

INTERNAL MEMORANDUM

To: David Cross - Development Control Case Officer

Reference: P/24/0200

From: Planning Policy and Implementation Section

Ask for: David James

Extension: 7053

Date: 11th September 2024

Summary

No objection raised. The development meets the relevant Replacement LDP policies (SW4, EcW3 & EcW6).

If minded to approve in principle, particular consideration should be given to the impact of the development on the character of the area, the impact on surrounding area and occupiers in terms of noise and disturbance, traffic generation and parking provision, and any other relevant risks to public health and safety, particularly flooding, and the impact on heritage assets and biodiversity (Policies SW11, SW12, CW1, EnW1, EnW3 & EnW4).

Observations in respect of the above development

1. Proposed Development

An application for the erection of a coffee shop with drive thru facility, at land to the south of Cyfarthfa Retail Park, Swansea Road, Merthyr Tydfil.

2. Development Plan Framework

The existing development plan framework in Merthyr Tydfil is provided by:-

The Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016 - 2031)

The relevant LDP Objectives are:-

- *LDP Objective 1 Sustainable Population Growth: To encourage a sustainable level and distribution of population growth.*
- *LDP Objective 2 Welsh Language and Culture: To protect and enhance Welsh language and culture.*
- *LDP Objective 4 Regeneration: To promote the suitable reuse of previously developed land and the continued regeneration of local communities.*
- *LDP Objective 6 Sustainable Design: To promote high quality, sustainable and inclusive design and support measures which mitigate the predicted effects of climate change.*

- *LDP Objective 7 Transport: To support an integrated transport system, promote active travel and ensure new developments are accessible by walking, cycling and public transport links.*
- *LDP Objective 8 Community Facilities: To support existing community facilities and suitable community led development.*
- *LDP Objective 9 Heritage and Cultural Assets: To protect, enhance and promote all heritage, historic and cultural assets.*
- *LDP Objective 10 Biodiversity: To improve ecosystem resilience and connectivity which support habitats and species of principle importance.*
- *LDP Objective 14 Town and Local Centres: To develop the town and local centres as accessible, attractive, viable and vibrant places.*

The following development plan policies would apply:-

- *Policy SW4: Settlement Boundaries*
- *Policy SW9: Planning Obligations*
- *Policy SW11: Sustainable Design and Placemaking*
- *Policy SW12: Improving the Transport Network*
- *Policy SW13: Protecting and Improving Local Community Facilities*
- *Policy CW1: Historic Environment*
- *Policy EnW1: Nature Conservation & Ecosystem Resilience*
- *Policy EnW3: Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority*
- *Policy EnW4: Environmental Protection*
- *Policy EcW3 Retail Hierarchy – Supporting Retailing Provision*
- *Policy EcW6 Out-of-Town Retailing Areas*

The following supplementary planning guidance is applicable:-

- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 2: Planning Obligations (March 2012)*
- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)*
- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 5: Nature and Development (May 2015)*

National Planning Policy

Planning Policy Wales (Edition 12, February 2024)

Planning Policy Wales provide guidance on matters relevant to this application, namely:

- **Placemaking in Action: Good Design Making Better Places**
- **Strategic Placemaking: Previously Developed Land**
- **Activities in Places: Retail and Commercial Development**
- **Recognising the Special Characteristics of Places: The Historic Environment**
- **Recognising the Environmental Qualities of Places: Water and Flood Risk**

Future Wales: The National Plan 2040 (February 2021)

Future Wales provides guidance on matters relevant to this application, including, but not limited to:

- Policy 1: Where Wales will grow
- Policy 6: Town Centre First
- Policy 2: Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Technical Advice Notes (TANs)

TAN 4: Retail and Commercial Development (November 2016).

TAN 12: Design (March 2016).

TAN 15: Development and Flood Risk (July 2004).

TAN 24: Historic Environment (May 2017).

3. Policy Considerations

It is noted that a similar application (P/18/0399) was previously granted permission in this location, and subsequently renewed (P/23/0254).

The application site is a vacant piece of land, to the south and west of Cyfarthfa Retail Park, and east of the A470 trunk road. The site is located within the Primary Growth Area and settlement boundary where new development can be considered acceptable in principle (LDP Policy SW4) subject to proposals being compatible with the Plan's other policies and all other material considerations.

Policy SW9 considers the requirement for planning obligations. Due to the nature of the development, Community Infrastructure Levy (CIL) would not be chargeable.

Policy SW11 advises that development must contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design. Where appropriate, new development will be required to (amongst other things):

- be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;
- integrate effectively with adjacent spaces, the public realm and historic environment to enhance the general street scene and create good quality townscape;
- not result in an unacceptable impact on local amenity, loss of light or privacy, or visual impact, and incorporate a good standard of landscape design;
- allow access for the widest range of people possible, and demonstrate that any traffic movements will not have an unacceptable impact on local amenity or highway safety and satisfy the Council's parking standards.
- incorporate measures to improve ground and surface water quality wherever possible;
- provide adequate facilities and space for waste collections and recycling;
- promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour.

