

Date: 29/02/2024
Our Ref: 24.112

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Dear Sir/Madam,

Town and County Planning Act 1990 (As Amended)
Variation of Condition 1 (Subdivision of Unit) of Planning Permission 05/01945/C to make provision for a dental practice
Unit 2c, City Link Retail Park, Newport Road, Adamsdown, Cardiff, CF24 1PQ
Planning Portal Reference No: PP-12793700

Asbri Planning is appointed as planning agent to Starburst UK Limited in respect of the above variation of condition application for the proposed variation of Condition 1 (permitted use) of planning permission 05/01945/C to permit Use Class D1 (Non-residential Institutions) at Unit 2c City Link Retail Park, Newport Road, Cardiff.

The planning application has been submitted via Planning Portal and is accompanied by the following list of documents and plans:

Drawing/document name (reference where applicable)	Prepared by
Application Forms	Asbri Planning
Planning Letter (this letter)	Asbri Planning
Site Location Plan	Jones Hargreaves Building & Project Consultants
Lease Plan 01 (LP-P01)	Jones Hargreaves Building & Project Consultants

The relevant application fee for a variation of condition application is calculated as £230.00 and has been paid directly to Cardiff Council.

Site Description

Description/Context

The application site comprises what is currently a vacant retail unit at 2c City Link Retail Park, a retail park located within a mixed-use area along Newport Road in the east of Cardiff. As such, the surrounding context can be considered to be largely retail, with additional leisure and food and drink uses located in close proximity. To the west of the site is a larger retail unit, which is occupied by Home Bargains at present. Other occupiers within City Link Retail

Park include Dunelm, Aldi, Shoezone, TK Maxx, and Poundland. The site is well served in terms of existing parking provision and is located in close proximity to a number of bus stops which provide public transport connections to a range of destinations across Cardiff and to nearby Newport.

A review of NRW's Development Advice Map for flooding indicates that the site is located within Flood Zone A, and as such is not considered to be at risk of flooding. In addition, a review of NRW's Flood Map for Planning (TAN15), which is due for imminent adoption, indicates that the site is located within Flood Zone 3 for rivers and sea flooding.

Planning Background

A review of Cardiff Council's online planning register confirms that the following planning history is of relevance to the proposed development:

Ref: 05/01945/C – 'Variation of Condition L attached to planning permission 88/529R to allow for a catalogue retailer to trade from part of unit 2'. Approved November 2005;

Ref: 05/01944/C – 'Modification of Condition K of 88/529R to allow subdivision'. Approved November 2005.

Ref: PA/20/00025/MJR – 'Variation of Conditions to allow other occupiers of the units'. Decision unknown.

At present, the existing use of the unit is established as retail by planning permission 05/01945/C. This is detailed within Condition 1, which states:

"Unit 2b shall either be used for a catalogue showroom retailed (defined for the purpose of interpreting this condition as a retailer selling a wide range of goods selected by the visiting public primarily from a catalogue and supplied fully packaged) or for the sale of home improvement and DIY products, plumbing and hardware goods, timber and building products, paint and wallpaper, garden supplies, furniture, carpets and other floor coverings, soft furnishings, homewares, electrical goods, gas appliances, computers, office equipment and supplies, pets and pet products and motor accessories. Unit 2B shall not be used for any other purpose including those set out in Class A1 of the Schedule for the Town and Country Planning (Use Classes) Order 1987 or any Order revoking, amending or re-enacting that order with or without modification.

Reason: To prevent other retail uses or changes to the format of retail sales which may harm the vitality or viability of defined development plan centres or threaten strategies for their protection or enhancement."

Planning Policy Overview

National Planning Policy

Future Wales the National Plan: 2040

Future Wales – the National Plan 2040 is our national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining, and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems and improving the health and well-being of our communities.

Policy 2 of the Plan relates to Shaping Urban Growth and Regeneration – Strategic Placemaking and in respect of a variety of housing advises the following:

"To ensure places are socially mixed and cater for varied lifestyles, they should have a mix of housing types and tenures and space that allows for home-working. Urban growth and regeneration should cater for families, couples and single people of different ages Policy 2 provides the basis for local planning authorities to support

intensification in and around town centres. This will support the future of our town centres and provide opportunities for small-scale development, including new housing and mixed-use development.”

Cardiff, Newport, and the Valleys are identified as a National Growth Area for socioeconomic growth within Policy 33 of Future Wales. This states that Cardiff will continue to serve as the primary national centre for economic growth, as a core city on the UK stage.

Planning Policy Wales

National planning policy is contained within the twelfth edition of Planning Policy Wales (PPW), published by the Welsh Government in February 2024. PPW is supported by 19 topic-based Technical Advice Notes (TANs), which are also relevant. PPW is the Welsh Government’s principal planning policy document, setting out the context for sustainable land use planning policy, within which Development Plans are prepared and development.

