

Report of the Director of Head of Economic Regeneration & Planning

Council – 3 March 2015

PLANNING APPLICATION REF 2014/1067

CONSTRUCTION OF 4 No. RETAIL UNITS

CROSS MARBLE AND STONE LTD, GORSEINON ROAD,
GORSEINON, SWANSEA

Purpose:	To determine the planning application for 4 No. Retail Units.
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 A.
Recommendation(s):	(i) It is recommended that planning permission be refused for the reasons set out in the report. (ii) Should Members resolve to approve planning permission as recommended at Planning Committee on the 20 th January 2015 contrary to my recommendation that it be approved subject to the conditions as detailed at Appendix B
Report Author:	Ryan Thomas.
Finance Officer:	<i>Not applicable.</i>
Legal Officer:	Jonathan Wills.
Access to Services Officer:	<i>Not applicable.</i>

1. Introduction

- 1.1 This application was reported to Planning Committee on the 20th January 2015 with the recommendation that planning permission be refused on grounds of principle as the proposal would result in the establishment of a significant retail development within a primary industrial area, outside of the designated Gorseinon District Shopping Centre and have a detrimental impact upon the vitality and viability of this centre contrary to establish Development Plan Policy.
- 1.2 It is also considered that the approval of this application and formation of this retail development within the Garngoch Industrial Estate would

establish an undesirable precedent for the consideration of applications of a similar nature, the cumulative effect of which would result in the sporadic development of unjustified retail units outside the district shopping centres which would undermine the future vitality and attractiveness of those centres and the City Centre.

- 1.3 Members did not accept my recommendation but resolved that the application be referred to Council with a recommendation that it be approved on grounds that it would result in the redevelopment of an unsightly brown field site and that it would not have a detrimental impact upon the Gorseinon District Shopping Centre.
- 1.4 A plan showing the location of the application site and a copy of my report to Planning Committee on the 20th January 2015 is attached as Appendix A.

2. Relevant Planning History

- 2.1 Planning application Ref. 2011/0092, for a similar 4 unit retail development on this site, was refused planning permission by Area 2 Committee in August 2013 for the following reasons:

01 The proposed development would result in the establishment of a significant retail development within a primarily industrial area outside of the established Gorseinon District Shopping Centre and would be contrary to Strategic Policy SP6 and Policies EC4 and EC9 of the City and County of Swansea Unitary Development Plan 2008 which aim to improve and strengthen the role of this established District Shopping Centre.

02 The approval and formation of this retail development within the Garngoch Industrial Estate would establish an undesirable precedent for the consideration of applications for development of a similar nature, the cumulative effect of which would result in the sporadic development of retail units outside the district shopping centres, for which there is no proven local need and which would undermine the future vitality and attractiveness of those centres contrary to the aims of Policies SP6, EC4 and EC9 of the Swansea Unitary Development Plan 2008.

- 2.2 It is not considered that there has been a material change in circumstances since this decision was made.
- 2.3 Of particular relevance in this respect is a recent appeal decision dated 17th February 2015 (Ref. APP/B6855/C/14/2226149 & APP/B6855/A/14/2224206) relating to the retention of a hairdressing salon (Class A1) comprising some 120 m² floorspace at the Kingsbridge Centre, Swansea Road, Gorseinon.
- 2.4 This particular appeal site is situated within a part of the Kingsbridge Centre, which comprises a range of commercial workshops, offices and car showrooms. It lies within the settlement limits of Gorseinon and some 900 metres south of its district shopping centre as defined in the City and County of Swansea adopted Unitary Development Plan (UDP).

- 2.5 In dismissing the appeal and upholding the enforcement notice the Inspector concluded that there were sequentially preferable sites available within the Gorseinon District Centre and that there is no justification for allowing this out of centre A1 retail use which would have a harmful effect on the vitality and viability of this District Centre. In addition the Inspector concluded that the retention of this use would reduce industrial and commercial site availability for other economic activities which would not accord with relevant UDP policies EC3, EC4, EC6 and EC9 or with the objectives of national planning policy advice.

