

DELEGATED REPORT

Application No:	P/25/0256
Site Address:	Unit E Dowlais Top Retail Park Merthyr Tydfil CF48 2TA
Development:	Variation of Condition 1 of planning permission P/95/0607 to enable the unit to be used for the sale of convenience goods, carpets and consumer durable goods, together with no more than 175sqm gross floorspace of unrestricted ancillary comparison goods.
Case Officer:	Gareth Davies
Site Visit:	3rd October 2025
Application Expiry Date:	15th January 2026
Consultation reply date expired:	22nd October 2025

APPLICATION SITE

The application relates to the former Carpetright outlet located at the Dowlais Top Retail Park and is the middle one of the three units at this location. The site shares the retail park with Dunhelm and B and M Bargains and the car parking is also shared between these three units. Specifically, the application property is Unit E, a single storey purpose-built retail warehouse with a floorspace of approximately 930sqm. The property was previously occupied by Carpetright and has been vacant since that company went into administration in 2024.

The property is accessed via an un-named road from the Heads of the Valleys Road to the south of the site, and forms part of a wider retail offer in this area which also includes Asda to the south and a Lidl outlet to the south east.

PROPOSED DEVELOPMENT

The current application seeks planning permission under Section 73 of the Town & Country Planning Act 1990 to vary the wording of condition 1 of planning permission P/95/0607. That condition is currently expressed as follows: -

1. The retail unit hereby approved shall be used for carpet sales or the sale of other consumer durable goods, it shall not be used for the sale of food.

The application seeks the rewording of the condition as follows: -

1. The retail unit hereby approved shall only be used for the sale of convenience goods, carpets, and consumer durable goods, together with no more than 175 sqm. gross floorspace of unrestricted ancillary comparison goods.

The application is currently supported by the following documents:

- Transport Statement
- Planning Statement
- Retail Statement.

PLANNING HISTORY

P/96/0261 – Shop signs and poster panels – Approved with Conditions 16th August 1996.

P/95/0607 – Single storey retail unit – Approved with Conditions 1st March 1996.

CONSULTATION

Welsh Government Highways – No response received.

Highways and Engineering Manager – No objection

Planning Policy Officer – No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, site notices were placed in and around the site on 3rd October 2025.

No objections or representations were received as a result of this publicity exercise.

POLICY CONTEXT

National planning policy

Future Wales – The National Plan 2040: sets out a strategy for addressing key national priorities through the planning system, including sustaining, and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems, and improving the health and well-being of our communities.

Policy 6 – Town Centre First, states: *‘To breathe new life into town centres, the Welsh Government has adopted a ‘Town Centre First’ approach. This puts the health and vibrancy of town centres as the starting point of locational decision-making. It also directs facilities and services to where intended users can easily walk, cycle and/or use public transport to access them.’*

This policy considers town centres are the most accessible parts of our towns and should be the focus of growth and regeneration. Such areas remain a focal point for communities and provide a hub for a variety of uses alongside retail.

Whilst policy 6 applies to development of a significant scale (defined broadly, where a facility will serve a town, city, or region-wide catchment), it is also recognised that planning authorities are encouraged to take a similar approach for smaller developments.

Planning Policy Wales, Edition 12th Edition, February 2024:

Section 4.3.3 acknowledges that in order to ensure maximum contribution to the well-being goals the planning system must promote viable urban and rural retail and commercial centres. It must sustain and enhance the vibrancy, viability, and attractiveness of retail and commercial centres. It must also improve access to and within the retail and commercial centres by all modes of transport.

Section 4.3.8 notes that where a need for additional retail has been identified, planning authorities should consider the most appropriate form, scale, and location of this provision to best meet the need.

Section 4.3.14 sets out the requirement to consider the need for additional retail provision, having regard to the quantitative and qualitative need for both comparison and convenience goods.

Sections 4.3.18 – 4.3.23 emphasise a town centre first to the sequential approach for the location of new retail development before consideration is given to edge of centre and then out of town sites.

Section 4.3.20 states that new out of town retail developments or extensions to existing out of town development should not be of a scale, type, or location likely to undermine the vibrancy, attractiveness and viability of those retail and commercial centres that would otherwise serve the community. It also should not be allowed if they would be likely to put development plan retail strategy at risk.

Section 4.3.25 notes that retail developments outside of designated retail and commercial centres can impact on the viability and vibrancy of a centre. Such impacts, whether individually or cumulatively may include changes in turnover, trading ability, consumer choice, traffic and travel patterns, footfall, as well as affect centre regeneration strategies.

Sections 4.3.26 – 4.3.29 consider the potential retail implications a new retail development may have on designated retail centres, which may impact on their viability and vibrancy. Where appropriate retail impact assessments may be required and the use of conditions may be necessary to limit any changes over time i.e. loss of existing provisions, changes to the range of goods or the sub-division of units etc.

