and relevant approach.

Need for additional food and beverage floorspace

- 5.9 Given the out-of-town location of the proposal, it is necessary to consider the test of retail need. The most up to date evidence base of capacity/need is provided in the Merthyr Tydfil Retail and Commercial Leisure Study (2017).
- 5.10 Given the scale of the proposal it is not considered appropriate or proportionate to undertake additional capacity assessments to support the proposal. Furthermore, given the current health pandemic, which has had a significant impact on current retail trends, it is considered that any findings would be significant distorted. This conclusion has also been confirmed by the Council during the pre-application engagement process.
- 5.11 The following findings of the MTRCLS are particularly relevant to the issue of need for additional A3 floorspace at Cyfarthfa Retail Park:

- Available food and beverage expenditure within MTCB is expected to increase from £67.37m in 2016 to £84.11m in 2031. (para 4.46)
- By 2021, there will be a small food and beverage expenditure surplus of £2.19 million, which will increase to £6.49m in 2026 and £11.51m by 2031. (para 4.46)
- By applying an average sales density to the surplus expenditure, there is a need in MTCB of 1,235 sq.m gross floorspace by 2026, increasing to 2,136 sq.m of gross floorspace in 2031 (para 4.47)
- The majority, 78% of respondents considered that the quality/number of places to eat/drink in Merthyr Tydfil town centre was either good (65%) or very good (13%). (para 4.52)

- 5.12 It is concluded that the MTRCLS identifies a growing need for food and beverage floorspace (Use Class A3) over the Plan period, specifically the need is quantified as 428 sq.m by 2021 and then rising to 1,235 sq.m by 2026. The proposed development is for 294 sq.m of A3 floorspace, which could be well accommodated within this identified capacity.
- 5.13 Furthermore, it is realistic to assume that a number of assumptions employed in the MTRCLS may no longer hold, given the crisis being faced on the high street and the compounding impact of the Covid-19 pandemic. It is therefore reasonable to assume that there is in fact more capacity than previously identified as existing turnover will have decreased.
- 5.14 In terms of qualitative need, the existing quantum of A3 floorspace within Cyfarthfa Retail Park represents just 3% of the total floorspace. Following the implementation of the change of use of Unit 13, to meet identified occupier requirements, this percentage would increase marginally to only 4%. The proposal would help to ensure the continued economic use of the units and in so doing ensures that Cyfarthfa Retail Park continues to attract visitors and consumer spending to Merthyr Tydfil, while re-enforce a suitable A3 focus around the western car park area.
- 5.15 Overall, it is evidenced that there is an identified need for additional A3 floorspace in Merthyr Tydfil that can be provided for within an established out-of-town Retail Park. The Council have concurred with this conclusion during the pre-application meeting and subsequent formal written advice.

Impact on the viability and vitality of Merthyr Tydfil town centre

- 5.16 We turn now to impact. Unit 13 has operated as two separate units for over 10 years and as such is not bound by and restrictive floorspace conditions attached to the original planning permission for the Cyfarthfa Retail Park. The proposed change of use is for just 294 sq.m (GIA), which falls below the statutory set 2,500 sq.m impact threshold.
- 5.17 Notwithstanding that there is no policy requirement, either at the national or local level to assess the impact of the proposal, it was agreed following a meeting with the Council on 20th January 2021 that we would undertake a brief qualitative assessment of the proposal. PPW is clear that impact on the vitality and viability of town centre must be 'significant' and such assessments 'proportionate'.
- 5.18 The Site forms two existing units that have previously accommodated two established retail uses, and the proposed development seeks the change of use to non-retail uses (Use Class A3). The Local Development Plan does not seek to direct all A3 uses to the town centre. In this regard, Policy EcW5 seeks to protect the percentage of A1 uses in the town centre and imposes restrictions on the number A3 uses, particularly in the Primary Shopping Area. Therefore, given that A3 uses are not the prioritised use in the Primary Shopping Area, we consider the addition of 294 sq.m of floorspace to have no impact on the vitality and viability of the retail configuration of Merthyr Tydfil town centre.
- 5.19 In addition, the nature of the proposed A3 uses will primarily be for fast food / takeaway services, similar to those food and drink tenants operating already in Cyfarthfa Retail Park. Therefore, the proposed A3 uses will complement the existing food and drink offered at Cyfarthfa Retail Park and would not be the preferred A3 uses that would typically be sought and located within town centres. This is because, fast food / takeaway services operators' preferences are for sites that are located in close proximity to key highway networks / junctions, have access to ample, free and convenient car parking and units that typically have modern internal arrangements. Therefore, given the nature of the proposed A3 uses it is contended that the change of use will not impact the viability and vitality of Merthyr Tydfil town centre.

