

Report of the Head of Economic Regeneration & Planning

To Development Management & Control Committee – 14th August 2014

Referral of Planning Application Ref: 2014/0765

From Area 1 Development Control Committee on 22nd July 2014

LAND AT HERON WAY, SWANSEA ENTERPRISE PARK, SWANSEA

**CONSTRUCTION OF RETAIL UNIT (CLASS A1) (AMENDMENT TO
PLANNING PERMISSION 2013/1616 GRANTED FOR THE CONSTRUCTION OF
FOUR RETAIL UNITS (CLASS A3) WITH ASSOCIATED WORKS)**

Purpose:	To determine the application for the construction of retail unit (Class A1) (amendment to planning permission 2013/1616 granted for the construction of four retail units (Class A3) with associated works)
Policy Framework:	National and Local Planning Policies
Reason for Decision:	Statutory responsibility of the Local Planning Authority
Consultation:	Statutory consultations in accordance with planning regulations as set out in the planning application report contained in Appendix B
Recommendation(s):	Approve as set out in the report
Report Author:	Ryan Thomas
Finance Officer:	<i>Not applicable</i>
Legal Officer:	<i>Not applicable</i>

1.0 Background

- 1.1 This application was reported to the Area 1 Development Control Committee on 22nd July 2014, with the recommendation that the proposal was an acceptable departure from the provisions of the Development Plan and that planning permission should be granted, subject to an additional condition requiring the development to be constructed in conjunction with the adjoining units (units 2-4) as shown on the application drawings.
- 1.2 The Committee subsequently resolved to accept my recommendation. A plan showing the location of the application site is attached as Appendix A and a copy of my report to the Area 1 Development Control Committee is attached as Appendix B.

2.0 Planning Policy Issues

- 2.1 The retail policies of the UDP are generally aimed at supporting the maintenance and enhancement of the established shopping structure. They aim to prevent the dispersal of major retail investment to locations outside established shopping centres where such development would serve to undermine the appeal and ultimately the success of nearby centres. Policy EC9 states that retail development at out of centre sites will be resisted except for certain exceptional forms, for example small scale shopping facilities required to meet local needs. Policy EC7 relates to proposals within the Enterprise Park and states that proposals for new retail development within the retail zone will be restricted to the sale of bulky goods items that do not pose a threat to the vitality, attractiveness and viability of the City Centre and surrounding town, district and local shopping centres. The Policy also states that proposals for new retail development outside the retail zone would not be permitted. The key criteria against which all significant retail proposals are considered are set out in Policy EC4. As well as the standard tests of need and sequential suitability, the policy emphasises that schemes must not adversely impact on the vitality and viability of established centres; must be compatible with the function, scale and character of the centre near to which it is located; and be sited in a highly accessible location.
- 2.2 National planning policy guidance on retail policy is set out in PPW, Chapter 10. The guidance makes clear that town, district and local centres are the most appropriate locations for retailing, in the interests of sustaining communities, enhancing accessibility and safeguarding the vitality and viability of established shopping centres. Fundamentally, the guidance makes clear that the scale, type and location of out-of-centre retail developments should not be such as to be likely to undermine the vitality, attractiveness and viability of those town centres that would otherwise serve the community well.
- 2.3 PPW and TAN 23 also explain, for planning purposes, the Welsh Government defines economic development as development of land and buildings for activities that generate wealth, jobs and incomes. Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction and energy sectors are also important to the economy and are sensitive to planning policies.
- 2.4 In addition PPW states that Local Planning Authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence.

Need

- 3.0 New retail proposals not within existing centres must, as a starting point, demonstrate a need for the scale of provision that is proposed. PPW states that where need is a consideration, precedence should be accorded to establishing quantitative need and it is for the LPA to determine and justify the weight to be given to any qualitative assessment.

- 3.1 The A1 retail element would have an internal floor area of 111.5sqm. In terms of quantitative needs, no information has been provided in this respect, however, it is not considered necessary for an A1 retail development of this scale to provide justification in quantitative need terms. In terms of qualitative need, the applicant contends that unlike the southern end of the Enterprise Park, the business and commercial area within which the site lies is not currently served by a small scale bakery facility. The proposed unit is intended to serve the employment area and to provide a complementary facility that would add to the existing offer in this part of the Enterprise Park. The intended occupier 'Greggs' have submitted a letter in support of the proposal which states that the unit will be an addition to Greggs existing portfolio in Swansea and will not affect their units within the Enterprise Park and Morriston, which would suggest that the proposal may meet demand for such facilities within the Enterprise Park catchment.
- 3.2 Overall, no quantitative need has been demonstrated, however, it is accepted that the requirement to demonstrate such need would generally be applicable to larger scale developments. The proposal would add to the choice on offer in this part of the Enterprise Park which would equate to a qualitative need, however, there are already a number of competing food retail outlets in this part of the Enterprise park as such it is considered that limited weight can be given, in terms of establishing a need for the proposed development.

Alternative Sites (Sequential Test)

- 3.3 The applicant asserts that the intended occupier is represented in Morriston district centre, as such they would not seek to open new premises in this sequentially preferable location. In any event the applicant contends that Morrison district centre is a separate catchment to that proposed for the new premises. They consider the sequential test to be of academic value only in this situation as it would not encourage investment in Morriston by the intended operator, rather it would result in the development as a whole (as previously approved) not coming forward as without the anchor tenants committing to occupying the proposed A1 unit, the development would not be viable.
- 3.4 Notwithstanding this the applicant has undertaken an analysis of available sites within Morriston district centre focusing on units of approximately 80-130 sqm. Two sites identified at Clase Road and Treharne Road were considered both unsuitable and unavailable. Five units were potentially identified within Morrison including premises on Woodfield Street and Sway Road, but were discounted on the grounds that the units would not address the requirements of the end user, do not benefit from the required planning permission or would be too close to an existing operator.
- 3.5 Its is acknowledged that the sequential test has limited value in relation to this proposal which is intended to serve part of the Enterprise Park catchment, however, the test demonstrates that there are no units available within Morriston District centre that would be suitable to the intended operator. In this respect it is considered that the sequential test has been satisfied.

