

Appendix 2: Consultation Representations, Responses and Resultant Action

Do you have any comments on the proposed guidance for Policy ENT7: Development in Commercial Centres of Bridgend, Porthcawl and Maesteg detail in Section 4	
Organisation	NTR Planning Ltd (on behalf of McArthurGlen)
Representation	<p>The draft SPG sets out specific measures concerning the interpretation of Policy ENT7 in order to promote the vitality and viability of Bridgend town centre. These should be applied flexibly to enable the centre to respond to those changes in shopping patterns that have occurred over the last five years, both as a result of the pandemic and the shift towards online shopping. It should be noted that these changes have affected outlet centres as well, particularly given the growth in the availability of online outlet shopping channels.</p> <p>It is important that these flexible measures are applied without unnecessary burden in order to support a dynamic and changing retail environment, as well as to support alternative uses within centres. This is promoted at page 71 of Future Wales: The National Plan 2040 under the supporting text to Policy 6:</p> <p><i>‘The principle of ‘Town Centre First’ is well established in planning policy in relation to retail developments. However, good planning can help us re-think the future of town and city centres, which are moving away from their traditional retail roles.’</i></p> <p>This approach ought to apply in equal measure to other centres, including Bridgend Designer Outlet Centre, in order for it to also remain vital and viable and to continue to act as an important tourist attractor and to maintain the aforementioned synergy.</p>

Local Planning Authority Response	Policy ENT7 specifically deals with development within the commercial centres of Bridgend, Porthcawl and Maesteg, of which does not include edge-of-centre or out-of-centre allocations such as Bridgend Designer Outlet Centre. Any proposal that relates to Bridgend Designer Outlet Centre will be assessed against Policy ENT9 and uses specified by the associated Section 106 Agreement. Policy ENT7 takes into account the impacts of both the pandemic and the shift towards online shopping recognising that centres are moving away from their traditional retail roles. This policy ensures that these centres do not lose their 'critical mass' of retail units to the extent that they can no longer function as viable shopping centres. However, there is sufficient flexibility embedded within this policy and other policies to enable such centres to become multifunctional places and community focal points, thereby rendering them more viable as go-to destinations in light of the impacts of the pandemic and shift towards online shopping.
Resultant Action	No action necessary – the SPG provides supplementary information and guidance in respect of the adopted RLDP policy framework, but it cannot introduce new policies or change the policies in the adopted RLDP. Furthermore, there is considered to be sufficient flexibility embedded into Policy ENT7 and other retail and commercial policies contained within the RLDP. Policy ENT7 does not relate to out of town retail provision such as Bridgend Designer Outlet Centre.
Do you have any comments on the proposed guidance for Policy ENT9: Retail Development Outside of Retailing and Commercial Centres detailed in Section 4	
Organisation	BCBC Elected Member
Representation	<p>I request that, where a commercial premises such as a corner shop is located in a residential area, then any application to instal a parcel locker system adjacent to the premises should be subject to a planning condition which restricts its use to match the agreed permitted opening hours of the business in question.</p> <p>Such a condition would address problems of additional traffic generation and associated overnight noise and disturbance experiences by neighbours.</p>

Local Planning Authority Response	Comments noted. Whilst it is beyond the scope of the policy and this SPG to include specific guidance on parcel locker systems, planning conditions can be attached to future planning consents to control the operating hours of parcel lockers in circumstances where it is deemed to be necessary and appropriate. This would ensure that the local planning authority would retain effective control over the hours of operation of the business in the interests of general amenity.
Resultant Action	No amendments necessary – this issue can be addressed at the planning application stage through the use of appropriate conditions.
Organisation	NTR Planning Ltd (on behalf of McArthurGlen)
Representation	Paragraph 4.56 identifies that retail development at the locations defined in Policy ENT9 will be restricted to bulky goods retailing. The paragraph should be amended to confirm that the Outlet Centre will not be restricted to bulky goods, as these, as I am sure you will be aware, are not the prevailing range of goods that are sold from the centre. We suggest that the reference to bulky goods sales be referenced specifically to the retail parks listed.
Local Planning Authority Response	Comments noted. As drafted, the current wording of paragraph 4.56 states that retail development at the locations defined in Policy ENT9 are restricted to bulky goods retailing of which is misleading. As such, further clarity will be made to paragraphs 4.56 and 4.61 to ensure that the acceptable uses on edge-of-centre and out-of-centre allocations are clearly outlined.
Resultant Action	Paragraphs 4.56 and 4.61 will be amended to clarify the permitted uses on edge-of-centre and out-of-centre retail and commercial allocations.
Organisation	NTR Planning Ltd (on behalf of McArthurGlen)
Representation	We are supportive of paragraph 4.62, which sets out support for ancillary/incidental A3 uses at out of centre retail destinations. We would however suggest that the reference to ‘200 sqm’ be amended to read ‘in the region of’ 200 square metres so to be less prescriptive. Given that every planning application is considered on its own merits it is not considered appropriate (or necessary) for the Council to impose a specified floorspace limit, as this may act as a moratorium to certain

