

Bridgend Local Development Plan

Examination

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Thursday 29 November 2012 10:00am

Session 7 – Retailing

Inspector's Agenda with Matters and Issues

1. EXISTING OUT OF CENTRE RETAIL DEVELOPMENT

[Figures in brackets identify a Representor and their representation number eg 1254.2 refer to Representor 1254 and representation 2].

- 1.1 Paragraph 10.3.1 of Planning Policy Wales sets out criteria for determining planning applications for uses that are best located in a town centre including applications for redevelopment, for extensions, and for variation of conditions. These include considerations of:
- need;
 - a sequential approach to site selection
 - impact on existing centres
- and a number of other factors.
- 1.2 Paragraph 10.3.11 advises the use of planning conditions to control development at edge-of-centre and out-of-centre retail development.
- 1.3 Policy SP10 in summary sets a retail and commercial hierarchy of centres which does not include out-of-centre sites. It goes on to provide that new out-of-centre development should be developed as a result of an identified need and sequential test and should not be of a scale that would harm the vitality, viability and attractiveness of the centres. Policy REG10 seeks that out-of-centre retail development will be concentrated at existing locations, which are listed, and which include Sainsbury's Cefn Hirgoed. The Policy is supported by paragraphs 5.2.23 to 5.2.27. Policy REG11 allocates 4 new sites for out-of-centre retail development.
- 1.4 Sainsbury's Supermarkets Ltd considers that paragraph 5.2.24 does not afford allocated out-of-centre retail sites any future flexibility. This includes their own site at Cefn Hirgoed which they describe as 'an established retail hub'. Sainsbury's therefore seek that paragraph 5.2.24 should be amended as follows: "*Policy REG10 acknowledges the presence of existing retail developments outside of town, district and local centres. ~~It should be stressed that extensions~~ **Extensions** to these sites (including the introduction of mezzanine floors within units **where they comprise development**), increases to the allocated floorspace in new sites or relaxations/changes to the types of goods sold, **will be supported provided it can be demonstrated** ~~require retail assessments of need, sequential test and impact~~ **they would not adversely impact on the vitality and viability of existing centres, as stipulated by national policy**" (1254.2).*

- 1.5 The Council responds that the wording of LDP paragraph 5.2.24 is fit for purpose and reflects the consistent approach which it has taken to date on seeking to manage out-of-centre retail development. The wording as proposed seeks to support out-of-centre retail developments which do not have an impact on the viability and vitality of retail centres and thereby seeks to dilute the Council's position by not requiring demonstration of need and sequential test. In supporting the regeneration-led strategy, the Council will use these tools to consider if a retail development is required and, if it is, then is it best placed in an existing centre to support regeneration activity. This seeks to maximise the positive impact which an in-centre development can have, rather than seeking to permit development which does not have an adverse impact.

Qn1a. Why does the Representor consider that the paragraph is unsound as written?

Qn1b. Would the requested deletion of references to need, the sequential test and impact be at variance with national policy and is any such variation justified?

Qn1c. Are Policies SP10, REG10 and REG11 clear and consistent as to the role of out-of-centre retailing and how it relates to the retail hierarchy?

2. WATERFRONT REGENERATION AREA, PORTHCAWL

- 2.1 Sainsbury's Supermarkets Ltd considers that the omission of a maximum level of convenience and comparison goods floorspace from Policy REG9(6) at Porthcawl Waterfront Regeneration Area does not provide clarity or coherence to the policy and allocation, and requests that such a level is included in the plan (1254.1).
- 2.2 The Council responds that the convenience and related comparison goods proposal allocated by Policy REG9(6) forms part of the wider Porthcawl Waterfront Regeneration Area, as allocated by Policy PLA3(8) of the Plan. This is reflective of the 2007 Porthcawl Waterfront Regeneration Area Development Brief. In addition, the site allocated for the retail development within the framework is contained within the defined boundary of Porthcawl Town Centre as contained within Policy SP10 of the Plan and defined on the Proposals Maps. Paragraph 10.3.2 of Planning Policy Wales states that retail developments within town centres do not have to demonstrate need. Given this, and the fact that paragraph 10.2.12 of Planning Policy Wales advises against the setting of rigid floorspace limits it is not considered appropriate to include a maximum level of retail provision on this site.

