

DELEGATED REPORT

Application No:	P/23/0104
Site Address:	Unit D Triangle Business Park Pentrebach Merthyr Tydfil CF48 4TQ
Development:	Change of use from Class A1 (Retail) to a flexible use for Class D2 (Gym) or its reversion to a Class A1 use
Case Officer:	David Cross
Application Expiry Date:	19th June 2023
Consultation reply date expired:	24th May 2023

APPLICATION SITE

This application relates to a retail unit within the Pentrebach Retail Park, which is currently occupied by Sports Direct. The property is located in the eastern part of the retail park and is bound to the north and east by the adopted highway, to the south is a small A1 retail unit (Greggs) and to the west in the main car park. It is noted that there is also a small adjoining service yard to the north. Opposite the site to the west, is a terrace of A1 retail units. Furthermore, within the immediate surrounding there are a number of office buildings.

PROPOSED DEVELOPMENT

Planning permission is sought for the change of use of the building from its current A1 (shop) use to a flexible use as a gym (Use Class D2) with the potential for its reversion to an A1 retail use. In this respect it is noted that under the Permitted Development Order (Part 3, Class E), an alternative use specifically mentioned as part of a planning permission (reversion to A1 in this case) could be implemented without the need to seek further permission within an 10 year period, subject to any conditions or limitations that may be imposed.

The proposed gym (operated by Pure Gym) would provide a range of fitness equipment and machinery and it would offer a range of gym classes and personal training services. The existing internal mezzanine floor would be removed (reducing the floorspace from 1,520sqm to 1,110sqm) and new changing/shower facilities would be provided. It is proposed that the gym would operate on a 24-hour basis, seven days a week. Furthermore, the proposal would only require alteration to be carried out internally and would not necessitate any works to the exterior of the building.

PLANNING HISTORY

The following planning history is relevant to the considerations of this application:

P/14/0261 - Certificate of Lawful Use application to confirm the use of the existing floor space within Unit D can be used for any purpose within Use Class A1.

Certificate of Lawfulness Granted on 24.10.2014

P/98/0360 - Erection of Class A1 Non Food Retail Store

Permission GRANTED on 01.10.1998

Whilst not directly relating to the application site, the following is of relevance and has been referenced by the applicant given its similarities to the current proposal:

P/17/0150 - Change of use of Unit C3 from retail (Use Class A1) to a flexible use for an indoor trampoline park (Use Class D2) and its reversion to an A1 retail use – this application related to Unit C3 within Pentrebach Retail Park.

Permission GRANTED on 19.06.2017

CONSULTATION

Head of Engineering and Highways - No objection.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, 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

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 11th Edition, February 2021:

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.

Sections 4.3.18 – 4.3.23 emphasise a town centre first to the sequential approach for the location of new retail and commercial centre development, before consideration is given to edge of centre and then out of town sites. This applies to all other uses complementary to retail and commercial centres, including leisure.

Local planning policy

Merthyr Tydfil 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 EnW4 - Environmental Protection
- Policy EcW7 - Tourism, Leisure and Recreational Development

PLANNING CONSIDERATIONS

Land use

The application site lies within the settlement boundary where the majority of new development is generally encouraged and supported in principle by policies SW4 and EcW7 of the LDP. The town centre is the favoured location for retail, leisure and other complementary development, being situated at the head of a retail hierarchy, followed by local centres, as defined by policy EcW3 of the LDP. In such locations, proposals for new and enhanced retail, leisure and other complimentary provision will be permitted where they improve the vitality and viability of those centres.

Outside of the defined centre, as is the case in this instance, proposals will be subject to an assessment of need and a strict application of the sequential test. Proposals will then only be permitted where they avoid causing harm to town/local centre vitality and viability.

Section 6.7.29 of the LDP notes that the sequential approach supports the principle that retail and commercial centres are the most readily accessible locations, and promotes combined trips for shopping, business, leisure and services. Section 6.7.30 also identifies the town centre to be the main focus for retail and leisure uses given that it has the best prospects for attracting in-centre investment from developers and multiple operators.

Where suitable sites or buildings are not available within a centre, Section 6.7.31 highlights that regard should be given to edge of centre sites before out of centre sites are considered.

It would be difficult to define the quantitative need for the provision of additional leisure facilities given the broad range of services that could be offered and the significant variation in floor space that may be necessary. However, some consideration can be given to the qualitative need based on the existing provision of other leisure uses of a similar nature. Whilst policy EcW3 of the LDP indicates an assessment of need is required for out of centre proposals, this is deemed to be more relevant to retail development, which is further reiterated under policy EcW6 of the LDP. Nonetheless, consideration should be given to the sequential approach and whether the proposal would cause harm to the town/local centre vitality and viability.