Technical Advice Note (TAN) 4, Retail and Commercial Development, November 2016:

Further guidance on retail proposals is set out in the TAN, including the tests of retail need, the sequential approach to site selection, retail impact assessments, and the use of conditions.

Local planning policy

Merthyr Tydfil County borough Council Replacement Local Development Plan (LDP) 2016-2031:

- Policy SW4 - Settlement Boundaries
- Policy SW11 - Sustainable Design and Placemaking
- Policy EcW3 - Retail Hierarchy – Supporting Retailing Provision
- Policy EcW4 - Retail Allocation
- Policy EcW5 – Town and Local Centre Development
- Policy EcW6 - Out-of-Town Retailing Areas

PLANNING CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

In this instance the applicant is applying under S73 of the Town & Country Planning Act 1990 to vary the wording of condition 1 of planning permission P/95/0607 to the wording described above, which will in essence allow the sale of food and other convenience goods from the property. In these circumstances, the Local Planning Authority are required only to consider the conditions subject to which planning permission should be granted, and in doing so the Local Planning Authority must consider whether there has been any change in policy or in any other material circumstance that might affect the proposals. If the application is successful, this results in a new planning permission.

The Local Planning Authority may grant the permission subject to conditions differing from those to which the previous permission was granted or refuse the application. The Local Planning Authority however do not have the power to impose conditions which could not have been imposed on the original permission nor impose conditions that would result in a fundamental alteration to the development approved by the original application. Whether the application is granted or refused the original grant of planning permission would remain.

Applications made under Section 73 of the Town & Country Planning Act 1990 allow the Local Planning Authority to do one of two things when an applicant seeks to vary the condition, it can:-

- (a) Grant consent either with or without conditions; or,
- (b) Refuse.

In that the Council can approve with or without conditions, it is also appropriate to consider the extent and nature of all the previous conditions attached and if the application is to be granted amend them to reflect current circumstances and requirements.

The key consideration in the determination of this application is that policy must remain supportive of the proposed development as laid down in national and local planning policy. Though both have passed through several iterations since the original grant of planning permission the key objective remains, broadly speaking, town centres first with anything out of town having to satisfy need and sequential tests.

The key issue in the consideration of this application is that the Retail Statement adequately demonstrates that the sequential test can be met and there is sufficient retail need and capacity to accommodate what the applicants are requesting in this particular case in the context of quantitative and qualitative need.

The applicants have provided a needs assessment based on the findings of the Merthyr Tydfil Retail and Commercial Leisure Study (RCLS), which informed the preparation of the Replacement Local Development Plan.

The assessment states that the quantitative need for the proposal is evidenced by the fact that both Aldi and Lidl have recently extended their Merthyr Tydfil Stores. (see applications P/21/0225 and P/15/0014), and that existing stores in the area are trading above benchmark levels, which demonstrates a need for additional provision.

The applicants have assessed the performance of existing outlets based on information in the RCLS and updated additional information on available spend in the area. Up to-date information on population levels and available convenience spend was obtained from Experian's Location Analyst, an established independent data source and the same as that used in the RCLS. Data has been obtained for the two study zones directly relevant to Merthyr Tydfil, namely Zone 1 – Merthyr Tydfil North and Zone 2 – Merthyr Tydfil South, as defined in the RCLS. Information on market shares for key convenience stores was also obtained, and their projected turnover calculated. Benchmark turnovers were then calculated and compared with actual sales. Finally, the projected turnover of the proposed TFW store was compared against this.

The conclusions of the assessment are that there is a high level of overtrading within existing outlets, despite the relatively recent extensions to both the Aldi and Lidl stores in the town. It is estimated that the stores in the area are currently overtrading by around £27m and therefore the proposed store would meet less than 20% (£5.24m) of the convenience need identified based on the current position (2025). Looking ahead to 2027 available convenience spend is expected to decline slightly, but there remains more than sufficient capacity to support the proposed store and the existing outlets.

The qualitative justification for the proposal is stated as the operator (Iceland) *“seeking to introduce one of their larger format stores (The Food Warehouse (TFW)) to Merthyr, having identified a market/consumer demand for additional provision in the area. This reflects the popularity of the retailer who provides discount and value-for-money products and the inadequacies of the premises that Iceland currently occupy. Specifically, both trading units are very small, providing just 442 sqm and 465 sqm gross of floorspace.*

The introduction of the larger format TFW store will provide a qualitatively different offer to the traditional Iceland stores and will improve customer choice in the town. Although considered as a discount operator, the Iceland/TFW offer also differs from that provided by the likes of Aldi and Lidl.

The proposed TFW is therefore intended to meet a qualitative need identified by the proposed occupier for improved representation in the area. It will also improve customer choice by introducing a new retail format to the town.”