Qn2a. Does the LDP provide that the convenience, comparison and bulky goods retail elements of the mixed use allocation will be limited to the area within the defined town centre which covers only part of the allocation site?

Qn2b. What is the estimated capacity for retail floorspace provision?

Qn2c. Is there any policy allocation for bulky goods floorspace at Porthcawl?

Qn2d. Paragraph 10.2.12 of Planning Policy Wales provides that in allocating sites for retail development local planning authorities 'should not prescribe rigid floorspace limits ... that would unreasonably inhibit the retail industry from responding to changing demand and opportunity'. How do the parties interpret those provisions?

3. LAND AT WERN DDU, ABERKENFIG

3.1 IGH Properties objects to Policy REG10 on the basis that it 'seeks to concentrate out-of-centre retail development to existing locations'.

Qn5a. Is Policy REG10 in accord with, or in conflict with, national policy on the location of retail development?

3.2 The representor considers that their site at Wern Ddu, Aberkenfig should be included for non-food retail development which would link with existing retail centres nearby (1255.18). There is an assertion that the Valleys Gateway SRGA with 1,194 new dwellings will provide in itself sufficient growth to generate its own retail need. The proposed development would not be 'vulnerable' in flood risk terms. The representor also objects to the green wedge designation between Aberkenfig and Sarn (1255.17) as coalescence between the settlements has already taken place. They consider that their land should be included with the settlement boundary of Aberkenfig (1255.16).

3.3 The Council response refers to this as Alternative Site AS041. The Council points out that a large proportion of the site is located within a C2 flood zone. Development could affect a Site of Importance for Nature Conservation. Its green wedge status is based on a recent review and is intended to prevent the coalescence of Aberkenfig and Sarn. Adequate provision is made elsewhere to meet the retail needs assessed in the Retail Needs Report 2010.

Qn5a. How is the need for the development justified having regard to the overall conclusions of the CACI Retail Needs Report and the proposed allocation of retail development elsewhere in the Plan to meet identified needs, particularly as the Representor does not consider that the LDP will deliver the required population growth to generate the expenditure forecasts in the Report?

Qn5b How much retail floorspace could the site accommodate?

Qn5c. How much non-food floorspace would be needed to serve the 1,194 dwellings proposed in the Valleys Gateway SRGA?

Qn5d. Other than the railway station and the suggestion of a possible courtesy bus between Aberkenfig District Centre and the Outlet Centre (1km east) how accessible is the site by means other than the car?

4. BREWERY FIELD, BRIDGEND

4.1 LDP paragraph 5.2.29 indicates that the 2010 Retail Needs Study concluded that the quantitative retail need for bulky goods floorspace by 2021 totals 16,400sqm to include 9,808sqm in Porthcawl, 5,428sqm in Maesteg and 1,098sq, in

Bridgend. This quantity is reflected in Policy REG11 which allocates sites for New Bulky Goods Out of Centre Retail Development not exceeding a combined total of 15,400 sq m. However of the four sites allocated by Policy REG11, 3 are in Bridgend and 1 is in Maesteg. Paragraph 5.2.30 concludes that the Porthcawl regeneration area has the potential to accommodate the remaining 1,000sqm of the identified need for floorspace although this does not appear to benefit from any policy allocation. LDP Paragraph 5.2.33 comments that the County Borough is already well provided for by bulky goods provision in Bridgend and that areas outside Bridgend may not be attractive to retailers.

- 4.2 Brewery Field Bridgend is adjacent to Bridgend Town Centre. It is currently used as a sports ground but is one of the four sites allocated by REG11 for retail development. It was identified for such development in the adopted Bridgend Town Centre Masterplan and is the only site exclusively allocated for this purpose as the other three REG11 sites are proposed for mixed use. Paragraph 5.2.34 provides that on all four REG11 sites: 'If evidence submitted [when considering planning applications] ... suggest that the inclusion of the required bulky comparison goods floorspace makes a scheme unviable or unrealistic due to a lack of retailer interest, the Council will re-examine its specific requirements for the site.'
- 4.3 Bridgend Town Council would prefer that the Brewery Field site is developed as sheltered housing in the form of extra care units (35.3). This is supported by written representations from Merthyr Mawr Community Council (46.8).
- 4.4 The Council response in SD09 refers to this as Alternative Site AS005. They say that the masterplan identifies the site as being retained in its existing use in the short term with longer term potential for bulky goods to complement the town centre core. There is considered to be a lack of evidence that the Town Council's alternative proposals are realistic and deliverable within the plan period.