- 5.20 Furthermore, the proposed development is unlikely to have an impact on established centres or planned investment, particularly as the proposal is seeking to meet immediate local needs close to where future demand will occur.
- 5.21 The critical difference between Merthyr Tydfil town centre and the Cyfarthfa Park units is the distinct offer, not only in size but crucially also in terms of occupier, context, design and layout. Given that the proposal will result in no increase in floorspace and will continue to present a distinct offer to the town centre, it is considered that the impact on vitality and viability of the centre of the proposal will be limited, if anything at all.
- 5.22 Finally, it should be noted that when Unit 13 was occupied and trading it would have been drawing trade from the wider area. Trade diversion was therefore already taking place. Given the nature of the proposal the turnover is likely to be significantly less than A1 occupier and therefore any impact will be less. Furthermore, the existence of capacity further demonstrates that it is extremely unlikely that the proposal will result in an impact upon existing centres and any impact would certainly not be 'significant' as identified by PPW.

Sequential Test

- 5.23 National and local planning policy require the sequential approach to site selection to be applied for town centre uses that are proposed outside of an existing centre and are not in accordance with an up-to-date plan. The sequential approach focusses retail development to existing centres; however, it does not exclude sites from coming forward if there are no existing edge-of-centre opportunities.
- 5.24 The Welsh Government operates a 'town centre first policy' in relation to the location of new retail and commercial development. Paragraph 4.3.18 of the PPW 2021 explains that "...*planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses*".
- 5.25 However, "*a suitable site or building to meet identified need is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes, including active travel and public transport, be considered*".
- 5.26 The PPW states that the onus of proof is on the Applicant to demonstrate compliance with the Sequential Test but PPW recognises that LPA should be flexible in their approach.
- 5.27 In planning terms, the Site is located out-of-centre, being located approximately 1km from the main centre of Merthyr Tydfil town centre. However, the Site is within a well-established retail destination and the broad location is recognised by the Council as a suitable location for retail and non-retail development.
- 5.28 From the outset, it is important to consider the application of the sequential approach. Suitability and availability are matters of planning judgment. Within decision-taking, TAN4 confirms that suitability "*refers to a site or building's attributes and whether these are sufficient to meet the development requirements of a particular proposal*." (para 7.2).
- 5.29 Before undertaking a sequential assessment, we believe the following to be relevant consideration when considering suitable and available alternative town centre sites:
- The scope of the assessment should be proportionate to the proposal which seeks the change of use of Unit 13 to provide for two A3 uses of 177.7sqm and 116.8sqm GIA, respectively. Unlike larger A1 retail proposals, the opportunity to consider flexibility in terms of scale and format is limited in this instance given the already small size of the units and the role their occupation would play in consolidating the A3 function at Cyfarthfa.
 - Unit 13 sits between the existing McDonald's and KFC. A3 operators prefer to locate within close proximity to one another, as evidenced by the Borough's main leisure attraction at Merthyr Tydfil Leisure Village. This proximity to existing A3 operators is a key operator requirement and will have implications on the suitability of other sites.
 - The proposal requires a minimum floorspace of 100 sq.m (GIA) per commercial unit.
 - Potential occupiers require a regular floorspace configuration with full height glazing to the shopfront.
 - Available and convenient public parking is also a key requirement for the type of food and drink (Use Class A3) the Applicant is attracting at Cyfarthfa Retail Park.

