

DELEGATED REPORT

Application No:	P/23/0026
Site Address:	Unit 15 Cyfarthfa Retail Park Swansea Road Merthyr Tydfil CF48 1HY
Development:	Change of use from Class A1 retail to Class D2 gym use
Case Officer:	David Cross
Site Visit:	1st March 2023
Application Expiry Date:	28th March 2023
Consultation reply date expired:	4th April 2023

APPLICATION SITE

This application relates to a retail unit (occupied by Oak Furniture) located in the northern part of the well-established Cyfarthfa Retail Park. The unit is situated between two existing stores, being Pets at Home to the north and B&Q to the south. The site is also bound to the west by a service yard and to the east is the main car park.

PROPOSED DEVELOPMENT

Planning permission is sought for the change of the use of the retail unit within Use Class A1 (limited by condition to bulky goods) to a low cost gym within Use Class D2.

The existing unit has a total floor space of 1,782sqm comprising 956sqm on the ground floor and 826sqm on the first floor mezzanine. The proposal would not involve any changes to the existing floor space and does not involve any alterations to the exterior of the building.

PLANNING HISTORY

P/17/0105	-	Installation of a mezzanine level. Permission GRANTED on 31.05.2017
P/13/0156	-	Variation of condition 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 36 and 42 to address a number of amendments to planning permission P/12/0219. Permission GRANTED 05.08.2013

P/12/0219 - Demolition of existing B&Q building and erection of 6 retail units (No. 12-17) within Cyfarthfa Retail Park (Use Class A1) with cafe in Unit 17 and associated alterations to existing car park serving Cyfarthfa Retail Park, erection of 3 retail units (Use Class A1) on land at former Thorn Electrical site together with the creation of car parking areas, service/compound areas and associated landscaping works, highway works to the A470(T) and Swansea Road.

Permission GRANTED on 17.04.2013

CONSULTATION

Head of Engineering & Highways - No objection

Planning Division's Policy Officer - No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining 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

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 CW1 - Historic Environment
- Policy CW2 - Cyfarthfa Heritage Area
- Policy EcW3 - Retail Hierarchy – Supporting Retailing Provision

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 policy SW4 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 submitted Planning Statement that there is an existing national multiple gym operator (Everlast) located in Unit 1 Cyfrathfa Retail Park. The Planning Statement also refers to planning permission P/21/0387, which relates to the change of use of an industrial unit to a gymnastics facility at Cyfarthfa Industrial Estate. At present there are no gym facilities provided within the town centre or local centres. As such, the proposal would only compete with the existing out of centre gym facilities and would not impact on the existing leisure offer of the town centre. Furthermore, the Planning Statement highlights that there are no national multiple low cost gym operators currently located within Merthyr Tydfil. As such, the Planning Statement indicates the proposal would provide an additional affordable choice in health and fitness facilities for the local population.

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. Appendix 1 of the Planning Statement sets out the various vacant units available within the town centre in January 2023, of which 18 properties were reviewed. The vast majority of these were identified to have a floor space of between 100sqm and 400sqm. Unit 10b Graham Way within the St Tydfil Shopping Centre was noted to offer the largest floor space of 1,450sqm, which is split across the ground floor and basement level. However, this unit was discounted on the basis that the unit is still considered to be too small, even when adopting a degree of reasonable flexibility. In this regard, Unit 10b would equate to 81% of the floor space offered within the application site. Furthermore, the Planning Statement indicates Unit 10b does not provide adjacent free car parking, which is deemed to be an important characteristic required to accommodate a national multiple low cost gym operator.

The loss of the existing retail unit (for the sale of bulky goods) within an out of town location, would not likely lead to any adverse impacts on the vitality or viability of the town centre. It has been demonstrated that there are currently no suitable units within the town centre of a sufficient size to accommodate the low cost 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. It is acknowledged that the Planning Division's Policy Officer has not raised any objection to the development. Therefore, the proposal complies with policy EcW3 of the LDP.

Traffic implications

It is proposed that the existing car park, which serves the application site and the wider retail park, would be utilised by the development. The Head of Engineering and Highways has indicated that the car park provides adequate access to the site and the development would not adversely impact on the circulation of traffic in the area. Furthermore, the Head of Engineering and Highways is satisfied that the car park provides sufficient space to accommodate the development and would not likely result in a greater demand for parking in the area than that which already exists with the existing retail use. Accordingly, no highway safety concerns have been raised. Therefore, the proposal complies with policy SW11 of the LDP.

Character impact

It is acknowledged that the development is located within the Cyfarthfa Conservation Area. Given that the proposal would not involve any external alterations to the property, the development would not have adverse impact on the character or appearance of the area. Therefore, the proposal complies with policies SW11 and CW1 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 **CONDITION:**

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. 11413 2 PL 02 - Ground Floor Plan, received 31.01.2023

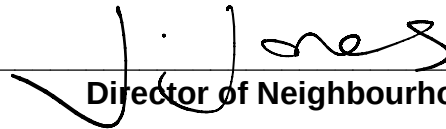
Dwg No. 11413 2 PL 03 - Mezzanine Floor Plan, received 31.01.2023

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

3. The leisure unit hereby approved, as shown on the Proposed Ground Floor Plan (Dwg No. 11413 2 PL 02) and Mezzanine Floor Plan (Dwg No. 11413 2 PL 03), shall not be sub-divided so that the gross floor space of a single user/unit is less than 1,781.6sqm as indicated on the approved floor plans.

Reason - In the interest of protecting the vitality and viability of town/local centres in accordance with Policy EcW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED

A handwritten signature in black ink, appearing to read 'J. Jones', is written over a horizontal line.

Director of Neighbourhood Services

DATE: 27/3/23