Qn6a. Is the REG11 floorspace figure for gross or net retail space?

Qn6b. How much bulky goods floorspace could this site potentially accommodate?

Qn6c. Is the floorspace to be distributed on a 'first come, first served basis? Or how would floorspace otherwise be allocated between the sites?

Qn6d. Is the allocation dependent on the replacement of the sports facility elsewhere?

Qn6e. Has the Town Council's proposed alternative residential development been subject to sustainability appraisal?

Qn6f. What is the landowner's position?

5. SOUTH WALES POLICE HEADQUARTERS, BRIDGEND

- 5.1 Waterstone Estates Ltd considers that the CACI retail needs report is flawed and that there is additional retail need in the Bridgend area. Reasons are given to support their view that convenience goods capacity has been underestimated by

up to 7,417 sqm at 2021. They therefore consider that the South Wales Police Headquarters site should be allocated for retail development (1258.1). The representor also considers that Paragraph 5.2.21 should be revised to reflect the correct capacity position and a need confirmed in Policy REG5 for a further foodstore of a size comparable to existing stores (approximately 4,000 sq m net convenience goods floorspace and 9,000sq m gross). This will also leave capacity to support improvement to other convenience provision in Bridgend across the plan period (1258.3). The Representor does not consider that there is any sequentially preferable site with what they say is the minimum requirement of 3.5ha of land.

- 5.2 Waterstone Estates Ltd therefore considers that the South Wales Police Headquarters site should also be removed from COM1 where it is proposed for the development of 130 dwellings (1258.2). Consequential amendments are sought to the Proposals Map 27 (1258.4).
- 5.3 The Council refers to its response to Alternative Site AS053. The Council is confident that both the original 2007 and 2010 update retail needs reports undertaken by CACI Ltd (which form the evidence on which retail allocations are based) follow a well-established and robust procedure for assessing future retail need. Policy REG5 does allocate land for new local-convenience food shopping opportunities on a variety of its mixed-use regeneration sites. Policy REG9 allocates sites within and adjacent to town and district centres for retail and commercial developments. These will help to meet the day-to-day needs of residents of the area, enabling them to undertake a proportion of their shopping needs in a sustainable way. The Council maintains its position that, taking into account those sites allocated in Policy REG5 and REG10, and the application of the national retail planning policy tests, that there is no requirement to allocate this site for future retail development.

Qn6a. What is the Council's response to the Representor's specific criticisms of the Retail Report in relation to the need convenience provision in Bridgend?

Qn6b. Does the proposal accord with the sequential test?

Qn6c. Would the proposal have an adverse effect on the vitality and viability of any centre in the listed retail hierarchy?

Qn6d. Could what the Representor says is the identified need be met by several smaller store convenience stores in sequentially preferable locations?

6. LAND AT HEOL MOSTYN, PYLE

- 6.1 In relation to Policy SP10, K & W Developments (Wales) Ltd considers that their site at Heol Mostyn, Pyle, should be included within the adjacent District Centre of Pyle. They consider that the centre's boundary is drawn too tightly around existing built development and takes no account of the contribution that the subject site can make to supporting and promoting the vitality and viability of that centre. In particular the site may contribute to accommodating new retail investment and providing the potential for improved highway access (827.1).

- 6.2 K & W Developments (Wales) Ltd also object to the inclusion of their site within Village Farm Industrial Estate employment allocation - REG1(37). There is no market for speculative employment development in Pyle. Where demand does exist for employment space, there is a ready supply of Grade A and B accommodation within Pyle and other estates in the locality to meet current and foreseeable need that do not carry the cost that developing this site would carry (827.2)
- 6.3 The Council refers to its response to Alternative Site 054 in SD09 and to Background Paper 7: Retail Review. The Council considers that the site needs to be protected for employment use to serve not only Pyle/Kenfig/Cornelly but also Porthcawl where there is a large shortfall in available employment land.

