

PLANNING & DEVELOPMENT COMMITTEE

17 August 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0433/10 (KL)
APPLICANT: EG Group Ltd
DEVELOPMENT: Coffee drive thru unit (Mixed A1/A3 Use) and associated works (Amended Description and Updated Use Class information rec. 09/06/23)
LOCATION: ASDA STORES LTD, FFORDD TIRWAUN, CWM-BACH, ABERDARE, CF44 0AH
DATE REGISTERED: 09/06/2023
ELECTORAL DIVISION: Cwmbach

RECOMMENDATION: Approve, subject to conditions

REASONS: The proposal is in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan in that the proposed use would be compatible with the surrounding land uses and the development would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or upon highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development
- Three or more letters of objection have been received;

APPLICATION DETAILS

Full planning permission is sought for the construction of a coffee shop drive-thru (mixed A1/A3 Use) and associated works on land which currently forms part of the car park associated with the existing Asda superstore at Ffordd Tirwaun, Cwmbach, Aberdare. It is understood that the drive-thru would be occupied and operated by Starbucks.

The proposed drive-thru unit would be constructed at the most south-eastern corner of the existing car park. The unit would have a broadly rectangular shaped footprint which would measure a total 21.9 metres in width by a maximum of 13.1 metre in depth (internal floor area of 172m² with an additional external yard area contained within the envelope of the building of 31m²). It would incorporate a flat/parapet roof which would measure a maximum of 3.9 metres in height from ground level with a feature cladded projection extending a further 2.9 metres in height, which would

provide provision for company signage (subject to a separate application for advertisement consent). External materials would consist of fibre cement panels, some of which would be finished with wood, with the roof being constructed from a Kingspan Topdek roof panel (mid grey) with aluminium parapet flashing. The windows and doors would be powder coated grey aluminium.

Internally, the unit would provide a kitchen and area serving the drive-thru takeaway window, a back of house area, an area of internal seating for customers and also customer toilet facilities. It is indicated that the use would primarily be for the sale of hot drinks and whilst this would typically fall within Use Class A1, the use is considered to be a mixed A1/A3 use due to the extent of the customer seating area proposed.

Vehicular access to the unit would be via the existing access to the existing Asda store, off the A4059 and via Ffordd Tirwaun. The drive-thru lane would be segregated from the car park circulation, extending around the north-eastern and south-eastern elevations of the building, with vehicles proposed to enter from the north-west.

The unit would be served by the remaining car park area for the Asda store (shared between the two units) however, the proposal includes the provision of 6 no. cycle parking spaces (Sheffield cycle stands) for staff and visitors along with the provision of 2 parking bays designed to mobility impaired standard adjacent to the new unit. An additional two bays are proposed to be served by a new EV charging point.

An external yard would be incorporated into the envelope of the proposed unit which would accommodate a bin storage and plant area.

As indicated above, the proposed use will primarily be for the sale of hot drinks. Details submitted with the application indicate that the unit would operate between the hours of 07:00 – 23:00 Monday to Sunday (including Bank Holidays) with a total of 8 full-time and 16 part-time members of staff being employed at the site (equivalent of 17 full-time members of staff).

In addition to the standard application forms and plans, the application is also accompanied by the following supporting documents:

- Covering Letter;
- Planning Statement, including Sequential Test;
- Flood Consequences Assessment and additional Flood Risk Information;
- Drainage Report;
- Transport Statement;
- Specification Details for EV Charging Point
- Mechanical Ventilation and Environmental Control Equipment Details.

SITE APPRAISAL

The application site relates to the car park of an existing Asda store which is situated on an established retail park in Cwmbach, Aberdare. The area upon which the proposed unit would be constructed is situated at the most south-eastern corner of the car park, close to the vehicular entrance to the Asda store, and is currently laid down

as an area of car parking (comprising of 63 spaces) and circulation. The area is also currently occupied by 2 trolley bays.

The existing Asda store is situated to the north-west of the car park with a residential housing estate being situated beyond. A new Lidl store is situated on the opposite side of Ffordd Tirwaun to the north-eastern boundary of the site whilst further retail units, including the Asda Petrol Filling Station, are situated to the south-east. The River Cynon runs along the western boundary of the car park with an area of trees, a playing field and the A4059 being situated beyond.

