

Consultation Details

Consultee: Peter Thomas
Case Officer: Gareth Davies
Application No: P/26/0115
Application Type: Planning Permission
Site Address: Cyfarthfa Retail Park North Swansea Road Merthyr Tydfil CF48 1HY
Description of Development: Erection of drive-thru restaurant (Class A3) with associated parking, servicing, landscaping and engineering works.

Heritage Considerations

☒	Listed Buildings	☒	Scheduled Monuments
☒	Conservation Areas	☒	Historic Parks and Gardens
☒	Historic Landscapes	☐	Other

Recommendation(s)

☒	No objection	☐	Notes for applicant
☐	Object (Holding objection)	☐	Request for further information
☐	Object and recommend refusal	☐	Recommend conditions

Relevant Legislation and Policy Context

This consultation response has been prepared in the context of the duties placed upon the local planning authority by the Town and Country Planning Act 1990 ("TCPA 1990) and the Historic Environment (Wales) Act 2023 ("HEWA 2023).

Section 314A(1) of the TCPA 1990

"In considering whether to grant planning permission for development which affects a listed building or its setting, the Welsh Ministers or a local planning authority in Wales must have special regard to the desirability of preserving—

- (a) the listed building,
- (b) the setting of the building, or
- (c) any features of special architectural or historic interest the building possesses."

Section 160(1) of the HEWA 2023

"In exercising a planning function in relation to a building or other land in a conservation area, a person must have special regard to the desirability of preserving or enhancing the character or appearance of that area."

Note - this is the starting point for assessment of all applications relating to listed buildings and conservation areas

The above raises two primary questions:

1. Would the development affect the historic asset or its setting (and, if so, in what way and to what extent)? and,
2. Would the identified effect preserve (or enhance) the historic asset, in the context of the statutory duty to have special regard to the desirability of preserving it?

The Barnwell Manor Wind Energy Ltd Court of Appeal judgment in 2014 contains important findings which have direct implications for casework where a listed building or its setting is affected or where it involves a building or other land in a conservation area. It held that despite the slight difference in wording, the nature of the duty in relation to listed buildings and conservation areas is the same and that a decision-maker, having found harm to a heritage asset, must give that harm “considerable importance and weight”.

Your report should expressly acknowledge the need, if harm has been found, to give considerable weight to the presumption that preservation is desirable and demonstrate that this has been done. Otherwise, it would not reflect the duty under s314A TCPA 1990 or s161 HEWA 2023. How that balance will be performed will depend on the factors in the case, but it will always be important to recognise the special status which s314A TCPA 1990 or s161 HEWA 2023 confers upon the relevant relationship with heritage assets and conservation areas.

National Policy

National policy is provided in Planning Policy Wales (PPW) Edition 12, which sets out a presumption in favour of the conservation of the historic environment (Chapter 6). This is supplemented by Technical Advice Note 24: The Historic Environment (TAN 24), which requires that any harm to a listed building must be convincingly justified and that alterations must be the minimum necessary and avoid adverse impact on special interest (paras 5.11–5.15).

Relevant guidance from Cadw, including Conservation Principles and Managing Change to Listed Buildings, has been used to inform this assessment where appropriate.

Historic Assets Affected

The application site lies within the Cyfarthfa Conservation Area and forms part of the historic industrial landscape associated with Cyfarthfa Ironworks. The following designated heritage assets are considered relevant to the assessment:

Listed Buildings

- Cyfarthfa Castle (Grade I)
- Pont-y-Cafnau Bridge (Grade II*)
- Cyfarthfa Castle Fountain (Grade II)
- Gate Piers and Railings at Entrance to Cyfarthfa Park (Grade II)
- Park Walls Flanking Railings at Cyfarthfa Park (Grade II)
- Pandy Farmhouse (Grade II)
- Barn and Attached Stable Range at Pandy Farm (Grade II)

- Tower Adjoining Pandy Farmhouse (Grade II)

Scheduled Monuments

- GM425 Cyfarthfa Ironworks Furnace Bank, Engine House and Associated Remains
- GM424 Pont-y-Cafnau Bridge
- GM478 Gurnos Quarry Tramroad and Taf Fechan Leat
- Tai Mawr Leat

Registered Historic Park and Garden

- Cyfarthfa Park and Gardens (Grade II*)

Historic Landscape

- Merthyr Tydfil Landscape of Outstanding Historic Interest

Conservation Area

- Cyfarthfa Conservation Area

The site also contains land formerly occupied by elements of the Cyfarthfa Ironworks complex, including industrial buildings, sidings and associated infrastructure, giving it archaeological interest in addition to its relationship with designated assets.

Impact on the Character and Appearance of the Conservation Area

The significance of the Cyfarthfa Conservation Area derives from the interrelationship between Cyfarthfa Castle, the former ironworks, surviving industrial infrastructure, parkland, transport routes, water-management systems and the wider valley landscape. The Conservation Area is characterised by extensive areas of open space, nationally important industrial remains and strong visual and historic connections between the various components of the Cyfarthfa estate and ironworks.

The application site is located within an area that has already undergone substantial modern change through the development of Cyfarthfa Shopping Park, associated highway infrastructure and extensive surface parking. Consequently, the site presently contributes more strongly to the commercial character of the retail park than to the historic character of the Conservation Area.

The proposed drive-through restaurant would introduce additional built development, vehicle activity, lighting and associated commercial infrastructure within an existing retail environment. Whilst this would reinforce the commercial character of this part of the Conservation Area, it would occur within an area already defined by modern development and would not affect the principal elements that contribute to the area's special historic and architectural interest.

