

DELEGATED REPORT

Application No: P/17/0244

Site Address: Land Adjoining
Unit D Triangle Business Park
Pentrebach
Merthyr Tydfil
CF48 4TQ

Development: Erection of single storey retail pod (use class A1) with associated hardstanding, car parking and ancillary works

Case Officer: David Cross

Site Visit: 7th September 2017

Application Expiry Date: 18th October 2017

Consultation reply date expired: 21st September 2017

APPLICATION SITE

This application relates to a plot of land measuring 0.0336 hectares located to the side of a retail unit (Sports Direct) within the established Pentrebach Retail Park. The site is currently used for parking (13 spaces) and is bound to the north-east and south-east by a landscaped area and the main highway (A4060) beyond. To the south-west and north-west is the main car park serving the retail park.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a single storey retail pod (Use Class A1). Whilst the proposal indicates the intended occupier would be Greggs (sandwich shop/bakery), it is suggested in the planning statement that an electrical shop or mobile phone shop are also potential retail uses that could be accommodated within the unit. Additionally, the proposal includes associated works, such as the provision of a hardstanding area, service area, new concrete kerbs and steel bollards to form a pedestrian area to front of the retail pod.

The proposed building would measure 12.6m wide by 10.9m deep and 4m high with a flat roof. The external finishes would comprise a mixture of buff facing brickwork and polyester coated aluminium panels on the elevations, with a glazed aluminium framed entrance and a single ply membrane roof covering. The materials proposed are to match that used on the existing buildings within the retail park.

A hardstanding area would be provided to the front (south-west) of the building with a ramped paved area and bollards along either side. A small service area would also be provided to the rear (north-east) of the unit.

PLANNING HISTORY

P/89/0610 - Erection of 3 No. retail warehouses.

Permission GRANTED on 29.01.1990

CONSULTATION

- | | | |
|--|---|--|
| Engineering and Traffic
Group Leader | - | No objection. |
| Planning Division's
Policy & Implementation
Group Leader | - | No objection subject to a condition that restricts the retail use to a sandwich shop/bakery. |
| Environmental Health Manager | - | No response. |
| Welsh Water | - | No objection subject to a condition relating to surface water and land drainage. |
| Wales & West Utilities | - | No objection. |

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties and a site notice was displayed within the vicinity of the site.

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

POLICY CONTEXT

National planning policy

Planning Policy Wales, Edition 9, November 2016:

Para's 4.11.9 – 4.11.12 set out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context. Regard should be given to the appropriate scale, appearance, landscaping and quality of building design and should also be accessible for all.

Para 8.7.1 sets out the criterion that should be considered where transport implications may occur, such as impacts on local travel demand, public transport provision, accessibility and highway safety.

Para 10.4.1 sets out the matters to be taken into consideration when determination applications for retail development, including an assessment of need, sequential approach to site selection, compatibility with the local plan and sustainable transport/accessibility.

Para 10.4.5 the three tests of retail need, sequential test and retail impact assessment may apply to new retail developments.

Para 10.4.6 considers the appropriate use of conditions to restrict retail development in edge of centre or out of town location.

Technical Advice Note (TAN):

- TAN 4: Retail and Commercial Development, November 2016
- TAN 18, Transport, March 2007
- TAN 12, Design, March 2016

Local planning policy

Merthyr Tydfil Local Development Plan (LDP) 2006-2021:

- Policy BW1 - Development strategy – Primary Growth Area
- Policy BW4 - Settlement boundaries / locational constraints
- Policy BW7 - Sustainable design and place making
- Policy BW8 - Development and the water environment
- Policy BW12 - Development proposals and transport
- Policy AS18 - Retail hierarchy
- Policy TB11 - Access, parking and accessibility of local facilities

PLANNING CONSIDERATIONS

Land use

The application site is located within the settlement boundary and Primary Growth Area where the majority of new development is encouraged, which is generally supported by policies BW1 and BW4 of the LDP. The site is also situated within an established retail park, where the proposed retail use would not be out of character with its immediate surroundings. Therefore, the principle of the development is considered to be acceptable, subject to its compliance with other relevant LDP policies.

Retail impact

Policy AS18 of the LDP sets out the retail hierarchy within the County Borough, where the town centre is the favoured location for new retail proposals, followed by a number of local centres, which excludes Pentrebach Retail Park. Outside of these areas, proposals will be subject to an assessment of need and a strict application of the sequential test. Proposals shall then only be permitted where they avoid causing harm to the town/local centre vitality and viability.