In this instance, the proposal is not seeking to develop a site to provide a new leisure facility, but rather change the use of an existing retail unit. It has been noted in the Planning Statement that planning permission (P/17/0150) was previously granted for a leisure use (Trampoline Park) within (Unit C3) Pentrebach Retail Park. However, this permission was never implemented and has since expired. Indeed Unit C3 has recently been refurbished and now forms part of the adjoining unit (Home Bargains).

At present there are no gym facilities provided within the town centre or local centres. It is acknowledged that there is an existing gym (Everlast) located within Cyfarthfa Retail Park and that planning permission was recently granted for a low cost gym at Cyfartjfa Retail Park. As such, the proposal would only compete with the existing out of centre gym facilities and would not have an impact on the existing leisure offer of the town centre.

A sequential assessment has been provided in support of the application to demonstrate that there are no other available opportunities within the town centre that could adequately accommodate the proposal, given the floor space requirements of the proposed gym.

Table 3.1 of the Planning Statement sets out the various vacant units available within the town centre that are being actively marketed on commercial property websites, of which 8 properties were reviewed. The vast majority of these were identified to have a floor space that fell considerable short of what is required for the proposal. The largest available property considered was 43-45 High street (1,003sqm). This was discounted on the basis that it is only available on a freehold basis and comprises 3 units, of which the majority is taken up by Haron Foods with no break in its lease until 2028. Therefore, it was concluded in the Planning Statement to be unavailable.

The loss of the existing retail unit within an out of town location, would not likely lead to an adverse impact on the vitality or viability of the town centre. However, as mentioned above, the proposal seeks a flexible leisure use where it could revert back to its current A1 use under permitted development rights. It has been demonstrated that there are currently no suitable units within the town centre of a sufficient size to accommodate the proposed gym. The development would not directly compete with other leisure facilities of a similar nature within the town centre. Nor would it likely draw any more visitors out of the town centre than the existing retail unit. It is noted that it is not uncommon for large gyms to be situated in out of town locations i.e. retail parks and industrial estates, where larger units are available with flexible floor spaces to accommodate bulky equipment and large rooms for group exercise classes. This requirement is not dissimilar to some retail uses that seek

out of town locations to accommodate the sale of bulky goods and provide large display areas.

Whilst the development may compete with the existing gyms in the general area, the proposal seeks to offer an alternative low cost facility, which would improve consumer choice. Notwithstanding this, policy EcW3 of the LDP only seeks to protect the interests of the town centre and other local centres. In this regard, the proposal is deemed to have a negligible impact on the viability or vitality of the town centre or other local centres. The proposed gym would provide a complementary use to the retail park, with a mixture of leisure and retail facilities that can contribute to the overall vibrancy of the area. The Planning Statement also notes that each Pure Gym facility typically provides 15 full-time and part-time jobs, including management roles, personal trainers, gym instructors and cleaners. Additionally, the location of the facility would enable nearby residential areas to have better access to a wider range of leisure pursuits.

Given that this application seeks permission for the reversion of the unit back to its unrestricted A1 use, regard should also be given to the implications of the retail development in out of town locations. In this instance, the unit is already used for retail purposes within a well-established retail park and so its reversion back to an A1 use would remain acceptable.

For the above reasons, the proposal complies with policy EcW3 of the LDP.

Amenities

Given the nature of the proposed use, there is potential for the gym to increase the level of noise generated in the area, particularly as the facility is intended to operate on a 24hr 7 days a week basis. It is noted that there are residential properties in the vicinity, the nearest being a care home approximately 70m (east) from the main entrance to the building. Whilst the development has the potential to be a source of nuisance in the area, it is considered that the location of the facility within an established retail park, adjacent to busy highways and roundabouts, would unlikely cause significant harm to the amenities of nearby residents. Furthermore, the main entrance to the building is orientated away from the residential area, which would limit the potential impact of noise emanating from the gym. In this respect, it is acknowledged that no objections were received by local residents as a result of the publicity exercise. Therefore the proposal is considered to be acceptable and complies with policy SW11 of the LDP.

Highways

The application site benefits from the use of the main car park which serves the Pentrebach Retail Park as a whole. Whilst the car park can become busy at peak times, it is often under used with a number of vacant parking bays available throughout the day. The existing highway and car park could adequately accommodate the proposed development without giving rise to any highway safety issues. In this regard, the Head of Engineering and Highways has not raised any significant concerns. It has also highlighted that the existing service area adjacent to the site could be used to provide additional parking in the future if required. Therefore the proposal complies with policy SW11 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 deemed 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:

Dwg No. 102 - Proposed Floor Plans, received 24.04.2023

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

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 10th July 2023