	development, even if the applicant was able to demonstrate compliance with the impact and sequential tests. The guidance set out in 4.64 on critical mass will likely assist in controlling total A3 provision in any of the identified out of centre locations, were a further proposal to arise.
Local Planning Authority Response	Support for paragraph 4.62 is noted. The representor's suggestion to amend paragraph 4.62, specifically requesting a change in wording from '200sqm' to 'in the region of 200sqm' is acknowledged. Furthermore, the purpose of the SPG is to augment and interpret existing adopted RLDP policies. As such, removal of a specific floorspace figure is considered appropriate in this instance, and any proposed ancillary and incidental use on an edge-of-centre or out-of-centre allocation will be assessed on a case-by-case basis regarding its appropriateness.
Resultant Action	Paragraph 4.62 will be amended to be less prescriptive regarding the size of ancillary/incidental uses at edge-of-centre and out-of-centre retail allocations, making it clear that each application will be considered on a case-by-case basis.
Organisation	NTR Planning Ltd (on behalf of McArthurGlen)
Representation	We are supportive of paragraph 4.63 and 4.64, which relate to D2 uses.
Local Planning Authority Response	Noted.
Resultant Action	No amendments necessary.
Organisation	NTR Planning Ltd (on behalf of McArthurGlen)
Representation	What is important, and what we consider is missing from this section of the draft SPG, is reference to other appropriate commercial uses that would also be considered small-scale/ancillary and incidental to the primary retail function of the out of centre destination listed. Examples would include A2 (Financial and professional services) uses, e.g. a bank, and D1 (Non-residential institutions) uses, e.g. a crèche. Such uses are provided in smaller units than those typically provided in the retail warehouse parks identified, so their inclusion in this section of the SPG might be more appropriate with specific reference to Bridgend Designer Outlet only.

	<p>There is no reason why such uses should be considered differently to the A3 and D2 uses listed and there would be a clear synergy with the primary purpose served by the Outlet Centre with those additional Use Classes identified above and when taking into account the critical mass point. In this regard, we are mindful that the Council has supported the provision of a bureau de change unit (Use Class A2) at Bridgend Designer Outlet under planning permission ref. P/15/774/FUL. Here, it was identified in the officer's report that:</p> <p><i>'The proposed installation of a kiosk to provide money exchange facilities will, it is considered, be ancillary to the main retail uses contained within the centre and therefore not significantly change the character of the centre.'</i></p>
Local Planning Authority Response	<p>The representor's suggestion to reference additional examples that could also be considered small-scale/ancillary and incidental to the primary retail function of the edge-of-centre and out-of-centre allocations is acknowledged. The policy aim is to avoid 'out of centre' allocations becoming 'all round destinations' for customers with such a range and opportunity for retail and leisure experiences that they would negate the need to undertake any separate visit to existing retail, commercial and district centres. This would be considered out of accord with the 'Town Centre First' approach outlined in national planning policy. However, it is acknowledged that a limited number of appropriate uses can support or complement the primary retail function.</p> <p>Further detail will be included in the supporting text to clarify that uses that are ancillary and incidental (not exclusively those operating under Use Class A3) to the primary retail function of the wider site will be permitted where appropriate, while clarifying that each proposal will be judged on a case-by-case basis.</p>

Resultant Action	Paragraph 4.62 will be amended to clarify that uses which are considered to be ancillary and incidental to the primary retail function of an edge-of-centre or out-of-centre retail allocation will be judged on a case-by-case basis to determine their appropriateness.
Do you have any comments on the proposed Sequential Test – Assessment Checklist for Applicants detailed in Appendix B?	
Organisation	NTR Planning Ltd (on behalf of McArthurGlen)
Representation	<p>This section is helpful but perhaps lacking in detail. In undertaking any sequential test (where relevant) it is necessary to consider whether any alternative site is suitable for the broad nature of development proposed, as established by well documented case law. Whilst suitability is referenced in the 'Further information' part of the table, it is normal practice for an applicant to set out a methodology in undertaking an assessment. Whilst unit size is referenced in the table, there are other factors that would inform a judgement on the suitability of any alternative site as part of the applicant's methodology. These details could be incorporated or referenced in the draft SPG for clarity, or at least reference to the requirement of the test to be based on a sound methodology.</p> <p>For retail development, examples might include:</p> <ol style="list-style-type: none"> 1. the ability of any alternative site to accommodate a specified minimum site size. 2. the ability of any alternative site to accommodate a store of a specified minimum gross floor area. 3. the ability of any alternative site to the safe manoeuvring of customer vehicles and delivery vehicles. 4. the ability of any alternative site to offer a viable trading environment. 5. the ability of any alternative site to be easily accessible by a choice of means of transport. 6. the ability of any alternative site to be able to provide suitable servicing arrangements to enable deliveries. <p>Clearly, each case would be considered differently based on the requirements of the proposal under consideration.</p>