Whilst the application seeks permission for a retail pod with an open Class A1 use, much of the arguments put forward in support of the application within the Planning and Retail Statement (PRS) refers to the likely occupation of the unit by Greggs (sandwich shop/bakery).

In terms of assessing the 'need' for further retail development, the PRS refers to policy AS20 (Retail allocations) of the LDP and its supporting text, which identifies a need for additional convenience and comparison goods floorspace. However, there has been significant retail development permitted since this policy was adopted (primarily a large extension to Cyfarthfa Retail Park), which has affected the need for retail floorspace. A

more recent study has been carried out (by Lichfields) as part of a current LDP review. Nevertheless, the PRS considers it unnecessary to carry out a quantitative assessment of need on the basis of the small size of the unit within an established retail park. In terms of qualitative need, the PRS relies on the notion that visitors to retail parks increasingly want to make linked trips and to be able to purchase food and drink as part of their visit. Whilst it is accepted that a Greggs shop would enhance the shopping experience and can improve the vibrancy of the retail park, it is considered that the PRS does not put forward a convincing qualitative need argument that sufficiently justifies an open Class A1 use.

Moreover, a strict application of the sequential test has not been provided in support of the application, contrary to the requirements of policy AS18 of the LDP. The PRS indicates that the reason for not including a sequential test, is that the proposal would be ancillary and complementary to the existing retail park. It is accepted that a unit which provides a modest increase in retail floorspace to provide food and drink, can be considered an ancillary use where it supports the primary activities at the retail park. Indeed such uses often have an element of synergy with the other retail units for both those working and shopping in the area. However, it is contested that an open Class A1 use would be ancillary, particularly as it could operate independently to the other retail units. Additionally the PRS notes that there is already a Greggs shop in the town centre and the company wishes to expand outside of the protected town/local centres. Whilst the reasoning for not locating another Greggs shop in the town centre is accepted, this does not adequately justify the location of the retail pod for any retail use within Class A1.

Given the size of the proposed retail pod, the PRS considers the development would unlikely have an impact on the vitality or viability of the town/local centres. Whilst it is not anticipated that the development would draw any significant trade away from the town centre, little evidence has been provided to qualify any assertion. Notwithstanding this, policy AS18 sets out a clear retail hierarchy for the County Borough, which seeks to direct new retail development in the first instance to the town centre, in order to reinforce its vibrancy, viability and attractiveness. A thorough sequential test would reveal that there are a number of vacant units of a comparable size to that proposed within the town centre, which are sequentially preferable for an open Class A1 use.

It is considered that the PRS fails to provide an adequate assessment of need and does not justify the out of town location of the development, particularly in respect of the open Class A1 use of the proposed retail pod. However, it is accepted that the occupation of the unit by Greggs would offer an ancillary service to the retail park. The provision of a sandwich shop/bakery would likely have a limited catchment area, which would generally rely on business generated through linked trips to the existing units within the retail park. It is acknowledged that there are a number of sandwich shops/bakeries located in the town centre (including Greggs) and that their limited catchment areas are unlikely to overlap with the development. As such, the proposal would unlikely to have an adverse impact on their vitality and viability. Nor would it be desirable to direct all sandwich shops/bakeries to the town centre where a number of these services already exist.

Although the retail assessment submitted does not adequately justify an open Class A1 use, some weight is given to the use of the retail pod as a sandwich shop/bakery which would crucially provide an ancillary service to the retail park. In this respect the PRS sufficiently justifies the proposed development. Given the particular circumstances of this application, it is considered appropriate (agreed with the applicant) that a restrictive condition should be imposed to limit the use of the retail pod to a sandwich shop/bakery and for no other use within Class A1, in order to protect the retail interests of the

town/local centres. Therefore, the proposal would comply with the objective of policy AS18 of the LDP.

Design

It is indicated in the planning statement that the proposed retail pod has been designed with a modern appearance that reflects the characteristics of the existing retail units within the vicinity of the site. Whilst the retail pod is of a much smaller scale than the existing units, this reflects the intended use of the building to provide a complementary service that is ancillary to the existing offering within the retail park. The building would be appropriately located to the side of the Sports Direct store where it would follow the general layout of the retail park with a frontage towards the main car park. Furthermore, the proposed external finishes to the building would complement the existing palette of materials used in the area, with materials that are intended to match that used on the adjoining unit (Sports Direct). It is considered that the proposed retail pod is of an acceptable design and would not have an adverse impact on the character or appearance of the retail park or the surrounding area. Therefore the proposal complies with policy BW7 of the LDP.