3. Background

- 3.1 Full planning permission is sought for the erection of four attached retail units (approx.. 1263 m² of retail floorspace) on the site formerly occupied by Cross Marble and Stone Ltd. located on the northern side of Gorseinon Road some 550-600m outside the Gorseinon Shopping Centre and within the Gorseinon Road/Garngoch Industrial Estate employment area.
- 3.2 The application site has now been cleared, however, in land use terms the building which occupied the site amounted to a retail warehouse of some 1275m² of floorspace i.e. a large single storey retail outlet, normally of 10,000 sq.ft (930m²) gross or more, specialising in the sale of bulky household goods (furniture, carpets and electrical goods) and offering free adjacent ground level car parking. The current proposal, however, seeks planning permission for an A1 retail use without restriction to the type or range of goods to be sold.

4. Main Issues

- 4.1 The main issue to consider in this instance relates to the acceptability of an unrestricted A1 retail use at this out of town location having regard to prevailing Development Plan Policies which seek to maintain and strengthen the established shopping structure in the area and consolidate the convenience goods shopping destination at Gorseinon District Centre.
- 4.2 In this respect one of Welsh Government's objectives for retailing and town centres is to promote town, district, local and village centres as the most appropriate locations for retailing. Planning Policy Wales provides that when determining an application for retail use Local Planning Authorities should take into account, amongst other things; the need for the development, the sequential approach to site selection and the impact upon existing centres. The sequential approach means that the first preference should be for town centre locations followed by edge-of-centre, then district and local centres and, then only, out-of-centre sites accessible by a choice of means of transport. The onus of proof that options have been assessed using the sequential approach rests with the developer.
- 4.3 Strategic Policy SP6 of Part 1 of the Swansea Unitary Development Plan (UDP) provides that new retail development that is best located within the City Centre, District or Local Centres will not generally be supported

at out-of-town centre sites. Additional edge of centre shopping should be restricted to that which would not prejudice established shopping centres. Policies EC4 and EC9 of the UDP Part 2 presume against the establishment or expansion of retail outlets outside defined shopping centres, thereby supporting the aim of improving and strengthening the role of established centres which is supported by recent National Guidance.

- 4.4 What's more the Council's Adopted Supplementary Planning Guidance entitled 'District Centres, Local Centres and Community Facilities (October 2010)' (SPG) specifically states in respect of Garngoch Industrial Estate that the "further proliferation of unrestricted retailing at this out-of-centre Industrial Estate could pose a threat to the future vitality and viability of Gorseinon District Centre."
- 4.5 In addition the Council recently commissioned and published a 'Strategic Review of Retail Policy' and a "Review of Retail Capacity, Investment Potential and Strategy for the City and County of Swansea' (October 2013) which concluded that any further proliferation of unrestricted A1 retail space at out of centre and edge of centre retail locations should be resisted. In addition Gorseinon is specifically identified as a District Centre with the highest vacancy rates, along with Morriston, and in need of significant investment particularly in terms of its public realm/shop facades.
- 4.6 The proposal is clearly contrary to UDP Policies EC4 and EC9 and the provisions of the above SPG as it would result in the introduction of four unrestricted retail units in an out of centre location which should more appropriately be located within a town centre. As such the proposal would not contribute to the aims of either National Guidance or established Development Plan Policy which seek to support and improve existing shopping centres.
- 4.7 The application site is located within an industrial estate outside the defined residential settlement limits of Gorseinon and Penllergaer and is likely to cater primarily for car-borne shoppers. In this respect it is a policy requirement that the applicant submit evidence demonstrating that a sequential test for retail development has been satisfied. In this respect Government planning policy guidance recommends that a sequential approach should be followed when considering out-of-centre retail development, to demonstrate that firstly there are no central locations and secondly edge-of-centre sites which are preferable, being more suitable, viable and available than the proposed out-of-centre site.
- 4.8 In this instance there is considered to be a sequentially preferable location to the application site, that being the Somerfield Store site which is located within the limits of Gorseinon District Centre. This appears to have been disregarded in the applicant's Retail Impact Report (July 2014) on grounds that the proposed out of centre scheme would charge lower rents and that no refurbishment scheme has come forward for the building. These reasons are not considered sufficient to consider this option unviable. Furthermore, there is concern that the proposals are part of a wider plan to form a de facto centre which would be achieved by consolidating the existing arrangement of retail units which would

