

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2013-2014**

**DEVELOPMENT CONTROL  
COMMITTEE  
17 APRIL 2014**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	<b>Agenda Item No. 6</b>
<b>APPLICATION RECOMMENDED FOR REFUSAL</b>	

**1. PURPOSE OF THE REPORT**

Members are asked to determine the planning applications outlined in Appendix 1.

**2. RECOMMENDATION**

To refuse the applications subject to the reasons outlined in Appendix 1.

1. Application No. 14/0125 - Construction of retail pod, Tesco Stores, Depot Road, Gadlys, Aberdare.

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## **APPLICATIONS RECOMMENDED FOR REFUSAL**

**APPLICATION NO:** 14/0125/10 (GW)  
**APPLICANT:** Tesco Stores Ltd  
**DEVELOPMENT:** Construction of retail pod.  
**LOCATION:** TESCO STORES, DEPOT ROAD, GADLYS,  
ABERDARE, CF44 8DL  
**DATE REGISTERED:** 04/02/2014  
**ELECTORAL DIVISION:** Aberdare East

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### **RECOMMENDATION: REFUSE**

#### **REASONS:**

**The development would have a detrimental impact on the vitality and viability of the retail zone of Aberdare town centre.**

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### **APPLICATION DETAILS**

Full planning permission is sought for the construction of a retail pod in the grounds of a Tesco supermarket in Aberdare. The pod would be located in close proximity to the front of the store building on its south eastern side adjacent the boundary with the A4059. No car parking spaces would be lost and the existing level would remain. It is detailed the pod would provide the following: picking up and dropping off of clothes for dry cleaning, shoe repairs, watch repairs, jewellery repairs, key cutting and engraving.

The pod would have a flat roof and would measure 6.55m in width, 2.65m in depth and with a height of 2.4m. The elevations would be clad with timber boards and various advert signs would be located on the front and side elevations. Access would be via a sliding glazed panel on the front.

An Advertisement application (14/0126), for related signage, has also been submitted by the applicant and is pending a decision.

The application is accompanied by the following:

- Design and Access Statement

### **SITE APPRAISAL**

The site consists of a Tesco retail store with a large car park and petrol filling station.

The store is situated to the northwest of the junction of the A4059 and the A4233 within Aberdare. There is a landscaped boundary along the edge of the site with the A4059.

### **PLANNING HISTORY (Relevant to application)**

14/0126	Tesco Stores Ltd, Depot Road, Gadlys, Aberdare	Advertisement Consent to promote the brand and services of the retail pod.	Pending
05/1690	Tesco Stores Ltd, Depot Road, Gadlys, Aberdare	Extension to existing class A1 retail store, car parking highway alterations and ancillary works.	Granted 31/08/06
51/93/0280	Depot Road, Aberdare	Demolition of existing structures and erection of 41,000 sq ft food store.	Granted 06/01/94
51/92/0399	Depot Road, Aberdare	60,000 sq ft store family.	Granted 24/09/92

### **PUBLICITY**

The application has been advertised via site notice. An objection has been submitted by the Aberdare and District Chamber of Trade and Commerce and the objections are summarised below:

- Cobbler's shops and jewellers are located in the town centre. Their trade would be taken (if permission were to be granted).
- Shoppers could use the free parking at the Tesco store for these services and this would be an advantage over the town centre traders.
- The town centre should be protected.

### **CONSULTATION**

Countryside, Landscape and Ecology – Public Right Of Way (footpath 34 Aberdare) would be affected by the development. A diversion order would be required.

Glamorgan Gwent Archaeological Trust - the site is situated at the former Gadlys Iron Works. The retail pod would be where rail and tramways are shown on the

historic maps. It is unlikely that significant buried archaeological features would be encountered.

Natural Resources Wales – no objection.

Public Health and Protection - no objection.

Transportation Section – no objection. There are no parking spaces lost as part of the proposal. They advise there is a Public Right of Way ABD/34 running past the front of the pod with a 2.5m access retained. If permission is granted the PROW shall be left unobstructed for use at all times.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site is identified as within the settlement boundary of Aberdare and is unallocated.

**Policy CS2** - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

**Policy NSA18** – identifies Aberdare as the Principal town centre in the Northern Strategy Area of Rhondda Cynon Taf.

## **Supplementary Planning Guidance Access, Circulation & Parking**

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 10 (Planning for Retail and Town Centres) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:  
PPW Technical Advice Note 4: Retailing and Town Centres;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Retail impact of the proposed development**

The site is within the settlement boundary of the Local Development Plan. It is however located outside the retail area of Aberdare town centre. The town centre is identified as the principal town of the Northern strategy area of Rhondda Cynon Taf (Policy NSA 18) and encourages retail development within the boundaries of the retail centre. Furthermore Chapter 10 (Planning for Retail and Town Centres) of Planning Policy Wales highlights the Welsh Governments objectives in relation to retail; is to promote established town centres as the most appropriate locations for new retail development and to enhance the vitality, attractiveness and viability of existing town centres. The Tesco retail store itself has previously been extended (05/1690) and conditions on this permission restricted the size of the retail area and any additional mezzanine areas to protect the vitality and viability of Aberdare town centre. Therefore it is considered the proposed addition would be contrary to local and national planning guidance.

In regard to vitality, the increased retail area and services proposed at the Tesco store, coupled with the ease of parking and access to the store from the local road network, would potentially result in a loss of foot fall to the town centre. Potentially, the loss of trade to what are usually small businesses could also have a significant impact on their survival in what are difficult economic times. Potential closures of a range of shops could have a detrimental impact on the viability of the town centre, which could result in the potential deterioration of the shop exteriors and loss of investment. Furthermore allowing this addition to the existing retail space at the Tesco store could allow for further more diverse retail functions in the future. The function of the town centre relies on a diverse range of retail type premises and other services and the erosion of this would have a further detrimental impact on its retail function.

Therefore it is considered the proposed retail pod would have a detrimental retail impact on the vitality and viability of Aberdare town centre.

### **Impact on the character and appearance of the area**

It would be located close to the store and would be relatively small in size and scale. It would also be partially screened by boundary treatment or visually read against the existing building. As such it is not considered a refusal reason on this issue would be warranted.

### **Access and highway safety**

No objection has been raised by the Transportation Section.

### **Public Right of Way**

The Council's Public Rights of Way Officer has detailed the pod would potentially affect the definitive path of the right of way. The physical line of the path as constructed would not be affected by the position of the proposed retail pod. As such the definitive line of the path and the physical line of the path do not match. The Rights of Way Officer has detailed the applicant would have to formally apply for a diversion if permission were granted. It is considered this could be obtained by a condition if permission were to be granted.

### **Conclusion**

The application is considered not to comply with the relevant policies of the Local Development Plan in respect of the retail impact on Aberdare town centre (Policy NSA 18) and with Planning Policy Wales Chapter 10: Planning for Retail and Town Centres).

### **RECOMMENDATION: Refuse**

1. The development would have a detrimental impact on the vitality and viability of Aberdare town centre. As such the application would be contrary to Policy NSA 18 of the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales Chapter 10: Planning for Retail and Town Centres.
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**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**DEVELOPMENT CONTROL COMMITTEE**

**17 APRIL 2014**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**OFFICER TO CONTACT**

**APPLICATION RECOMMENDED**

**MR. J. BAILEY**

**FOR REFUSAL**

**(Tel: 01443 425004)**

**See Relevant Application File**