

DELEGATED REPORT

Application No:	P/23/0254
Site Address:	Land To The South Of Cyfarthfa Retail Park Swansea Road Merthyr Tydfil
Development:	Variation of condition 1 of planning permission P/18/0399 (relating to a new coffee shop with drive thru) to extend the period of time for development to commence by a further 5 years (renewal)
Case Officer:	Adam Foote
Application Expiry Date:	18th December 2023
Consultation reply date expired:	22nd November 2023

APPLICATION SITE

The application site comprises an undeveloped parcel of land measuring approximately 0.17 of a hectare situated to the south of Cyfarthfa Retail Park. The topography of the site is such that the land level slopes down towards the south. The site is bound by roads to the north-east and south, along the south-west boundary of the site is an adjoining pedestrian/cycle route and beyond this is the A470 trunk road.

PROPOSED DEVELOPMENT

This application seeks consent under Section 73 of the Town and Country Planning Act 1990 to amend condition 1 of the previously approved consent (P/18/0399) to extend the date for which the development must commence.

Under the P/18/0399 application, permission was granted for the construction of a coffee shop (Use Class A1 & A3) with drive-thru facilities and associated car park, service area and landscaping. The coffee shop would be located within the north-west part of the site and the proposed car park would occupy the remaining area of the site to the south-east. The coffee shop would be orientated to have a key frontage overlooking the car park and the drive-thru service area would be located on the north-east elevation of the building. A small enclosed service area would be provided to the rear (north-west) of the building.

The proposed coffee shop would measure 11.2m wide by 16.3m deep and 5m high with a flat roof. The external material finishes would comprise a combination of render and cladding on the elevations with curtain wall glazing along part of the front and side elevations. The flat roof would comprise of pressed metal flashings.

Access to the car park would be from the link road to the north-east. To manage the traffic and minimise congestion, a new barrier strip is proposed down the centre of the carriageway. This is designed to prevent vehicles turning right into and out of the site. The

car park would provide a total of 24 parking spaces with a one-way route around the coffee shop to serve the drive-thru facilities.

The landscaping scheme would comprise a mixture of native hedge planting, ornamental shrubs and tree planting along the boundaries of the site. Due to the sloping nature of the site, some retaining walls would be constructed alongside parts of the car park and the drive-thru access. These walls would measure between 1m – 1.4m high, some with planted embankments in front.

CONSULTATION

Head of Engineering & Highways	No objection
Environmental Health Manager	No objection
Planning Ecologist	No objection subject to conditions
Dwr Cymru Welsh Water	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, two site notices were displayed within the vicinity of the site. No representations have been received in response to this exercise.

POLICY CONTEXT

The following policies are relevant in the determination of this application:

National planning policy

Future Wales: The National Plan

Policy 1 – Where Wales will grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 6 – Town Centre First

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Planning Policy Wales 12

Technical Advice Notes (TAN):

- TAN 4, Retail and Commercial Development, November 2016
- TAN 5, Nature Conservation and Planning, September 2009
- TAN 18, Transport, March 2007
- TAN 12, Design, March 2016

Local planning policy

Policy SW4 Settlement Boundaries

Policy SW9 Planning Obligations

Policy SW11 Sustainable Design and Placemaking
Policy SW12 Improving the Transport Network
Policy EnW1 Nature Conservation and Ecosystem Resilience
Policy EnW4 Environmental Protection
Policy EcW3 Retail Hierarchy – Supporting Retailing Provision
Policy EcW6 Out-of-Town Retailing Areas

Other material considerations:

- Circular WGC 016/2014: The use of planning conditions for development management.

PLANNING CONSIDERATIONS

The advice within Circular WGC 016/2014 (Section 5.21) clearly states that renewal applications should only be refused in the following circumstances:

1. There has been some material change in planning circumstances since the original permission was granted;
2. Continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area; or
3. The application is premature because the permission still has a reasonable time to run.