Taking the above into consideration, it appears that a robust needs assessment has been undertaken. The quantitative assessment appears to show that there is quantitative

capacity for the proposed convenience provision, and it is agreed that the nature of the proposed store would provide a qualitatively different offering to existing Iceland stores, and other discount operators.

Regarding the sequential test, the applicant has undertaken a sequential test which covers all of the designated centres within Merthyr Tydfil County Borough, including vacant units and undeveloped land. The application of the test was guided by the operational requirements of the applicant. Relevant planning policy, and examples of case law have been supplied, which support this approach.

The operational requirements of the applicant include: -

- A minimum gross floor area of 877 sqm.
- Accessible surface level car parking immediately adjacent to the store entrance to allow customers to move purchases from the store to their car via trolley.
- A unit which is available.
- A ground floor retail frontage.
- A locational preference to trade alongside other retail operators.

The sequential test did not find any suitable land and units within the search area. It is acknowledged that a small number of units and parcels of land did meet some of the above criteria, for example in relation to size, but did not have, for example, any accessible or adjacent car parking, or were located above ground floor level.

Taking the above into consideration, it appears that a robust sequential test has been undertaken, and that no suitable units or sites are available to accommodate the proposal.

Turning to the issue of retail impact, the proposal relates to the change of use of 975 sqm gross of existing retail floorspace. This is significantly below the threshold of 2,500 sqm for requiring a Retail Impact Assessment (RIA).

However, a proportionate assessment has been undertaken and submitted. This considers where store sales would be drawn from, given that the change of use would change shopping patterns in the area.

The assessment considers the projected turnover of the proposed store, as well as where this trade will be drawn from. It is stated that this will be influenced by two factors, the nature of the offer (discount) and the proximity of similar outlets. This is likely to mean a proportionally higher draw from the other discounters and those retailers located at Dowlais Top, namely Asda and Lidl, Aldi (as the most popular discounter currently trading in the area), and from the existing Iceland outlets. With the exception of one of the existing Iceland outlets, these are all located out-of-centre. The assessment acknowledges that there would be limited trade draw from Tesco in Merthyr Tydfil Town Centre.

Taking into consideration the above, a proportionate Retail Impact Assessment has been carried out, which highlights that the majority of the trade draw of the proposed store would come from out-of-centre stores. As such it is not considered, the proposal would have an unacceptable impact on the trade, turnover, vitality, or viability of Merthyr Tydfil Town Centre or any of the identified Local Centres. The proposal would therefore comply with Policies EcW3 and EcW6 of the Merthyr Tydfil Replacement Local Development Plan as far as there is a requirement for the proposals to be justified in this context.

In essence the proposal would only extend the permitted uses at an established building and the proposals are acceptable in terms of any impact on built form. Any required new advertisements for the building will have to form the subject of a separate application under the advertisement regulations. Similarly given the nature of the application there are no issues in respect of amenity impacts or integration with existing development or the public realm in this instance. The property also lies within an established retail park and the Transport Statement supporting the application has clearly demonstrated that the proposals are acceptable in highway terms and indeed there is no objection to the proposed change from the Head of Engineering and Highways subject to a condition requiring the provision of a cycle stand to support sustainable transport objectives. As such the proposals satisfy the relevant elements of Policy SW11 of the LDP in as much as it is relevant to the consideration of this proposal.

The proposal by its nature and location does not impact the historic environment in any way despite its location within a landscape of Outstanding Historic Interest in Wales – it sits at the centre of a site that is fully developed and involves only the use of an existing building. Issues in relation to Policy CW1 of the LDP do not arise. Similarly, the nature of the development is such that it does not raise any issues of ecological concern though in accordance with current national policy a condition is suggested to achieve net biodiversity benefit as a result of the proposed development. This will also satisfy the requirements of LDP Policy EnW1.

CONCLUSIONS

In terms of the key policy requirements the applicants have been able to demonstrate an acceptable level of compliance with the demands that require them to satisfy a sequential test, and the supporting retail statement demonstrates compliance with the requirement to demonstrate sufficient capacity in the local retail market. The proposal has insignificant impact on other key considerations and subject to conditions is considered acceptable.

The duty to improve the economic, social, environmental, and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (“the WBFG Act”) has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

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

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.

2. The retail unit hereby approved shall only be used for the sale of convenience goods, carpets, and consumer durable goods, together with no more than 175 sqm. gross floorspace of unrestricted ancillary comparison goods.

Reason - To define the extent of the permission granted and to ensure compliance with Policy EcW6 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

3. **Prior to the beneficial use of the building for the sale of convenience goods** cycle stands shall be provided in a well-lit and easily accessible location, details of the cycle stands shall be submitted to and agreed in writing with the Local Planning Authority prior to their installation.

Reason - To promote sustainable modes of transport and in compliance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

4. **Prior to the beneficial use of the building for the sale of convenience goods** a scheme for biodiversity enhancement, including a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 18.12.2025