PLANNING HISTORY

The following planning applications are on record for the Asda site (last 10 years):

21/0329	Asda Stores, Ffordd Tirwaun, Cwmbach	Advertisement Consent – fascia signage for grocery collection pod	Granted 28/04/21
21/0275	Asda Stores, Ffordd Tirwaun, Cwmbach	Removal of existing grocery collections canopy, construction of new home shopping pod for ambient and chilled orders. Construction of home shopping van loading canopy and grocery collection canopy.	Granted 28/04/21
20/0535	Asda Stores, Ffordd Tirwaun, Cwmbach	Advertisement consent to promote the brand and services of a new retail pod	Granted 21/07/20
20/0534	Asda Stores, Ffordd Tirwaun, Cwmbach	Proposed retail pod	Granted 21/07/20
18/1371	Asda Stores, Ffordd Tirwaun, Cwmbach	Extension of low level warehouse lean-to structure	Granted 13/02/19
18/0037	Asda Stores, Ffordd Tirwaun, Cwmbach	The proposal is to replace existing ASDA advertisement signage. This includes; 1. Internally illuminated "24 hour cash box" sign. Refer to location "18" on the drawings. 2. Replacement vinyl, twin post and wall mounted signage. Refer to locations	Granted 20/02/18

		"07, 39, 59, 62, 63, and 64" on the drawings.	
14/0243	Asda Stores, Ffordd Tirwaun, Cwmbach	Roof top refrigeration units	Granted 09/06/14
13/0848	Asda Stores, Ffordd Tirwaun, Cwmbach	Drive Thru signs around the perimeter of the canopy 1 metre in height top hung at 4.2 metres, colour teal with white writing to Asda's corporate branding.	Granted 15/10/13
13/0847	Asda Stores, Ffordd Tirwaun, Cwmbach	Single storey canopy for use by ASDA customers using the Grocery Collection service.	Granted 10/10/13
12/1199	Asda Stores, Ffordd Tirwaun, Cwmbach	To erect a new vehicle loading canopy for 3 no. home shopping vans, within the existing service yard. There will also be some changes internally within the warehouse to create a new home shopping unit.	Granted 26/02/13
12/0304	Asda Stores, Ffordd Tirwaun, Cwmbach	Car park banner signage	Granted 16/05/12

PUBLICITY

The application has been advertised by means of direct neighbour notification letters and through the erection of a number of site notices in the vicinity of the site. This process was repeated upon an amendment to the application description to confirm the proposed mixed use of the proposed unit. A total of 3 letters of objection and 1 letter containing comments were received in response to the two consultation exercises carried out. These are summarised as follows:

Objections:

Highways

- There is only one route into the site and there are always issues.
- A new access road should be considered so that there is more than one road out.
- When Mountain Ash Road was closed, the back log of traffic hit the housing estate, never mind adding a drive-thru into the mix.

- How can the Council keep approving businesses to open in the small retail area with such poor traffic controls and only one way in and out, not just for the staff and customers of the shops but also for the residents of the houses behind Asda.
- Traffic is already dangerous since the opening of the new Lidl store where traffic does not think it need to look left when exiting the car park.
- Traffic is unbelievable for residents on the new estate.
- The traffic on the Asda petrol station roundabout is absolutely crazy and then the Brewster and KFC junctions need to be tackled, which should be left turns only. Then you come to the main roundabout which needs traffic lights or a redevelopment of a new road out of the estate.
- The traffic needs to be monitored for 7 days so that the Council can see how bad the traffic is.

Other Issues

- It seems that all this Council want to do is take money from wherever possible and give very little in return.
- Why do we need a second coffee shop within metres of a Costa coffee shop. Why can't the Council actually try to encourage something different to the area?

Comments:

- Whilst not against the application, traffic management, parking restrictions and safe crossing points should be considered before granting planning permission.
- The drive-thru will on a regular occurrence cause a backlog of traffic onto the exit and onto the roundabout on Ffordd Tirwaun.
- The roundabout is already overloaded on weekends, not just at peak times as described in the supporting documentation.
- The back log of traffic onto the main roundabout with the A4059 is not mentioned in the documentation but must be considered.
- The roundabout is usually severely backlogged and combine with the application in progress for the new Aldi store perhaps needs further consideration for a traffic management system.
- The comments query whether a left turn only can be introduced for the exit of the KFC/Costa and Brewster's exits to remove cars from stopping to allow exit backing up the roundabout further.
- There is no safe road crossing across Ffordd Tirwaun to the new proposed development.
- A zebra crossing is included in the plans internally but not to allow safe crossing to the existing pavement across the road, which is now a lot busier since the Lidl development has opened.
- The loss of the car parking space and the increase in traffic in and out of the single entry and exit point at Asda will lead to more people parking along Ffordd Tirwaun which, as a bus route, should be kept clear.
- The comments query whether double yellow lines could be considered along Ffordd Tirwaun.

