

INTERNAL MEMORANDUM

To: Rebecca Owens - Development Control Case Officer

Reference: P/25/0265

From: Planning Policy and Implementation Section

Ask for: David James

Extension: 7053

Date: 14th November 2025

Summary

No objection raised. The development meets Replacement LDP Policy SW4, and appears to meet the requirements of policies EcW2, 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 the surrounding area and the amenity of occupiers in terms of loss of privacy, 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 (Policy CW1), and the impact on biodiversity (Policies EnW1, EnW2 & EnW3).

Observations in respect of the above development

1. Proposed Development

An application for the demolition of the existing buildings and the development of a restaurant with drive-thru facility (Use Class A3), including access and cycle path, servicing, car parking, hard and soft landscaping, advertisements and other associated works, at land to the north of the Heads of the Valleys road, off Rhymney Common Road, Dowlais.

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 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.*

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 Community Facilities*
- *Policy CW1: Historic Environment*
- *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 EcW2: Protecting Employment Sites*
- *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 11, February 2021)

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

Technical Advice Notes (TANs)

TAN 12: Design (March 2016).

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.
- provide adequate facilities and space for waste collections and recycling.

Considering the nature of the development , and the location of the site (in close proximity to existing commercial uses and a trunk road) consideration should be given to the above issues. The proposed parking provision 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 a Landscape of Outstanding Historic Interest in Wales. As such, this and any other relevant historic environment assets should be taken into consideration, and the views of the relevant Officer or external Heritage body sought in this regard, as appropriate.

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 EcW2 states that at existing employment sites and premises outside the sites identified development proposals for non B-class uses that would result in the loss of the employment land/premises will be permitted where it can be demonstrated that the existing use is inappropriate or the land/premises are surplus to the requirements of the employment market.

It is acknowledged that the proposal would result in a loss of employment (Class B) land, and the introduction of a drive-thru restaurant (Class A3). The application site is not within a

Protected Employment site, but Policy EcW2 does seek to protect Class B uses, regardless of their location within MTCB.

The applicant has provided information to support the application, stating that the site has been vacant for approximately 5 years. Additionally, there are a number of industrial units, as well as vacant land, available for occupation by B Class uses at the nearest Allocated and Protected Employment Sites, for example Pant Industrial Estate. As such, and with the site not being within a Protected Employment Site, it does appear to be surplus to the requirements of the employment market.

Additionally, considering the nature of the proposed use, it would be appropriately located on a commercial industrial site, and could be seen as a complementary use. It would also provide employment for 80 people (as stated in the submitted information).

Given the above, in this instance, the proposal is considered to comply with Policy EcW2.

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 an a sequential test, as required by local and national planning policy.

The applicant appears to have undertaken a sequential test which covers the relevant designated centres within MTCB (taking into account the locations of existing McDonalds outlets), including vacant units and undeveloped land. 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:

1. A broadly level site with a minimum size of 0.3ha, configured in such a way as to allow for the erection of a single storey building, as well as a 'drive-thru' lane, car parking provision and associated vehicular circulation;
2. 2 Safe and efficient access onto the strategic road network; and,
3. Sufficient prominence from the nearest road to ensure visibility to passing custom.

The sequential test did not find any suitable land and 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 is in accordance with Policies EcW3 and EcW6.