The proposal would result in a limited change to the character and appearance of this part of the Conservation Area. Whilst it would represent a further incremental reduction in the openness of the former ironworks landscape, the defining characteristics of the Conservation Area would remain readily legible and unaffected.

Impact on the Merthyr Tydfil Historic Landscape

The site lies within the Merthyr Tydfil Landscape of Outstanding Historic Interest, a landscape recognised for its exceptional association with the development of the iron industry and the Industrial Revolution in Wales.

Cyfarthfa occupies a central position within this historic landscape, illustrating the relationship between industrial production, mineral extraction, transport infrastructure, water management and settlement development. The significance of the historic landscape derives principally from these surviving relationships and from the ability to understand the evolution of one of the most important industrial areas in Wales.

The application site formed part of the historic ironworks complex. However, its historic character has been substantially altered through twentieth-century redevelopment and the construction of the existing retail park. Consequently, the site makes only a limited contribution to the appreciation of the wider historic landscape in its present form.

The proposal would not affect the principal historic landscape components that convey significance, including the blast furnaces, transport corridors, water-management features, Cyfarthfa Castle, Cyfarthfa Park or the wider valley landform. The ability to understand and appreciate the historic development of the landscape would therefore remain unchanged.

The proposal would introduce additional modern development within an already developed commercial area but would not materially alter the key characteristics, relationships or legibility of the historic landscape.

Impact on the Setting of Historic Assets

The application site lies within the setting of a number of designated heritage assets, most notably Scheduled Monument GM425 (Cyfarthfa Ironworks), Cyfarthfa Castle (Grade I) and the Grade II* Registered Park and Garden.

The significance of Cyfarthfa Castle derives in part from its historic and visual relationship with the ironworks below. The Castle was intentionally positioned to overlook the industrial complex and to symbolise the wealth generated by iron production. Similarly, the significance of the Registered Park and Garden is closely connected with both the Castle and the wider industrial landscape.

The setting of the scheduled monument is influenced by the survival of industrial landforms, transport infrastructure and open areas that assist in understanding the scale and operation of the former ironworks. However, parts of this setting have already been altered by modern development, including the retail park, road infrastructure and associated commercial uses. The application site currently forms part of this altered environment. Whilst the proposed building would introduce additional built form into the vicinity of the scheduled monument, it would do so within an existing retail park setting and would not interrupt important views,

obscure key relationships or diminish the ability to understand the historic function and significance of the monument.

Similarly, mature vegetation and intervening development limit views between the application site and Cyfarthfa Castle. The proposal would not affect the principal views, designed relationships or landscape qualities that contribute to the significance of the Castle or Registered Park and Garden.

Potential Impact on Archaeology

The application site occupies land that historically formed part of the Cyfarthfa Ironworks complex, one of the most significant industrial sites in Wales and internationally important in the development of iron production. Historic mapping, archaeological investigations and documentary evidence indicate that the area contained elements of the wider operational infrastructure of the ironworks.

The archaeological resource within and adjacent to the site is therefore likely to comprise a complex sequence of industrial deposits, demolition layers, made ground and potentially surviving structural remains associated with successive phases of development of the ironworks. The adjacent Scheduled Monument demonstrates the exceptional survival of industrial archaeology within this part of the Cyfarthfa complex, whilst previous investigations elsewhere within the ironworks have confirmed that significant buried remains can survive despite extensive twentieth-century redevelopment.

The submitted archaeological assessment identifies that the site has undergone substantial ground disturbance associated with the construction of the retail park and associated infrastructure. Ground investigation records indicate the presence of substantial made ground deposits across parts of the site, suggesting that some archaeological horizons may already have been truncated or buried beneath modern overburden. However, the existence of modern disturbance does not necessarily preclude the survival of archaeological remains. Industrial sites of this nature commonly retain deeply buried features, foundations, surfaces, culverts, rail infrastructure and industrial deposits beneath later development.

Groundworks associated with foundations, drainage, service connections, levels adjustments and landscaping have the potential to encounter previously unrecorded archaeological remains. Given the site's location within the former ironworks complex and its proximity to the scheduled remains, there remains a realistic possibility that archaeological features of potentially national significance may survive below ground.

Conclusion and Recommendation

The proposed works have been assessed in relation to their impact on the special architectural or historic interest of the historic assets. In accordance with Technical Advice Note 24 and Planning Policy Wales, there is a presumption in favour of preserving historic assets and their features of special interest, including their setting.

The proposal would not alter key historic relationships between Cyfarthfa Castle, the ironworks, the parkland landscape and associated industrial features. Nor would it affect the ability to understand, appreciate or experience the significance of the scheduled monument, registered park and garden, listed buildings or wider historic landscape. The character and appearance of the Conservation Area would remain readily recognisable, and the wider historic landscape would continue to retain its legibility and significance.

In archaeological terms, however, the site remains sensitive. Given its location within the former Cyfarthfa Ironworks complex, there remains potential for the survival of buried industrial archaeological remains despite the extensive modern disturbance that has occurred across the site. Whilst available evidence suggests that significant deposits of made ground are present and that proposed excavation depths may be relatively limited, the precise nature, extent and significance of any surviving archaeological remains cannot be established with certainty.

Heneb should be afforded the opportunity to review the submitted archaeological information and advise on the potential archaeological implications of the development, including the need for any further investigation, mitigation, monitoring or recording.

Conditions

Nil.