The original consent (P/18/0399) was considered and approved under the previous Local Development Plan, the policies within the replacement plan (2016-2031) do not differ significantly from the previous policies in respect of the proposed development. However, policy EnW1 (Nature Conservation and Ecosystem Resilience) of the LDP requires new development to provide biodiversity enhancements. This change is echoed in changes to National Planning Policy and will be addressed in greater detail in a later section of this report.

In respect of National Planning Policy, Planning Policy Wales has been updated and is now in its 12th edition and Future Wales: The National Plan has been adopted. Future Wales sets the overarching framework for Planning Policy within Wales, and all consents must be consistent with the aims, objectives and policies as set within it. The policies within Future Wales relevant to this application have been identified above, it is considered that the LDP is consistent with the aims/objectives of Future Wales and therefore no conflict has been identified with Future Wales.

The primary change in PPW12 compared to earlier iterations is the expansion on Chapter 6 and the requirements for development to demonstrate a net benefit for biodiversity informed by a Green Infrastructure Statement in accordance with the step-wise approach. In support of this application a Preliminary Ecological Appraisal of the site has been undertaken, this has informed a scheme for biodiversity enhancement that will provide a net benefit for biodiversity. The Planning Ecologist has been consulted on this application and agrees with the findings of the PEA therefore raising no objection to this application subject to conditions. It has been agreed that the final details of these enhancements will be conditioned and agreed in writing by the Local Planning Authority prior to the commencement of development.

Although no works have commenced on site since the previous application was approved, the absence of development has not contributed to uncertainty about the future pattern of development in the area given the limited scale of the site and its position at the edge of the retail park.

This application was submitted for consideration prior to P/18/0399 expiring however as this consent ends on 02/05/24 it is not contested that this application has been submitted prematurely.

CONCLUSIONS

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

For the above reasons the proposed development is acceptable and complies with the relevant circular advice and LDP policies. Accordingly, the following recommendation is made:

RECOMMENDATION: **BE APPROVED** subject to the following **CONDITIONS:**

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Drawing no. 18126 (05) 003 Rev B - Proposed Site Plan

Drawing no. 18126 (05) 004 - Proposed Plans

Drawing no. 18126 (05) 005 - Proposed Elevations

Drawing no. 18126 (05) 006 - Proposed Site Sections

Drawing no. 001 Rev B - Softworks Drawing

Drawing no. 0015 Rev A02 - Coffee Drive Through

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. The unit hereby approved shall only be occupied by a A3 (food & drink) Use or used as a coffee shop, sandwich shop or bakery and not 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 protect the vitality and viability of town/local centres in accordance with Policy EcW6 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **Prior to the construction of the elevations of the coffee shop** hereby approved details/samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **Prior to the opening of the coffee shop** hereby approved, details of a highway barrier as illustrated in Drawing no. 0015 Rev A02 - Coffee Drive Thru, shall be submitted to and approved in writing by the local planning authority. The highway barrier shall be constructed in accordance with the approved details prior to the opening of the coffee shop and retained as such thereafter.

Reason - In the interests of road safety in accordance with Policy SW12 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. **Prior to the construction of the car park**, details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height shall be submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy EcW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. **Prior to the occupation of the coffee shop** hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected, including any highway barriers around the car park, shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the coffee shop is brought into beneficial use.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing no. 001 Rev B - Softwork's Drawing) shall be carried out in the first planting and

seeding seasons following the occupation of the coffee shop or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. Prior to the commencement of the development hereby approved the number, type and location of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and maintained as such for the lifetime of the development.

Reason - In the interest of biodiversity in accordance with the requirements of Planning Policy Wales 12, The Environment Wales Act and Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

11. No external lighting shall be erected until a detailed lighting scheme has been submitted to and approved in writing by the local planning authority. The lighting scheme shall be carried out in accordance with the approved details and shall be retained as such for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect the natural environment and important habitats in accordance with Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 30.04.2024