- 5.30 The physical size of a site is critical when considering whether it can accommodate the proposed development. Although Applicants need to be 'flexible' in terms of format and size of any new outlet, it is not reasonable to change this to the extent that it can no longer perform its intended function or meet any identified need.
- 5.31 Following the pre-application meeting with the Council on 20th January 2021, the Council issued a list of vacant town centre units that are comparable in size to the proposed development. Having considered the size and nature of the development to be located at the Site, we have considered in Table 1 below whether there are "*suitable*" and "*available*" sites within Merthyr Tydfil town centre, in accordance with the Sequential Test.
- 5.32 The assessment of the sites requires a combination of objective evaluation and subjective decision-making by way of professional judgement.
- 5.33 Each of the sites identified for consideration in Table 1 have been assessed against a variety of considerations, including its character and suitability in planning terms. These considerations are set out in more detail below.
- **Land-use** – consideration of the existing use of the site, current planning permissions, or development plan allocations. Would its loss be acceptable and does the proposed development accord with the proposed future use;
 - **Compatibility with surrounding uses** – the possible impact of retail/ leisure development on surrounding uses and, particularly, any impact on residential amenity in terms of its physical structure, built design, signage, as well as the impact of its operation – noise, lighting, odours etc.;
 - **Accessibility** – consideration of whether the site is accessible on foot, by public transport and by car, as well as for ease of service vehicles making deliveries;
 - **Access and traffic impact** – most forms of development will contribute directly and indirectly to traffic impact, both in terms of effect on adjacent roads and impact on the amenity of neighbouring uses as a result of increased traffic;
 - **Site availability** - for a site to represent a practical opportunity for retail/ leisure development it needs to be available immediately;
 - **Commercial feasibility** - for a site to be suitable, it needs to be commercially viable. This will be determined by the cost of acquiring the site, site preparation, building costs and the rate of return sought by the developer. Other factors, such as prominence, will also be relevant.
- 5.34 If, following the assessment, available and suitable centre or edge-of-centre sites have been identified, they would be considered to represent sequentially preferable alternatives to the proposal. If no such sites are identified, the sequential test is deemed to have been passed.

Table 1: Site Sequential Test

Address	Business	Planning Use Class	Floorspace (sq.m)	Available	Suitable	Sequential Test Passed
135 High Street, CF47 8DN	Vacant (Former Carphone warehouse)	A1	366.8	No – The latest GOAD survey (July 2020) confirms that the unit is currently occupied by a Discount Cleaners Household Goods.	No – The Site falls within the Town Centre Primary Shopping Area where the loss of ground floor A1 uses will be resisted, unless robust evidence can demonstrate that the facilities are no longer required in accordance with Policy EcW5 (Town and Local Centre Development).	✗
111-112 High Street, CF47 8AP	Vacant (Family Matters)	B1	153.2	No – A Full Planning Application would be required to secure the change of use to an A3 use.	No – The Site has an existing employment use, as such, any proposals for non B-class uses that would result in the loss of the employment land / premises will only be permitted, where it can be demonstrated that the existing use is inappropriate or the land / premises are surplus to the requirements of the employment market (Policy EcW2 Protecting Employment Sites).	✗
Rear of 111 High Street, CF47 8AP	Vacant	B1	137.5	No – A Full Planning Application would be required to secure the change of use to an A3 use.	No – The Site has an existing employment use, as such, any proposals for non B-class uses that would result in the loss of the employment land / premises will only be permitted, where it can be demonstrated that the existing use is inappropriate or the land / premises are surplus to the requirements of the employment	✗