	We consider that the appendix be expanded to include reference to 'methodology' and expand on matters relating to 'suitability' on a 'case-by-case basis', with reference to 'established case law'.
Local Planning Authority Response	Support for the sequential test assessment checklist for applicants is noted. The sequential test assessment checklist provides guidance to prospective applicants, clarifying the necessary information to support a planning application for a proposal on an edge-of-centre or out-of-centre allocation, that should in the first instance be located within a designated centre as per the retailing, commercial and services hierarchy outlined by Policy SP12 of the RLDP. The representor recommends adding further detail, specifically making reference to the requirement of the test to be based on a 'sound methodology'. The representor also suggests introducing several additional factors to expand upon the suitability criteria of any alternative site. Whilst this is acknowledged, the inclusion of such criteria is considered too prescriptive and would vary based upon the nature of the proposed use. However, in the interests of providing further detail, the appendix will be amended to make reference to the requirement for all assessments to be based on a sound methodology.
Resultant Action	Appendix B – Sequential Test Assessment Checklist for Applicants will be updated to include a reference to the requirement that the test be based on a sound methodology in relation to the suitability of alternative sites.

Proposed SPG Changes as a Result of the Consultation

The paragraphs proposed for amendment following the consultation are detailed below, for the reasons explained in the previous table. Strikethrough text is used to indicate proposed deletions from the SPG, whereas blue text is used to indicate proposed additions to the SPG. Only paragraphs proposed for amendment are included below, there are no proposed changes to the remainder of the draft SPG following consultation. The final draft version of the SPG (Appendix 1) incorporates the proposed amendments below.

- 4.56 Whilst **Proposals for new out-of-centre retail will not be encouraged**, Policy ENT9 acknowledges the presence of existing retail developments outside of Town, District and Local centres. Retail development at these locations defined in Policy ENT9 will be restricted to **bulky goods retailing** the acceptable uses outlined in the table above, by means of appropriate planning conditions and/or legal agreements. Policy ENT9 respects the specific role and function of sites at these locations, which can provide a complementary role to town and district Centres by providing opportunities for large format, bulky goods retailing that does not compete with 'in-Centre' trading. Extensions within the boundaries of these locations, increases to the allocated floorspace or relaxations/changes to the types of goods sold, may require a needs test, sequential test and retail impact assessment, as detailed within National Policy (TAN4: Retail and Commercial Development / PPW), depending on the nature of the proposal and the potential impacts. This will also apply to planning applications which seek to vary conditions to change the types of goods sold from sites at these locations or the subdivision of units, both of which could potentially undermine the vitality and viability of town and district Centres if not properly controlled.
- 4.61 As highlighted above, development within allocated 'edge of centre' and 'out of centre' locations will be restricted to ~~the sale of predominantly bulky goods, and/or other goods~~ **specific goods** that would not typically be sold from premises within a Centre. The tests of 'retail need', 'Sequential' approach and impact will apply to the consideration of **all development proposals** at 'edge of centre' and 'out of centre' locations.
- 4.62 Proposals for **ancillary and incidental uses such as Use Class A3 (food and drink)** floorspace within designated 'out of centre' locations will be restricted to small scale provision that ~~is ancillary and incidental to~~ **supports** the primary retail function of the wider site, or comprises a facility that due to its operational and functional requirements cannot reasonably be accommodated within a Centre. **Proposals for ancillary and incidental uses will be judged on a case-by-case basis and will not be permitted if judged to give rise to a critical mass.** ~~'Small scale', for the purposes of this policy refers to a facility less than 200 sqm gross floor area.~~

Appendix B: Sequential Test – Assessment Checklist for Applicants

Sequential Assessment	Further Information
1. Description of the proposed use	
2. The size of the unit	Whether existing or proposed
3. The area covered by the sequential search	
4. Justification for the area search	If it is less than Borough-wide or limited to particular types of centres
5. The types of units searched for	
6. Justification for any limitations applied to the types of units considered	
7. A list of the alternative, available, sequentially preferable units identified	<ul style="list-style-type: none"> • This list should set out the address and size of the unit and if it is suitable or not. The suitability of a unit should be based on a sound methodology and will be assessed on a case-by-case basis. • If a unit is unsuitable, full justification and evidence should be provided alongside the listing. • A conclusion as to whether the Sequential Test is met, looking at both the availability and suitability of those sites to accommodate the proposal. • If the Sequential Test is not met, an explanation of any overriding material considerations that would justify the grant of planning permission.