Qn3a. How could the site contribute to improved highway access?

Qn3b. What was the site last used for and how long has it been vacant?

Qn3c. Has the site been marketed for employment use?

Qn3d. Is the site deliverable as an employment site having regard to the Representor's comments about the lack of a market for speculative employment development and the availability of other accommodation?

Qn3e. Would retail employment meet the LDP employment objectives?

7. PYLE GARDEN CENTRE, PYLE

- 7.1 C Patten considers that Pyle Garden Centre should be included within Pyle District Centre. The representor states that the site has been in A1 retail use for over 35 years and is an important element in the vitality, viability and attractiveness of the Pyle District shopping area (1259.1).
- 7.2 The Council refers to its response to Alternative Site 038 in SD09 which in turn refers to Background Paper 7: Retail Review (SD41). The latter paper acknowledges that the north western corner of the Industrial Estate (which would include part of the subject site) has become dominated by retailing units providing services which can be used in connection with the industrial estate (i.e. bakeries) and services for the residents of Pyle and the wider community. The recommendation which follows proposes: 'Extensions to Pyle retailing centre in the LDP'. However the defined boundary defined elsewhere in the document then excludes all of the Industrial Estate. The garden centre is instead included in the REG1(37) employment site allocation where REG2 resists the loss of industrial land or buildings.

Qn4a. Why was the District Centre not extended as apparently recommended in the Background Paper?

Qn4b. Does the entire Garden Centre included in the representation currently benefit from unrestricted retail A1 use?

Qn4c. Is any of the subject site in industrial use?

Qn4d. What employment does the Garden Centre currently provide?

Qn4e. What development could inclusion in the District Centre permit that would otherwise be prevented?

Qn4f. Does Policy REG2 have any relevance to the existing garden centre if it is not an industrial land use?

8. SARN PARK SERVICES

- 8.1 Sarn Park Services adjoin M4 Junction 36 and are within the Valleys Gateway Strategic Regeneration Growth Area. Background Paper 10 describes this as an ideal location for an office business park.
- 8.2 Policy REG1(22) allocates 3.80ha land adjacent to Sarn Park Services for industrial and business development within use classes B1 (which class includes offices) and B8 (storage and distribution). Welcome Break considers that the uses permitted on the site should be widened to allow for greater flexibility and therefore enable the delivery of the employment allocation. The uses proposed include a range and choice of A3 uses, a crèche, a health club/gym, retail and a hotel and conference facilities. The representor seeks that paragraph 2.3.80 is expanded to include the following text: *'An opportunity also exists to deliver additional retail and commercial development on the site to compliment the necessary Motorway Service Area (MSA) facility and the proposed business park (REG9(x)). This may include facilities such as a hotel, conferencing facilities, A3 uses, leisure facility and retail use, in addition to the integration of the existing pedestrian connection across the M4 motorway to connect to adjacent facilities. These uses will be accessible to the communities of the Valley's Gateway and the Ogmore, Garw and Llynfi Valleys'* (797.1).
- 8.3 Welcome Break considers that Sarn Park Services MSA itself should be included within the adjacent employment allocation REG1(22) and include an element of retail under Policy REG9 Retail and Commercial Development Sites (797.2).
- 8.4 In document SD09 the Council response refers to this as Alternative Site AS024. The Council considers that the LDP policies are already sufficiently flexible to accommodate some other uses that are deemed acceptable on employment sites (eg A3 food and drink, health club/gym, crèche and possibly a hotel) and no policy change is appropriate. The prime development site is not suitable for bulky goods retail which is provided for elsewhere by the Plan and any retailing should not adversely impact on the vitality and viability of the wider retail services in the County Borough. The Council accepts the need for improved facilities on the site but considers that this should be negotiated in the context of an operational brownfield site in the countryside and subject to a masterplan development brief to include the adjacent employment site.

Qn9a. What form of retailing does the representor seek given that Policy REG9 applies to the regeneration of sites in existing town and district centres and out of centre bulky goods are included in REG11?

Qn9b. What is the Representor's response to the Council's suggestion?

Qn9c. If this is a prime development site and ideal for office development and ancillary development, why does the allocation include B8 storage and distribution?

Qn9d. How accessible is the site by means other than the car?

1 October 2012