Impact upon established shopping centres

- 3.6 It is clear that development plan policies and national guidance require new retail developments to safeguard against any significant adverse impacts to town centre vitality and viability. The proposal is for a modest A1 retail unit within a consented A3 scheme. The proposal is said to cater mainly for Enterprise Park users and the fact that the intended occupier already has a premises in Morriston, yet are looking to invest in a further premises in the Enterprise Park, would endorse this view. Following on from this, it is considered that existing users of the Enterprise Park would be unlikely to make dedicated trips by foot, bike or car across the dual carriage way to Morriston for the retail offer proposed at this unit, particularly when parking in Morriston is at a premium. In addition, it is considered those making a dedicated trip to Morriston to take advantage of its services are likely to make linked trips to take advantage of its food and drink offer rather than make a further trip to the Enterprise Park. It is also an important material consideration that there are a considerable number of food outlets within very close proximity to the application site including a KFC, Burger King, ASDA instore café, Taybarns, the approved drive through coffee shop adjacent to the site and the approved A3 units on the previously approved scheme. The proposal would therefore add to the existing offer that serves the Enterprise Park catchment.
- 3.7 In order to mitigate any potential impacts on Morriston and also the City Centre, the applicant has stated they would be willing to accept a condition that the unit may only be used as a retail bakery and for no other purpose in class A1. A condition to this effect has been used elsewhere by the LPA to restrict the retail element of other similar developments.
- 3.8 Notwithstanding the applicant's contention that the proposal would not have a significant impact on Morriston district centre, £25,000 was offered for improvements to Morriston district centre under the previous planning permission, which was secured through a unilateral undertaking under Section 106 of the Planning Act 1990. Legal advice has confirmed it will be necessary for the applicant to provide a further unilateral undertaking to secure this contribution as the previous unilateral undertaking is not transferable to this application, should planning permission be granted. As such, if approved, it is recommended approval is subject to a further unilateral undertaking in order to secure this financial contribution. The contribution is noted and would be required to fund future enhancement programmes which will be aimed mainly at improvements to Morriston Conservation Area.
- 3.9 In light of the above, it is considered the imposition of a condition to restrict the A1 use to a retail bakery would prevent an open A1 retail use and would serve to limit the impact of the development on Morriston district centre. The provision of £25,000 would be used to enhance Morrison district centre which would serve to act as mitigation for any detrimental retail impacts arising from the development. In this regard, on balance, it is considered that by virtue of the scale of the proposed unit and the restrictions to its use, which can be secured by condition, the development would be unlikely to result in any significant impacts to the vitality, viability and attractiveness of Morriston district centre and this should be given significant weight in the assessment of the principle of the development.

Accessibility

- 3.10 The site is located approximately 1.5km from junction 45, linked to the site by the A4067 and A48. Heron Way is lit and in the main has adequate pedestrian access.
- 3.11 The site is considered to be highly accessible and would comply with the relevant UDP policies in this respect. The fact the development is accessible by a range of transport modes is considered to carry moderate weight in favour of the proposal.

Economic and regeneration benefits

- 3.12 The site is currently a derelict brownfield site which is visible from both Heron Way and Upper Forest Way. Clearly there is merit in bringing this land into economic use in terms of job creation and the positive impacts on the visual amenity and this was recognised when planning permission was granted for the original scheme.
- 3.13 The applicant has indicated that the proposed unit would create 9 full time equivalent jobs. Additional indirect employment would be generated through servicing the units. In this respect the development would make an important contribution to employment within the area.
- 3.14 In line with the advice in PPW the potential economic benefits arising from the development is a material planning consideration. However, in the absence of any robust evidence to quantify the economic benefits and in view of the relatively small scale of the proposal, it is considered that limited weight can be given in favour of the proposal in this respect.

Conclusions

- 2.20 It is acknowledged that the proposed development is a departure to UDP policies EC7 and EC9 which seek to prevent new non-bulky retail development within the Enterprise Park and new out of centre retailing (except in defined circumstances). Notwithstanding this, the key question for the Authority is whether any anticipated adverse impacts arising from the development is regarded as being so materially adverse and over-riding that this would outweigh any benefits associated with the proposed development. In the balancing exercise it is considered the lack of demonstrable impact on Morriston district centre, the accessible location of the development and its economic and regeneration benefits would tip the balance in favour of the proposed development on this site. In this respect the proposal is, on balance, considered to be acceptable departure to planning policies.

3.0 RECOMMENDATION

- 3.1 That, the application be approved subject to the conditions detailed in my report to the Area 1 Development Control Committee on 22nd July 2014 attached as Appendix B together with an additional condition requiring the development to be constructed in conjunction with the adjoining units (units 2-4) and subject to the applicant entering into a S106 Planning Obligation to provide a contribution of £25,000 to fund regeneration initiatives within Morriston district centre.

Background Papers

Local Government Act 1972 (Section 100) (As amended)

The following documents were used in the preparation of this report:

Application file, together with the files and documents referred to in the background information section of the appended Development Control Committee report.

Appendices

Appendix A – Location Plan

Appendix B – Committee Report

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