Address	Business	Planning Use Class	Floorspace (sq.m)	Available	Suitable	Sequential Test Passed
91 High Street, CF47 8UD	Vacant (Formerly Hing Hong)	A3	128.6	Yes – The Site is vacant and would not require a Full Planning Application.	market. (Policy EcW2 Protecting Employment Sites). No – Firstly, the Site has no adjacent public parking facilities of a sufficient size available to serve the food and drink unit. Secondly, the Site is located on a one-way road that directs traffic out of Merthyr Tydfil town centre. The surrounding vacancy rate suggests that this area is saturated with unviable food and drink units. Therefore, it will not be commercially viable for the Applicant. Thirdly, the Site is located on a small one-way road that would make it difficult for service vehicles making deliveries. No – Firstly, the Site has no adjacent public parking facilities of a sufficient size available to serve the food and drink unit.	✗
6-7 High Street, Pontmorlais, CF47 8UB	Golden Lotus House	A3	112.7	No – The latest GOAD survey (July 2020) confirms that the unit is still occupied by Golden Lotus House.	Secondly, the Site is located on a one-way road that directs traffic out of Merthyr Tydfil town centre. The surrounding vacancy rate suggests that this area is saturated with unviable food and drink units. Therefore, it will not be	✗

Address	Business	Planning Use Class	Floorspace (sq.m)	Available	Suitable	Sequential Test Passed
86 High Street, CF47 8UG	Vacant	A2	217.35	No - A Full Planning Application would be required to secure the change of use to an A3 use.	commercially viable for the Applicant. Thirdly, the Site is located on a small one-way road that would make it difficult for service vehicles making deliveries. No – The Site has no adjacent public parking facilities of a sufficient size available to serve the food and drink unit.	×
59 High Street, CF47 8DE	Vacant (Formerly Supermewz)	A1	126.2	No - A Full Planning Application would be required to secure the change of use to an A3 use.	Secondly, the Site is located on a small one-way road that would make it difficult for service vehicles making deliveries. No – The Site falls within the Town Centre Primary Shopping Area where the loss of ground floor A1 uses will be resisted, unless robust evidence can demonstrate that the facilities are no longer required in accordance with Policy EcW5 (Town and Local Centre Development).	×
38 High Street, CF47 8DE	Vacant (Formerly Clobber Clearance)	A1	253.7	No - A Full Planning Application would be required to secure the change of use to an A3 use.	No – The Site falls within the Town Centre Primary Shopping Area where the loss of ground floor A1 uses will be resisted, unless robust evidence can demonstrate that the facilities are no longer required in accordance	×

Address	Business	Planning Use Class	Floorspace (sq.m)	Available	Suitable	Sequential Test Passed
2a Newmarket Walk, CF47 8EL	Christmas Shop	A1	302.3	No - A Full Planning Application would be required to secure the change of use to an A3 use.	with Policy EcW5 (Town and Local Centre Development). No – The Site falls within the Town Centre Primary Shopping Area where the loss of ground floor A1 uses will be resisted, unless robust evidence can demonstrate that the facilities are no longer required in accordance with Policy EcW5 (Town and Local Centre Development).	✗
14 Newmarket Walk, CF47 8EL	Sweet Essence	A1	116.3	No – The latest GOAD survey (July 2020) confirms that the unit is not vacant and occupied by Paula's fashionwear.	No – The Site falls within the Town Centre Primary Shopping Area where the loss of ground floor A1 uses will be resisted, unless robust evidence can demonstrate that the facilities are no longer required in accordance with Policy EcW5 (Town and Local Centre Development).	✗
16-17a Market Square, CF47 8BY	Vacant	A1	251.5	No – A Full Planning Application would be required to secure the change of use to an A3 use.	No – The Site falls within the Town Centre Primary Shopping Area where the loss of ground floor A1 uses will be resisted, unless robust evidence can demonstrate that the facilities are no longer required in accordance with Policy EcW5 (Town and Local Centre Development).	✗
Jonathan House, 3 Glebeland Street, CF47 8AU	Vacant	A2	169.5	No - A Full Planning Application would be required to secure the change of use to an A3 use.	No – The Site's frontage is wholly inappropriate for a food and drink operator as there is already an	✗