Considering the nature of the development (which comprises a coffee shop with drive-thru facility) and the location of the site (in close proximity to existing residential, public and commercial uses) particular consideration should be given to the above issues. The proposed off-road parking provision should be checked against the Council's parking standards. As such, the views of the Council's Environmental Health department and the Engineering and Traffic Group Leader should be sought where appropriate.

Policy SW12 supports development that encourages a modal shift towards sustainable transport, including the enhancement of pedestrian, cycle, rail and bus facilities, in addition to any necessary road improvements. Developments will be expected to demonstrate how they reduce the need to travel and encourage the use of sustainable transport. As such, the views of the Engineering and Traffic Group Leader should be sought in this respect.

Policy CW1 advises that the integrity of our historic environment assets will be conserved and enhanced. Development proposals will only be permitted where it can be demonstrated they would preserve or enhance the architectural quality, character or the historic or cultural importance of our designated historic environment assets. And that, development affecting undesignated historic environment assets including, Locally Listed Buildings or structures, Landscapes of Outstanding Historic Interest in Wales, Urban Character Areas and Archaeologically Sensitive Areas should have regard to their special character and archaeological importance.

The site lies within Urban Character Area 8 (Georgetown and Ynysfach), and the Merthyr Tydfil Landscape of Outstanding Historic Interest. The impact of the proposal on these heritage assets should be considered, and the views of the appropriate Council Officer, or Heritage body, should be sought as required.

Policy EnW1 seeks to protect nature conservation and ecosystem resilience. Policy EnW3 states that development proposals likely to have an adverse impact on Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, or Priority Habitats and Species will only be permitted where it can be demonstrated that:

1. The need for the development clearly outweighs the conservation value of the site;
2. Adverse impacts on nature conservation features or geological features can be avoided;
3. Appropriate and proportionate mitigation and compensation measures can be provided; and
4. The development maintains and where possible enhances biodiversity and geodiversity interests.

As the site is undeveloped and vegetated, the views of the Council's Ecologist should be sought.

Policy EnW4 advises that development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:

- Pollution of land, surface water, ground water and the air;
- Land contamination;
- Hazardous substances;

- Land stability;
- Noise, vibration, dust, odour nuisance and light pollution; or
- Any other identified risk to public health and safety.

Where impacts are identified the Council will require applicants to demonstrate that appropriate measures have been incorporated to reduce, or minimise the impact identified to the lowest possible acceptable level. Planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes. As such, the views of the Environmental Health department should be sought as appropriate.

Policy EcW3 advises that Merthyr Tydfil Town Centre is the favoured location for retail, leisure, and other complementary development, being situated at the head of a retail hierarchy and being followed by the local centres and a new local centre forming part of the 'Hoover Strategic Regeneration Area'. Proposals for new and enhanced retail, leisure and other complementary provision in all these centres will be permitted where they improve the vitality and viability of the centre(s) concerned. Outside the above centres, proposals will be subject to an assessment of need and a strict application of the sequential test. Proposals will then only be permitted where they avoid causing harm to town/local centre vitality and viability.

Policy EcW6 relates to out-of-town retailing areas, and states that proposals for retail development on new sites or existing retail areas in out-of-town locations, including changes of use, extensions, the merger or subdivision of existing units or amendments to existing planning conditions relating to the sale of goods will only be permitted where:

- It can be demonstrated that there is an additional need for the proposal which cannot be provided within an existing town or local retail centre, and
- The proposal would not either individually or cumulatively with other existing or consented developments have an unacceptable impact on the trade, turnover, vitality and viability of the town or local centres.

This aligns with national policy, which promotes a 'town centre first' policy seeking to support existing established retail centres in the retail hierarchy, and aims to preserve and enhance the vitality, viability and attractiveness of existing town and local centres as well as promoting sustainable communities and sustainable travel patterns.

The proposal is for a new retail use. The sequential test, retail impact and assessment of need have been satisfied as part of previous planning permissions (P/18/0399 and P/23/0254). However, this particular type and scale of use does not require an assessment of need. A Planning Statement (PS) submitted with the application advises that there are no suitable sites or units within Merthyr Tydfil town centre, or any of the defined local centres. The previous permissions also note that the proposed use would provide an ancillary service to the wider retail park. Additionally, the drive-thru element of the proposal would lend justification to an out-of-centre location.

Considering the above, along with the previously approved similar proposals, the information provided is considered sufficient to justify the need for the proposal in this location, and the proposal is considered to comply with policies EcW3 and EcW6.