CONSULTATION

The following consultation responses have been received and are summarised as follows:

Ecology: No objection, conditions recommended (discussed in *Ecology* section below).

Flood Risk Management: No objection or condition recommended (discussed in the *Drainage* section below).

Highways and Transportation: No objection, subject to conditions (discussed in the *Access and Highway Safety* section below).

National Grid: No objection, advises that a separate application will need to be made to National Grid should a new connection or service alteration be required.

Natural Resources Wales: Concerns are raised in respect of the proposal however, these concerns can be overcome by attaching a number of conditions to any planning permission granted (discussed in *Flood Risk* and *Land Contamination* sections below).

Public Health: No objection, conditions recommended in respect of opening hours and delivery hours. Further standard conditions are recommended in respect of hours of operation, noise, dust and waste during construction.

South Wales Police: No objection, observations and recommendations made in respect of designing out crime.

Welsh Water: No objection, conditions recommended in respect of surface water/land drainage and the submission of details for an adequate grease trap to be fitted.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located within the defined settlement boundary and is not allocated for any specific purpose. The following policies are considered to be relevant in the determination of this application:

Policy CS1 (Development in the North): sets out criteria for building strong, sustainable communities which will be achieved by promoting commercial development in locations which will support and reinforce the roles of principal towns and key settlements.

Policy AW2 (Sustainable Locations): advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 (New Development): sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 (Design and Placemaking): requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 (Environmental Protection and Public Health): development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding, contamination, pollution etc.

Policy NSA12 (Development within and Adjacent to Settlement Boundaries): sets out the criteria for development within and adjacent to settlement boundaries in the Northern Strategy Area.

Policy NSA26 (Cynon Valley River Park): sets out criteria for development within Cynon Valley River Park.

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

Supplementary Planning Guidance

Design and Placemaking
Nature Conservation
Access Circulation and Parking

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-

being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
- Policy 8 – Flooding – flooding/flood risk management
- Policy 9 – Resilient Ecological Networks – green infrastructure/ecology

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

The key considerations in the determination of this application are the compatibility of the proposed development within the established retail park, the impact of the development upon highway safety in the vicinity of the site, the impact of the development upon the character and appearance of the immediate area and also any potential impact upon surrounding residential properties. The impact of the proposal upon flood risk is a further consideration.

Principle of the proposed development

The proposal would introduce an additional retail use to an established retail park which is situated within a highly sustainable location. The site is located within the defined settlement boundary for Aberdare and within walking distance of sustainable modes of transport, including Cwmbach train station and high frequency bus services. Furthermore, the site is situated amongst a number of existing retail uses (both A1 and A3 uses) and it is not considered that the proposed use of the site for A1/A3 use would unacceptably conflict with surrounding uses. The proposal would therefore largely accord with the key sustainability objectives of Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

Notwithstanding this, Planning Policy Wales (PPW) Ed. 11 supports a 'town centres first' policy in relation to the location of new retail and commercial centre development (Section 4.3.18). As such, the first preference is to locate new retail development within an existing retail centre, as defined in the retail hierarchy set down in the Local Development Plan. In this case, the retail park does not form part of the retail hierarchy of Policy NSA18 and, as such, PPW prescribes a sequential approach to new retail development on sites outside of the designated retail centres. Applications for such proposed developments must therefore be accompanied by a sequential test in order to demonstrate that town centre locations have been considered in the first instance but have been deemed unsuitable for the purposes of the proposed development.

The application is supported by an appropriate Sequential Test which sets out the specific requirements in site selection in order to reasonably accommodate the proposed development. The information considers potential sites in the nearest retail areas, Aberdare town centre and the retail centre of Aberaman, which are identified as a Principal Town and a Local and Neighbourhood Centre in Policy NSA18 respectively. The Sequential Test demonstrates that neither area offers any suitable sites for the proposed drive-thru, primarily owing to the nature of the proposed development and the constraints of the areas in terms of the small scale of the plots available and also their relationship with the surrounding area, i.e. relationship with existing residential properties (Aberaman), the pedestrianised nature of large areas of the town (Aberdare) and the capabilities of sites being able to serve passing traffic (Aberdare).