Address	Business	Planning Use Class	Floorspace (sq.m)	Available	Suitable	Sequential Test Passed
Ground Floor, Castle House, Castle Street, CF47 8BG	Vacant	B1	184.7	No – A Full Planning Application would be required to secure the change of use to an A3 use.	access to the upper residential storeys. Furthermore, significant shopfront works would be required to make the Site fit for operation. No – The Site had an existing employment use, as such, any proposals for non B-class uses that would result in the loss of the employment land / premises will only be permitted, where it can be demonstrated that the existing use is inappropriate or the land / premises are surplus to the requirements of the employment market. (Policy EcW2 Protecting Employment Sites).	×
4 th Floor, Castle House, Glebeland Street, CF47 8AT	Vacant	B1	205.6	No – A Full Planning Application would be required to secure the change of use to an A3 use.	No – The Site had an existing employment use, as such, any proposals for non B-class uses that would result in the loss of the employment land / premises will only be permitted, where it can be demonstrated that the existing use is inappropriate or the land / premises are surplus to the requirements of the employment market. (Policy EcW2 Protecting Employment Sites).	×
52-53 Glebeland Street, CF47 8AT	Vacant	B1	321.8	No – A Full Planning Application would be required to secure the change of use to an A3 use.	No – The Site had an existing employment use, as such, any proposals for non B-class uses	×

Address	Business	Planning Use Class	Floorspace (sq.m)	Available	Suitable	Sequential Test Passed
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that would result in the loss of the employment land / premises will only be permitted, where it can be demonstrated that the existing use is inappropriate or the land / premises are surplus to the requirements of the employment market. (Policy EcW2 Protecting Employment Sites).

Source: Knight Frank

- 5.35 Available sequential sites have been assessed in light of the tenant's preferences and intentions, as required by PPW, the accompanying TAN4.
- 5.36 Having considered the confirmed list of sites, it is considered that none of the identified sites are considered to be suitable to accommodate the proposed development.
- 5.37 Accordingly, the Sequential Test, as defined and required by the Planning Policy Wales (para 4.3.18), TAN4 and Policy EcW3 and EcW6 is passed.

Transport

- 5.38 No additional car or cycle parking is proposed to support the development. The proposal will not result in an increase in traffic movements in the area, especially not any greater extent than those that may have been associated with the former A1 uses. This conclusion has also been reached by the Council's and confirmed by the formal written advice (dated 18th February 2021), that also remarks that the existing highway network is deemed to be of an acceptable standard to accommodate the development with a suitable car park adjacent to the premises.
- 5.39 As such, the proposed development would not give rise to any highway safety concerns.

7. Conclusions

- 7.1 This Planning Statement has been prepared by Knight Frank LLP on behalf of Hammerson PLC in support of a Full Planning Application submitted to Merthyr Tydfil County Borough Council for the change of use of Unit 13, Cyfarthfa Retail Park, Swansea Road, Merthyr Tydfil, CF48 1HY.
- 7.2 Given the current economic climate the Applicant is actively managing Cyfarthfa Retail Park by compelling retailers to renew leases and where possible, attracting new retailers to the Park in an attempt to minimise vacancies and maintain much needed jobs. As part of this, the Applicant is seeking to consolidate the A3 functions at Cyfarthfa and ensure that new operators are in close proximity to the existing food and drink operators.
- 7.3 The proposed development comprises the change of use from the former Carphone Warehouse and Games Store (Use Class A1) units to form two food and drink establishments (Use Class A3). No external changes are proposed as part of the development.
- 7.4 The proposal seeks to allow two new proposed occupiers to move into vacant units, bringing 294 sq.m of commercial floorspace back into a viable use. This would be aligned with the aspirations of the PPW that seeks to make the best use of under-utilised sites and promotes economic growth and productivity.
- 7.5 As the proposed change of use is for 294 sq.m (GIA), it falls below the statutory set 2,500 sq.m impact threshold, as such, a Retail Impact Assessment was not required to support this application.
- 7.6 It has been evidenced that there is an identified need for additional A3 floorspace in Merthyr Tydfil, which can be provided for within the established out-of-town Retail Park. It is also contended that the impact on the vitality and viability of the borough existing retail centres will be limited. As such, we considered that the proposed development accords with Local Plan Policy EcW6 (Out-of-Town Retailing Areas).
- 7.7 Furthermore, this Planning Statement demonstrates that there are no sequentially preferable sites which could accommodate the proposal and therefore satisfies the sequential approach requirements set by Planning Policy Wales, TAN4 and Local Plan Policy EcW3 and EcW6.
- 7.8 The development is in keeping with the existing retail and food and drink offering within Cyfarthfa retail park, which forms part of an already established out-of-town retailing destination.
- 7.9 The development accords with both national and local planning policy as shown through this Planning Statement, and the Applicant respectfully requests that planning permission be granted.

