

INTERNAL MEMORANDUM

To: Gareth Davies - Development Control Case Officer

Reference: P/26/0115

From: Planning Policy and Implementation Section

Ask for: David James

Extension: 7053

Date: 1st July 2026

Summary

No objection raised. The development meets Replacement LDP Policy SW4, and appears to meet the requirements of policies EcW3 & EcW6.

If minded to approve in principle, particular consideration should be given to the impact of the development on the character of the Cyfarthfa Conservation Area, the impact on the surrounding area and the amenity of occupiers, including loss of privacy, smell, noise and disturbance, traffic generation and parking provision (Policies SW11, SW12 & EnW4). Consideration should also be given to the impact on any relevant historic environment assets (Policies CW1 & CW2), and the impact on biodiversity and landscape (Policies EnW1, EnW2, EnW3 & EnW5).

Observations in respect of the above development

1. Proposed Development

An application for the erection of a drive-thru restaurant (Class A3) with associated parking, servicing, landscaping and engineering works, at Cyfarthfa Retail Park, North 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 11 Countryside and Landscape: To protect and enhance the character and appearance of the landscape and the countryside.*
- *LDP Objective 12 Economic Development: To provide and safeguard appropriate land for economic and skills development.*
- *LDP Objective 14 Town and Local Centres: To develop the town and local centres as accessible, attractive, viable and vibrant places.*
- *LDP Objective 17 Minerals: To ensure a sustainable supply of minerals.*

The following development plan policies would apply:-

- *Policy SW4: Settlement Boundaries*
- *Policy SW9: Planning Obligations*
- *Policy SW10: Protecting and Improving Open Spaces*
- *Policy SW11: Sustainable Design and Placemaking*
- *Policy SW12: Improving the Transport Network*
- *Policy SW13: Protecting Community Facilities*
- *Policy CW1: Historic Environment*
- *Policy CW2: Cyfarthfa Heritage Area*
- *Policy EnW1: Nature Conservation and Ecosystem Resilience*
- *Policy EnW2: Internationally and Nationally Protected Sites and Species*
- *Policy EnW3: Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species*
- *Policy EnW4: Environmental Protection*
- *Policy EnW5: Landscape Protection*
- *Policy EcW2: Protecting Employment Sites*
- *Policy EcW3: Retail Hierarchy – Supporting Retailing Provision*
- *Policy EcW6: Out-of-Town Retailing Areas*
- *Policy EcW10 Sustainably Supplying Minerals*
- *Policy EcW13 Minerals Safeguarding*

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 a Place: Retail and Commercial Development
- Active and Social Places: Community Facilities
- Recognising the Special Characteristics of Places
- Recognising the Environmental Qualities of Places

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

3. Policy Considerations

The site of the proposal is located within the Primary Growth Area, and within the settlement boundary where development will be allowed subject to the proposals compatibility with other plan policies and material considerations (**Policy SW4**).

Policy SW9 relates to planning obligations. Given the nature of the proposal, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing, would not be sought. Additionally, 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; and
- promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour.

Considering the nature of the development, and the location of the site (in close proximity to existing commercial uses and a trunk road, and within a Conservation Area and an Archaeologically Sensitive Area) consideration should be given to the above issues. The proposed parking provision, as well as the loss of the existing car park, should be checked against the Council's current parking standards, and the views of the Engineering and Traffic Group Leader should be sought in this respect.

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 is located within the Cyfarthfa Park Conservation Area, an Archaeologically Sensitive Area (Cyfarthfa Ironworks and Infrastructure), Urban Character Area 5 – Cyfarthfa: Park and Ironworks, and within a Landscape of Outstanding Historic Interest. As such, these historic environment assets should be taken into consideration, and the views of the relevant Officer and/or external Heritage body sought in this regard.

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.

The application site is adjacent to Special Landscape Area (SLA) 1: Nant Morlais & Cwm Taf Fechan. As such, **Policy EnW5** is relevant, and the relevant Council Officer consulted as appropriate.

Policy EcW3 states 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 of Dowlais, Gurnos, Cefn Coed and Brecon Road/Morgantown, Troedyrhiw, Aberfan, Treharris 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 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.

Para. 4.3.13 of PPW states that Needs tests only apply to retail uses and do not apply to other uses which are complementary to town and city centres, examples of which are set out in paragraph 4.3.21.

Para. 4.3.21 states that the sequential approach applies to retail and all other uses complementary to retail and commercial centres. Other complementary uses include, for example, financial and professional services (A2), food and drink (A3), offices (B1), hotels (C1), residential institutions (C2), educational and other non-residential establishments (D1), leisure (D2) and certain other uses such as launderettes and theatres.

The proposal is for an A3 use located outside of the Town and Local Centres identified in the LDP. Given that the proposal is for an A3 use, a Needs test would not be required. However, the submitted information includes a sequential test, as required by local and national planning policy.

The applicant appears to have undertaken a sequential test which covers Merthyr Tydfil Town Centre, as well as potentially suitable vacant land within 300m of the Town Centre. The application of the test was guided by the operational requirements of the applicant. Relevant planning policy, and examples of case law have been supplied, which support this approach.

The operational requirements of the applicant include:

- A site area of at least 0.24 ha that can accommodate a drive-thru store with a GIA of at least 186 sqm (- c.20% of proposed floorspace);
- A site capable of accommodating adequate access arrangements, including a drivethru lane around the restaurant building;
- A site that can accommodate a unit of a suitable size to provide a serving counter, customer seating area, kitchen, back of house and servicing space. There is no prospect for disaggregation of the unit;
- A site capable of accommodating adequate and adjacent vehicle parking arrangements;
- A site that can allow for the safe manoeuvring of customer access and deliveries;
- A prominent road-side site with the ability to attract passing trade. The site must be prominent to attract custom or else there is no commercial rationale for the development; and
- A site that is easily accessible by a choice of means of transport.

The sequential test did not find any suitable and/or available land or units within the search area. It is acknowledged that a small number of units and parcels of land did meet some of the above criteria, for example in relation to size, but did not have, for example, the ability to accommodate a drive-thru lane or parking area.

Taking the above into consideration, it appears that a robust sequential test has been undertaken, and that no suitable units or sites are available to accommodate the proposal. As such, the proposal appears to be in accordance with Policies EcW3 and EcW6.