

Mr D Goodman  
Hammonds  
Solicitors  
2 Park Lane  
Leeds  
LS1 1AB

Eich cyf . Your ref: DG/ZCMOR.11-I03  
Ein cyf . Our ref: A-PP158-07-018  
Dyddiad . Date: 8 June 2006

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 77**

**APPLICATION BY Wm MORRISON SUPERMARKETS PLC & SHOPARAMA LTD**

**PROPOSED FOODSTORE AND ASSOCIATED CAR PARKING AT FORMER BROWN LENOX SITE, ADJACENT TO A470, PONTYPRIDD**

1. Consideration has been given to the report of the Inspector, Clive I Cochrane Dip Arch RegArch MSc MRTPI, who held a public local inquiry into your client's application for a foodstore and associated car parking at former Brown Lenox site adjacent to A470, Pontypridd. The public inquiry also dealt with an appeal by Morbaine Ltd against the failure by Rhondda Cynon Taff County Borough Council to give notice within the prescribed period on an outline planning application for planning permission for a Class A1 foodstore, petrol filling station/car wash, car parking, and associated services and facilities at Pontypridd Rugby Club, Sardis Road, Pontypridd. It was decided in view of the issues raised by the appeal that it should be linked with the application and both heard together at a joint Public Local Inquiry.

2. On 10 March 2005 the National Assembly for Wales directed under Section 77 of the Town and Country Planning Act 1990 (the 1990 Act) that the application be referred to it rather than be determined by the local planning authority. On 24 May 2006 the Assembly resolved that a committee, to be known as Planning Decision Committee (2)2006/4 be established, in accordance with Standing Order 17 to discharge the functions of the Assembly under Section 77 of the 1990 Act, in respect of the application by your clients, and also to discharge the functions of the Assembly under Section 79 of the Town and Country Planning Act 1990 in

respect of the appeal by Morbaine Ltd. Accordingly, the Planning Decision Committee has considered the application and has resolved under Standing Order 17.16 to adopt this letter.

3. The Inspector's conclusions are set out at paragraphs 11.1 –11.57 of his report, a copy of which is enclosed, and those paragraphs are reproduced at the Annex to this letter. The Inspector recommended that the application be refused and that the appeal be dismissed. The Planning Decision Committee accepts the Inspector's recommendations.

4. As noted by the Inspector the Ministerial Interim Planning Policy Statement – Planning for Retailing and Town Centres (MIPPS –02/2005) was issued in November 2005 and taken into account by the parties at the inquiry. This document amended sections 10.1 to 10.3 of PPW using existing paragraph headings and numbers as far as possible. The MIPPS replaced those sections in PPW which were thereby cancelled. In his conclusions the Inspector took into account the guidance in MIPPS but in places continued to refer to the sections of PPW which had been replaced by MIPPS. The Planning Decision Committee does not consider that where the Inspector made reference in his conclusions to sections of PPW which had been replaced by MIPPS there were any changes in the guidance which materially affected his conclusions.

5. The Planning Decision Committee agrees with the Inspector that in this case the examination of the catchment area, the available retail capacity for additional convenience goods floorspace in that area, and the likely impact on the town centre are matters which would be virtually identical for both proposals.

6. The Planning Decision Committee agrees with the Inspector that the evidence indicates that the primary catchment area for Pontypridd, as defined by the parties, is too large and in reality should be limited by the zones of influence of adjoining shopping centres and large stores. It also agrees with him that the retail capacity of the chosen catchment is insufficient to prove the need for another large store and that a reduced catchment would not produce the surplus to justify either of the proposals. In the absence of quantitative need in either of the out-of-centre locations, the Planning Decision Committee agrees with the Inspector that the developments would be likely to harm the vitality and viability of Pontypridd Town Centre.

7. As regards the qualitative assessment the Planning Decision Committee agrees with the Inspector that, with the Angharad Walk development in place and other store commitments in surrounding areas, the needs of the area in terms of choice and variety would be met.

8. As regards the question of the sequential test, in the light of its conclusion that in this case there is no need for further development for retail uses, the Planning Decision Committee considers that there is no need to identify additional sites. In these circumstances the Planning Decision Committee does not consider it necessary to apply the sequential test. However, the Planning Decision Committee agrees with the Inspector that the Angharad Walk site remains a town centre opportunity to meet the retail requirements of Pontypridd.

9. The Planning Decision Committee agrees with the Inspector that both proposals would have poor pedestrian links with the town centre shopping area and would be likely to lead to an increase in overall car use within the catchment area. While it accepts the Inspector's view that the Morbaine site is less appropriately located than your client's scheme for the proposed development in terms of the traffic difficulties likely to be generated, it does not consider this to be a factor of sufficient weight to affect its decision. The Planning Decision Committee agrees with the Inspector that in land use terms nothing in the development plan lends support to either of the developments.

10. Overall, the Planning Decision Committee agrees with the Inspector that neither of the proposed developments would meet national or local plan policies relating to retail development, employment and leisure uses.

11. The Planning Decision Committee has considered the submitted agreements and suggested conditions put forward on behalf of your client and agrees with the Inspector that these would not overcome the objections to your client's application.

12. The Planning Decision Committee has reached its decision taking account of all correspondence received after the inquiry had closed and it is satisfied that the correspondence raised no new evidence or new matter of fact which would materially affect its decision.

## FORMAL DECISION

13. Subject to the comment at paragraph 8 above the Planning Decision Committee agrees with the Inspector's conclusions and accepts his recommendations. Therefore, the Planning Decision Committee in exercise of its powers under section 77 of the Town and Country Planning Act 1990 dismisses your client's application and hereby refuses to grant planning permission for a foodstore and associated car parking at former Brown Lenox site adjacent to A470, Pontypridd.

14. A copy of this letter has been sent to the Planning, Conservation and Building Control Manager, Rhondda Cynon Taff County Borough Council and to those persons who appeared at the inquiry.

Yours faithfully

**Carwyn Jones AM**  
**Chair, Planning Decision Committee (2)2006/4**  
**Enc; Leaflets "H" and "HC"**