Appendices

Appendix 1. Pre-Application Advice (Ref. PA/21/0009)

Judith Jones BA (Hons), BTP, MRTPI

*Prif Swyddog Cynllunio a Gwasanaethau
Cymdogaeth*

Chief Officer Planning & Neighbourhood Services

f.a.o. Ellen Bailey

Knight Frank

(Via email: ellen.bailey@knightfrank.com)

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Croesawn alwadau yn y Gymraeg

We welcome calls in Welsh



Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL
MERTHYR TYDFIL
County Borough Council

Dyddiad/Date: 3rd March 2021

Ein Cyf / Our ref: PA/21/0009

Eich Cyf / Your ref:

Gofynnwch am / Please ask for: David Cross

Llinell Uniongyrchol / Direct Line: 01685 724632

07761330341

e-bost / e-mail: David.cross@merthyr.gov.uk

Dear Ellen

RE: Proposed Change of Use of Unit 13 Cyfarhtfa Retail Park from Use Class A1 to Use Class A3

I write in response to your request for pre-application advice and further to our meeting on the 18th February 2021, relating to the change of use of the former Carphone Warehouse and Game stores (A1 Use) to food/drink establishments (A3 Use). This pre-application advice has had regard to the details provided in an email dated 20th January 2021, which sets out the policy justifications for the proposal.

Policy context

Planning Policy Wales (PPW), Edition 11 (February 2021) sets out the national policy framework, which is supplemented by a series of Technical Advice Notes (TAN), of which, TAN 5: Retail and Commercial Development (November 2016), is of particular relevance in this instance.

The Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031 sets out the local planning policies. The following are pertinent to the proposed retail use:

- Policy SW4 – Settlement Boundaries

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We welcome correspondence in Welsh and corresponding with us in Welsh will not lead to a delay. Let us know your language choice if Welsh or bilingual.

- Policy EcW3 – Retail Hierarchy – Supporting Retail Provision
- Policy EcW5 – Town Centre Development
- Policy EcW6 – Out-Of-Town Retailing

Areas Context

It was explained in the pre-app meeting that the former Carphone Warehouse store was previously subdivided (at least 10 years ago) to accommodate Game and has since operated as two separate A1 retail units. The property has more recently been vacant and it is proposed to change the use of these units to A3 to help bring them back into beneficial use. It is intended that the proposal would create a food/drink quarter that complements the existing neighbouring units (McDonalds & KFC) and serves the wider Cyfarthfa Retail Park.

Retail implications

Policy EcW3 of the LDP set outs the retail hierarchy with the favoured location for retail, leisure and other complimentary development being situated in the town centre, being the top of the hierarchy, followed then by other local centres. In out of town locations, as is the case in this instance, proposals will be subject to an

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assessment of need and a strict application of the sequential test. Proposals will then only be permitted where it can be demonstrated it would not cause harm to the town/local centre viability or vitality.

It has been noted in the submitted details that the A3 uses at Cyfrathfa Retail Park currently represents 3% of the total floorspace. The proposed change of use would increase this to 4% with the two retail units having a combined internal floor space of 294sqm.