Highway

The footprint of the proposed retail pod would result in the loss of 13 parking spaces within the Pentrebach Retail Park. Whilst the development would provide a complementary service to the existing units within the retail park (with linked trips), the retail pod (occupied by Greggs) would also likely result in a slight increase in traffic movement to the area i.e. attracting trade from passers-by. In support of the application, a Transport Statement (TS) has been submitted which considers the potential highway implications of the development.

The TS highlights that the retail park currently has good pedestrian, cycle and public transport networks within the vicinity of the site, which supports sustainable forms of transport to the site. The TS also includes an assessment of the traffic flows to the retail park and the implication this has on the existing parking provision.

The car park serving the retail park as a whole currently accommodates a total of 260 spaces. The proposed development would result in a loss of 13 spaces, reducing the overall number of available parking spaces to 247, of which 7 are reserved for disabled users. The TS demonstrates that only 73% (191 out of the 247) of the main car parking area (excluding the application site) is utilised during peak times. It is considered that the majority of the trade draw to the retail pod would be through linked trips, with a smaller proportion being from passers-by. As such, the main car parking area would have surplus parking spaces available that can adequately accommodate the development. Furthermore, the highway network serving the retail park is deemed to be of an adequate standard to accommodate the traffic generated by the development. In this regard, it is acknowledged that the Engineering and Traffic Group Leader has not raised any highway safety concerns. Therefore, the proposal complies with policies BW12 and TB11 of the LDP.

CONCLUSIONS

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.

For the above reasons, the proposed development is considered to be acceptable and complies with the relevant LDP policies. Accordingly, the following recommendation is made:

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 development shall be carried out in accordance with the following approved plans and documents:

Drawing No. 100549/1 - Location Plan
Drawing No. 100549/3 - Proposed Ground Floor Plan
Drawing No. 100549/4 - South-West Elevation
Drawing No. 100549/5 - North-East Elevation
Drawing No. 100549/6 - South-East Elevation
Drawing No. 100549/7 - North-West Elevation
Drawing No. 100549/8 - Proposed Drainage Plan

Reason - To ensure compliance with the approved plans and clearly define the scope of the permission.

3. The retail unit hereby approved shall only be used as a sandwich shop / bakery and not for any other purpose including those set out in class A1 of the schedule for the Town and Country Planning (Use Classes) Order 1987 or any Order revoking, amending or re-enacting that order with or without modification.

Reason - To protect the vitality and viability of town/local centres in accordance with Policy AS18 of the Merthyr Tydfil Local Development Plan.

4. Prior to the construction of the retail unit hereby approved details / samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

17/10/17

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
The Town and Country Planning (Development Management Procedure)
(Wales) Order 2012 (as amended)

FULL PLANNING PERMISSION

To: The Charities Property Fund c/o Savills (UK) Limited F.a.o. Mr N Heard 12 Windsor Place
Cardiff CF10 3BY

WHEREAS you submitted an application on the 23rd August 2017 to develop: Land Adjoining Unit D Triangle Business Park Pentrebach Merthyr Tydfil CF48 4TQ short particulars of the application being as follows:-

Name of the Applicant

The Charities Property Fund
C/o Agent

Description of Proposed Development

Erection of single storey retail pod (use class A1) with associated hardstanding, car parking and ancillary works (Full)

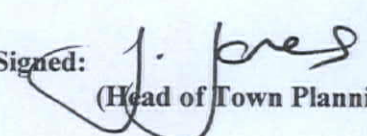
The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans (if any) submitted with the application subject to compliance with the following conditions.

CONDITIONS

Please see attached.

Date: 17th October 2017

Signed:


(Head of Town Planning)

**IT IS IMPORTANT THAT YOU READ
THE NOTES ATTACHED TO THIS FORM**

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Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan.

NOTES

Your attention is drawn to the following:-

Appeals to the Welsh Government:

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- If you want to appeal, then you must do so within **six months** of the date of this notice, using a form which you can get from The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ. Alternatively you can use the Planning Portal (Wales) website (www.planningportal.gov.uk) to complete your appeal.
- The Welsh Government can allow a longer period of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Welsh Government need not consider an appeal if it seems that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any Development Order and to any directions given under a Development Order.
- In practice, the Welsh Government does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

Purchase Notices:

- If either the Local Planning Authority or the Welsh Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a Purchase Notice on the Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

PLEASE NOTE: THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

BUILDING REGULATIONS
LISTED BUILDING LEGISLATION
HIGHWAY LEGISLATION

IF PLANNING PERMISSION HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

Please quote the application number in all correspondence.