As indicated previously, the site is situated on an established retail park which, whilst not forming part of a retail centre, attracts a vast number of visitors on a daily basis. It is therefore considered that the proposed drive-thru unit would seek to appeal to existing customers of existing stores on the park and would offer the opportunity for linked trips as well as to serve passing traffic. It would not necessarily be a destination in its own right.

Overall, it is considered that the scheme is appropriate in terms of its location and the principle of the development is therefore considered to be acceptable, subject to an assessment of the criteria set out below.

Access and highway safety

It is noted that a number of objections and comments have been received from local residents which raise a number of concerns with regard to existing highways issues in

the area and the potential for these to be exacerbated as a result of the proposed development. Whilst these concerns are duly noted and acknowledged, the proposal has been assessed by the Council's Highways and Transportation section with the comments received raising no objection to the application (subject to conditions). The comments received are summarised as follows:

Access

Vehicular access to the proposed unit would be via Ffordd Tirwaun and then through the private Asda car park. Ffordd Tirwaun serves a number of other retail units, as well as residential properties to the north-west of the Asda store.

The area benefits from a good footpath network and the closest bus stop is situated adjacent to the northern boundary of the Asda store. The existing footpath network will provide direct access from the bus stop to the proposed unit.

The proposed vehicular and pedestrian access to the unit is considered to be acceptable however, there is slight concern that the drive-thru lane could potentially result in the headlights of vehicles using the lane impacting upon the traffic using Ffordd Tirwaun and the adjacent roundabout. A condition is therefore recommended for a scheme of landscaping/planting or for details of a physical barrier to block the glare from headlights using the drive-thru lane.

Anticipated Trips (based on a similar site in Blyth)

The application is accompanied by a Transport Statement which includes survey data for the anticipated number of trips, based on a similar drive-thru coffee shop site in the car park area of an Asda store in Blyth. The survey data indicates that the busiest hour (between 12:00 – 13:00) saw a total of 50 two-way trips which equates to just under one vehicle either arriving or departing the site each minute.

Surveyed Peak Vehicle Trips: Table 3.1 from Transport Survey:

Time Period	Arrivals	Departures	Total
08:00-09:00	22	21	43
12:00-13:00	24	26	50
16:00-17:00	20	19	39

Estimated trip generation (weekday) for a drive-thru of 185m² has also been provided (Table 3.3) which demonstrates that during the busiest peak hour (09:00-10:00), the drive-thru would result in around 59 additional two-way movements, which equates to just under one vehicle either arriving or departing the site each minute during the busiest hour. The proposed peak hour traffic is outside of the existing peak trips of the other land uses served off Ffordd Tirwaun.

Estimated Trip Generation – Weekday- Drive-thru Unit (185m²): Table 3.3 from Transport Survey:

Time Range	Arrivals	Departures	Total	Parking Accumulation
05:00-06:00	1	0	1	1
06:00-07:00	5	4	9	2
07:00-08:00	22	20	41	5
08:00-09:00	28	25	53	7
09:00-10:00	31	28	59	10
10:00-11:00	26	26	52	10
11:00-12:00	24	24	48	10
12:00-13:00	26	25	51	10
13:00-14:00	29	30	58	9
14:00-15:00	21	23	44	7
15:00-16:00	22	20	42	9
16:00-17:00	21	24	45	7
17:00-18:00	16	19	35	4
18:00-19:00	10	12	21	2
19:00-20:00	7	6	13	2
20:00-21:00	2	3	5	1
Daily Trip Rate	291	289	577	

The following table provides a comparison of the Survey Data and TRICS Data, (Table 3.4 of the Transport Survey):

Time Period	Survey Data			TRICS Database		
	Arrivals	Departures	Total	Arrivals	Departures	Total
08:00-09:00	22	21	43	28	25	53
12:00-13:00	24	26	50	26	25	51
16:00-17:00	20	19	39	21	24	45

In terms of the estimated trip generation for a Saturday (based on an drive-thru unit measuring 185m²), the survey shows that during the busiest peak hour (10:00-11:00), the drive-thru would result in around 91 additional two-way movements. This equates to just over three vehicles either arriving or departing the site every two minutes:

Estimated Trip Generation – Saturday – Drive-thru unit (185m²): Table 3.6 of the Transport Survey:

Time Range	Arrivals	Departures	Total	Parking Accumulation
05:00-06:00	2	2	5	1
06:00-07:00	4	4	8	1
07:00-08:00	23	18	41	5
08:00-09:00	31	32	63	4
09:00-10:00	39	34	73	9
10:00-11:00	47	44	91	13
11:00-12:00	45	45	91	13

12:00-13:00	41	41	81	13
13:00-14:00	34	37	72	9
14:00-15:00	35	36	71	8
15:00-16:00	32	31	63	9
16:00-17:00	30	30	60	9
17:00-18:00	20	21	41	9
18:00-19:00	16	20	37	5
19:00-20:00	11	13	24	2
20:00-21:00	9	11	20	1
Daily Trip Rate	426	428	853	

The proposed peak hour traffic is outside that of the existing peak trips of the other land uses served off Ffordd Tirwaun.

Pass-by Trips

It is anticipated that the majority of trips would be linked with the other retail uses along Ffordd Tirwaun and vehicles would therefore already be on the highway network. The following table demonstrates the trip distribution:

Trip Distribution – Survey Data (Table 3.7 of the Transport Survey):

Time Period	Asda Linked	Access Pass-by	Local Divert	Wider Divert	New Trips
AM Peak	11%	34%	37%	6%	11%
Middy Peak	37%	7%	26%	2%	28%
PM Peak	35%	15%	25%	0%	25%
Average	28%	19%	29%	3%	21%

The results demonstrate that the majority of trips will be linked, pass-by or divert, with an average of 21% new vehicle trips. As such, the percentage impact on the existing highway network at peak hour would be 19 new trips only, which results in 1 additional trip every 3 minutes.

Parking

The parking requirement for the existing Asda store is as shown in the table below:

Time Range	Arrivals	Departures	Total	Parking Accumulation
06:00-07:00	26	6	32	48
07:00-08:00	80	62	142	67
08:00-09:00	129	105	234	91
09:00-10:00	175	135	311	131
10:00-11:00	197	176	373	153
11:00-12:00	206	192	398	167
12:00-13:00	220	219	438	168

13:00-14:00	197	204	401	162
14:00-15:00	195	196	391	160
15:00-16:00	197	200	397	157
16:00-17:00	173	183	356	147
17:00-18:00	167	174	341	139
18:00-19:00	165	191	356	114
19:00-20:00	122	153	275	83
20:00-21:00	76	99	175	59
21:00-22:00	49	71	120	37
22:00-23:00	10	21	31	26
23:00-24:00	10	22	32	14
Daily Trip Rate	2393	2408	4801	

The data shows a peak parking accumulation of 263 vehicles between 11:00-12:00. Allowing for the net loss of 56 spaces and the additional parking demand associated with the proposed unit, spare capacity remains to serve the foodstore and the development.

The proposed development will have shared use of the Asda car park, along with two new disabled space, two new rapid charge EV charging spaces and six new cycle stands, which is acceptable.

Summary

A drone parking survey was undertaken in December 2022 to determine the maximum car park occupancy. The data demonstrated that the maximum occupancy achieved was 273 cars on Sunday 4 December which equates to 51% occupancy. The proposed development will lead to a net loss of 56 parking bays, reducing provision to 482 spaces.

The anticipated maximum parking accumulation of the new unit is 13 spaces which, when taken in conjunction with the maximum demand for the food store identified by the survey, leaves a surplus of some 196 bays following the development. The survey results are verified through the use of TRICS data, which demonstrates there still remains a surplus capacity of some 206 bays following the development.

Trip generation analysis is undertaken on the basis of a survey of a store of the same size in a similar location and also through the use of the TRICS database. It is anticipated that the majority of trips would be linked with existing uses in the area there would be few new trips generated by the development. Based on the survey of the similar store, an average of 21% of trips would be new trips.

Taking the above into consideration, the impact of the proposed development on the existing highway network would be minimal with space still available within the existing ASDA car park to service the store. On this basis no highway objection is raised and the application is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this regard.

Character and Appearance

The proposed drive-thru unit is considered to be acceptable in terms of its impact upon the character and appearance of the site and the surrounding area. It would be of a limited scale in terms of its floor area and height and with the surrounding area being primarily characterised by numerous retail developments, including a KFC drive-thru, it is not considered that it would be out of keeping with the character of the area. Furthermore, the proposed finishing materials are considered to be appropriate and in-keeping with the surrounding area.