Given the out of town location of the proposal it is necessary to consider the tests of retail need. It was agreed in the meeting that the Merthyr Tydfil Retail and Commercial Leisure Study (MTRCLS) undertaken in 2017 is the most up-to-date evidence base to review the capacity/need for the proposal. Whilst a further assessment could be undertaken, it is considered that this would not be proportionate and that the findings may be distorted in any case by the current pandemic, which has greatly impacted on current retail trends.

It is concluded in the MTRCLS that available food and beverage expenditure with Merthyr Tydfil County Borough (MTCBC) is expected to increase from £67.37m in 2016 to £84.11m in 2031. By 2021 it is expected that there will be a small food and beverage expenditure surplus of £2.19m, which will increase to £11.51m by 2031. This translates to a surplus floorspace of 428sqm by 2021, rising to 2,136sqm by 2031. Based on this information and the size of the existing units, it has been adequately demonstrated that there is sufficient need/capacity to accommodate the proposal.

It should also be noted that the existing units already accommodate an established retail use and that the LDP does not seek to direct all A3 uses to the town centre. In this regard, Policy EcW5 seeks to protect the percentage of A1 uses in the town centre and imposes restrictions on the number A3 uses, particularly in the Primary Shopping Area. It was suggested in the meeting that a qualitative assessment could be undertaken to establish the differing impacts that the proposed A3 uses might have in comparison to the existing A1 uses. This may help to demonstrate that the proposal would not give rise to any greater impact on the viability or vitality of the town centre.

Policy EcW6, which deals specifically with out-of-town retailing areas, is also relevant to the consideration of this proposal. This policy is perhaps more pertinent to new retail development and although it includes changes of use, this might be the case more so when considering a change from a non-retail to retail use.

In order to meet the requirement of both Policy EcW3 and EcW6 it is necessary for a sequential test to be undertaken, which takes into consideration other vacant units that could be occupied within the town centre. It was highlighted in the meeting that our records show that there are a number of potential vacant units within the town centre that could accommodate the A3 uses both individually and in combination with each other i.e. units with a floor space that range from 112sqm to 300sqm. As noted above, it is not desirable to direct all A3 uses to the town centre and in some cases this may be restricted by Policy EcW5.

It would be appropriate as part of the application to set out the nature of the A3 uses proposed, which can have differing impacts and requirements i.e. would they be fast food/takeaway services, cafes, restaurants etc. This may be useful as part of any justifications in the sequential test.

Highway safety

The existing highway network which serves the proposed retail units is deemed to be of an acceptable standard to accommodate the development with a suitable carpark adjacent to the premises. It is not anticipated that the proposed A3

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uses would significantly increase traffic movements in the area to any greater extent than that which may have otherwise occurred in association with the former A1 uses. As such, the proposal would not give rise to highway safety concerns.

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We welcome correspondence in Welsh and corresponding with us in Welsh will not lead to a delay. Let us know your language choice if Welsh or bilingual.

Application details

If you intend to submit a planning application, you will need to submit the following information:

- A fully completed application form and relevant ownership certificates (this can be found on the Council's web site www.merthyr.gov.uk)
- A site location plan (scale of 1:1250) which clearly identifies the application site (outlined in red) within the surrounding area and includes a north arrow.
- Detailed drawings (to a suitable scale) illustrating the existing and proposed floor plans of the two units.
- Retail justification and sequential test.
- The appropriate planning fee of £920 (£460 per unit) Conclusion

It has been demonstrated that there is an identified need for additional floorspace in relation to food and drink. As such, the principle of the development is considered acceptable, subject to an appropriate application of the sequential test. It is also acknowledged that the proposal would bring existing vacant units back into beneficial use and that the proposed A3 uses would complement the adjacent businesses.

The above advice is made at an officer level and would therefore not prejudice any decision that may be made in the future by the Council. I trust the above is of assistance and self-explanatory. If you need to discuss this further please do not hesitate to contact David Cross.

Yours sincerely



JUDITH JONES

CHIEF OFFICER PLANNING & NEIGHBOURHOOD SERVICES

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