Sustainable development is defined in PPW as “The process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.”

Paragraph 3.45 recognises that “The evidence to identify suitable areas and sites for development should not be confined by local authority boundaries. It should reflect realities like housing markets, travel to work areas, retail catchments and the nature of activity or development itself. This will ensure that the best use is made of previously developed land and the loss of greenfield sites is minimised.”

Paragraph 5.4.13 of PPW states that planning authorities should promote the re-use of previously developed, vacant, and underused land, while Paragraph 5.6.6 advises that new development sites should, wherever possible, be located within or adjacent to defined settlement boundaries, preferably where there is public transport provision.

Local Development Plan

Adopted in 2016, the Cardiff Local Development Plan covers the period 2006-2026 and comprises the statutory Development Plan for the city of Cardiff. In terms of LDP policy, the LDP Proposals Map indicates that the application site comprises unallocated ‘white’ land, located within the defined settlement boundary for Cardiff. A review of the LDP Constraints Plan indicates that the site is not subject to any identified constraints.

The following LDP policies are considered to be of relevance to the proposal:

LDP Policy	Relating to
Key Policies	
KP1	Level of Growth
KP3(B)	Settlement Boundaries
KP5	Good Quality and Sustainable Design
KP15	Climate Change
Detailed Policies	
T2	Strategic Rapid Transit and Bus Corridors

LDP Policy KP3(B) ‘Settlement Boundaries’ indicates Cardiff Council’s preference for development to be located within the defined settlement boundary, and states that “in order to strategically manage the spatial growth of Cardiff,

settlement boundaries are proposed as shown on the Proposals Map. In all areas outside the defined settlement boundaries, otherwise referred to as countryside, there will be a corresponding presumption against inappropriate development”.

Policy KP5 ‘Good Quality and Sustainable Design’ details the Council’s approach to securing high quality design in all new development across the city. Within this policy, development is required to respond to its local character, provide a healthy environment, achieve climate responsive design, promote the efficient use of land, and ensure that streets and spaces are accessible for all.

The Council’s approach to mitigating the impacts of climate change is detailed within Policy KP15 ‘Climate Change’, which states that development proposals should take into account reducing carbon emissions where possible, be adaptable to the implications of climate change, promote efficient design, and avoid and prevent flood risk.

Newport Road is identified as a bus corridor enhancement corridor, as per Policy T2 ‘Strategic Rapid Transit and Bus Corridors’. This states that improvements to the wider bus network, including the provision of new infrastructure including new routes and services will be supported along these routes to provide sustainable travel options.

The Proposed Development

The proposed development seeks to vary Condition 1 of planning permission 05/1945/C (permitted use), which currently states:

“Unit 2b shall either be used for a catalogue showroom retailed (defined for the purpose of interpreting this condition as a retailer selling a wide range of goods selected by the visiting public primarily from a catalogue and supplied fully packaged) or for the sale of home improvement and DIY products, plumbing and hardware goods, timber and building products, paint and wallpaper, garden supplies, furniture, carpets and other floor coverings, soft furnishings, homewares, electrical goods, gas appliances, computers, office equipment and supplies, pets and pet products and motor accessories. Unit 2B shall not be used for any other purpose including those set out in Class A1 of the Schedule for the Town and Country Planning (Use Classes) Order 1987 or any Order revoking, amending or re-enacting that order with or without modification.

Reason: To prevent other retail uses or changes to the format of retail sales which may harm the vitality or viability of defined development plan centres or threaten strategies for their protection or enhancement.”

The proposed development seeks to vary the above condition in order to include Use Class D1 (Non-residential Institutions) within the unit’s approved uses as written within Condition 1. This would allow for the partial occupancy of the unit as a dental practice. The proposed rewording of Condition 1 of 05/01945/C would therefore allow for part of the unit to be put into viable, occupied use, operating under a Use Class which reflects the mixed-use context of the surrounding area. As such, it is proposed to word Condition 1 as follows:

“Unit 2b shall either be used for a catalogue showroom retailed (defined for the purpose of interpreting this condition as a retailer selling a wide range of goods selected by the visiting public primarily from a catalogue and supplied fully packaged) or for the sale of home improvement and DIY products, plumbing and hardware goods, timber and building products, paint and wallpaper, garden supplies, furniture, carpets and other floor coverings, soft furnishings, homewares, electrical goods, gas appliances, computers, office equipment and supplies, pets and pet products, and motor accessories, and dental surgeries. Unit 2B shall not be used for any other purpose including those set out in Class A1 and Class D1 of the Schedule for the Town and Country Planning (Use Classes) Order 1987 or any Order revoking, amending or re-enacting that order with or without modification.