ultimately be harmful to the nearby District Centre. The assertion that this would be complimentary to the District Centre cannot, it is considered, be substantiated, particularly given the open A1 consent being sought.

- 4.8 The Town and Country Planning Act (as amended) requires that applications should be determined in accordance with development plan policy unless there are material considerations, which outweigh that policy. The proposed new retail units may provide a visual enhancement to the area and the site has an established use as a retail warehouse, however, it is not considered that this justifies departing from the adopted retail policies aimed at retaining and consolidating the established shopping structure of the area.
- 4.9 The Authority has other powers to deal with the condition of a site which adversely affects the amenity of an area and to accept such an argument in such circumstances and approve the application would establish an undesirable precedent for the consideration of similar applications for retail development, particularly within the Garngoch Industrial Estate which would further undermine the vitality, attractiveness and viability of the nearby existing shopping centre. More favorable consideration would be given to the development of the site for a retail warehouse development restricted to the sale of bulky household goods/DIY which could complement and would not compete directly with the range of convenience and comparison goods available in the nearby Gorseinon District Centre.
- 4.10 Refusal is recommended, therefore, on the grounds that the proposal conflicts with established policies aimed at strengthening the role of the Gorseinon District Shopping Centre.

5. Financial Implications

- 5.1 There are no financial implications associated with this report.

6. Legal Implications

- 6.1 There are no legal implications associated with this report.

7.1 Recommendation

- 8.1 It is recommended that:

- I. the application is refused for the following reasons:

- 01 The proposed development would result in the establishment of a significant retail development within a primarily industrial area outside of the established Gorseinon District Shopping Centre and would be contrary to Strategic Policy SP6 and Policies EC4 and EC9 of the City and County of Swansea Unitary Development Plan 2008 and the Council's Adopted Supplementary Planning Guidance entitled 'District Centres, Local Centres and Community Facilities (October 2010)' which aim to improve and strengthen the role of this established District Shopping Centre.

02 The approval of this application and formation of this retail development within the Garngoch Industrial Estate would establish an undesirable precedent for the consideration of applications for development of a similar nature, the cumulative effect of which would result in the sporadic development of retail units outside the district shopping centres, for which there is no proven local need and which would undermine the future vitality, viability and attractiveness of those centres contrary to the aims of Policies SP6, EC3, EC4 and EC9 of the Swansea Unitary Development Plan 2008 and the Council's Adopted Supplementary Planning Guidance entitled 'District Centres, Local Centres and Community Facilities (October 2010)'.

II. should Members resolve to approve planning permission contrary to my recommendation that it be approved subject to the conditions as detailed at Appendix B.

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.

'Review of Retail Capacity, Investment Potential and 'Strategy for the City and County of Swansea' (October 2013) –

<http://www.swansea.gov.uk/article/5183/Strategic-retail-assessment>

'Strategic Review of Retail Policy'(October 2013) –

<http://www.swansea.gov.uk/article/5183/Strategic-retail-assessment>

Appeal Decision Notice Planning Application Ref. Ref 2014/0692, Enforcement Ref. ENF14/0005, Appeal Ref. APP/B6855/C/14/2226149 & APP/B6855/A/14/2224206 - <http://www.swansea.gov.uk/planningsearch>

Appendices:

Appendix A – Location Plan & Committee Report

Appendix B – Conditions