Reason: To prevent other retail uses or changes to the format of retail sales which may harm the vitality or viability of defined development plan centres or threaten strategies for their protection or enhancement.”

(bold text added to emphasise new wording added. Strikethrough text added to emphasis the removal of wording).

As above, the proposed rewording of Condition 1 of 05/1945/C would allow for part of the unit be put back into viable, occupied use as a dental surgery through permitting Use Class D1 (Non-residential Institutions). This is considered to contribute towards socioeconomic growth locally and would achieve several of the growth goals detailed within PPW (12th Edition), Future Wales: The National Plan 2040 and the adopted Cardiff Local Development Plan 2006-2026.

For context, it is intended to further subdivide the unit, City Link Retail Park into two sub-units and as such a separate planning application has been submitted to Cardiff Council to vary Condition 1 of planning permission 05/01944/C to permit the unit's subdivision. Notwithstanding, the proposals detailed within this planning application should be considered alongside the separate variation of condition application to subdivide Unit 2c as the proposals are considered to be interrelated and complimentary in achieving the occupancy of Unit 2c and contribute towards socioeconomic growth.

Principle of Development

Sustainability

The application site can be classed as previously developed 'brownfield' land, located within the settlement boundary where new development is encouraged to be located. As such, it is considered to represent a very sustainable location for new development in accordance with national and local planning policy, and that the proposed development complies with the Welsh Government's overarching sustainability objectives with regard to development on brownfield sites and good connectivity to active travel networks.

Viability

Of high consideration in formulating this development proposal is Unit 2c's lack of viability at present, which is currently vacant and has been for a number of years. It therefore offers no contribution towards socio-economic growth or towards achieving sustainable development at present. As such, it is considered that the proposed variation of Condition 1 of 05/01945/C would allow for part of Unit 2c to be put back into viable and occupied use as a dental surgery operating under Use Class D1 (Non-residential Institutions). This would align with national and local planning policy towards making effective use of land within the boundaries of town and city centres, and securing socioeconomic growth through the development process.

Transport and Active Travel

With regard to transport, the site is considered to be located within a highly sustainable location. The application site is located within immediate walking and cycling distance of key public transport hubs, in addition to a range of local services and facilities.

Welsh Government data on active travel routes indicates that Newport Road is an identified Future Walking and Cycling Route (Reference C2), while the lower part of Newport Road (towards the city centre) is an identified Existing Cycle Route, serving bicycle traffic into and out of Cardiff's city centre. As such, the proposed development presents opportunities to connect positively to the local active travel network.

Given the context of Newport Road, it is recognised that there may still be an element of car dependency within the development proposals. However, no changes to the existing parking provision outside the front of the unit are proposed within this application. No In addition, no new means of access into the site boundary are proposed.

Nearby Similar Uses

The application site is located within a well-established area for mixed use development, including retail, food and drink, warehousing, and leisure uses. This includes City Link Retail Park, which is an established retail destination in the east of Cardiff and is complimentary to the surrounding context along Newport Road.

Whilst the application site is located within an area primarily established for retail use, City Link Retail Park is not subject to any strategic or site specific retail allocations or policies within the Local Development Plan which prevent including Use Class D1 (Non-residential Institution) within the unit's permitted uses. As such, it is considered that the variation of Condition 1 of 05/01945/C would help in making efficient use of vacant 'brownfield' space and would facilitate further trading along a mixed-use area along Newport Road, through allowing part of Unit 2c to operate as a dental surgery.

Conclusion

This planning application proposes the variation of Condition 1 of planning permission 05/01945/C, in order to include Use Class D1 (Non-residential Institutions) within the permitted uses of Unit 2c, City Link Retail Park, which would allow for the occupancy of part of the unit as a dental surgery. This letter has outlined the key planning and non-planning context and has outlined the development proposals, in addition to demonstrating the principle and appropriateness of the proposed development.

The variation of Condition 1 of 05/01945/C (permitted use), through the amendment to the condition's wording would allow for part of the unit to be put back into viable and occupied use, in an established mixed-use context within Cardiff's settlement boundary. The proposed development is therefore considered to not only contribute towards improving the vitality and viability of the unit and its immediate vicinity, but to also contribute towards socioeconomic growth within Cardiff and as such satisfy national and local growth policies.

Therefore, it is respectfully requested that Cardiff Council grant planning permission for the proposed variation of Condition 1 of 05/01945/C to permit operations under Use Class D1 (Non-residential institutions). I trust that the submitted documents allow for the validation of the application and look forward to receiving details of the name of the case officer, application reference number, and target determination date in due course. If you have any queries in the meantime, please do not hesitate to get in touch.

Yours sincerely,



George Milburn
Planner

cc *Starburst Retail Limited.*