As such, the application would comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential Amenity and Privacy

The application site is situated approximately 200 metres away from the nearest residential properties, which are situated at the end of Ffordd Tirwaun/at the rear of the existing Asda store. It is therefore not considered that the proposed development would have any adverse impact upon the amenity or privacy of those properties.

Whilst the proposed hours of opening would extend from 07:00 – 23:00 Monday to Sunday (including Bank Holidays) and could have some potential impact upon residents in terms of noise disturbance during the later parts of the evening/night, the hours of opening are not significantly different to the hours of opening for the existing Asda store (07:00 – 22:00 Monday to Saturday and 10:00 – 16:00 on Sundays). Furthermore, the Council's Public Health Team have noted the proposed hours of opening and do not raise any objection in this regard however, conditions are recommended to ensure that the proposed hours of opening are adhered to and that no deliveries are made to the site between the hours of 20:00 - 07:00. Both of the recommended conditions are considered to be reasonable and necessary to protect the amenity of the nearest neighbouring properties.

It is noted that a number of objections have been received from local residents in respect of the proposal. The objections received primarily relate to the impact of the proposal on the highway network and whilst these concerns have been addressed in the previous *Access and Highway Safety* section, it is accepted that some elements of the concerns raised could impact upon the amenity of residents in terms of traffic etc. Notwithstanding this, the Transport Survey demonstrates that the volume of traffic using the highway network serving the retail park and the residential properties at the rear of the Asda store would not be significantly increased with the majority of trips being cross-linked with other uses on the retail park.

In light of the above considerations, the proposal is considered to be acceptable in terms of the impact it would have upon the amenity and privacy of surrounding residential properties and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Flood Risk

The application has been assessed by Natural Resources Wales and the response received indicates that the application site is within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note 15: Development and Flood Risk (2004) (TAN15). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 3 Rivers and Recorded Flood Extents.

Section 6 of TAN 15 would only permit development in such locations if the development is considered to be justified in that location. The application is therefore required to be assessed against the justification tests set out in section 6.2. In this instance, the proposal would contribute to key employment objectives supported by the local authority with up to 20 full-time members of staff being employed at the site (6.2ii). The application site is also evidently situated within an established retail area and concurs with the main objectives of Planning Policy Wales and meets the definition of previously developed land (6.2iii).

In respect of 6.2iv, the application is supported by a Flood Consequences Assessment (FCA) and additional flooding information which advises that the application site will experience flooding in the 0.1% plus and allowance for climate change event, with flood depths up to 600mm externally and 200mm inside the building the building and due to the extent of the flood plain in the 0.1% event it will not be possible to compensate for loss of storage within the wider site boundary. The submitted information advises on measures to minimise loss of storage of flood waters and which focus on the proposed building being designed to allow flood waters to enter during the extreme event, thereby minimising loss of storage.

NRW advise that this form of mitigation is not normally considered to be appropriate as whilst a building may not be watertight, unless it is completely open sided, it cannot mimic the flood dynamics of the undeveloped site. It therefore cannot be confirmed that the suggested statement of negligible impact based on this mitigation. However, it can be accepted that the potential loss of flood storage volume is very small compared to the overall site and wider flood plain, meaning that any effect could be difficult to quantify and likely to be contained within the site. This, combined with the location of the proposed building partially within Flood Zone C2, and at the edge of the flood extent means that, despite the inability to precisely quantify its effect, it could be considered a reasonable assumption that any effect may be negligible and difficult to quantify further. On that basis, NRW have advised that no further assessment of flooding elsewhere would be required.

As such, in light of the above considerations, the proposed development is considered to be justified in this location and with no objection being raised by NRW in this regard, the application is considered to be acceptable in terms of flood risk.

Drainage

The proposal includes a development area that is greater than 100 square metres and, under Schedule 3 of the Flood and Water Management Act 2010, the applicant will be

required to submit an application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB). The applicant will also be required to comply with Part H of the Building Regulations.

The application is accompanied by details which indicate that surface water will be disposed of via SuDs and information has been provided in respect of a relevant surface water drainage strategy, which has been assessed by the Council's Flood Risk Management team. The response received from the Flood Risk Management Officer advises that the information submitted demonstrates that surface water will be appropriately managed and disposed of on site. It is further advised that the applicant has outlined discharge rates for the proposed layout and ensures that the watercourse can cope with an increase in flows from the site. As such, the Flood Risk Management Officer is satisfied that surface water flood risk will be adequately managed by Schedule 3 of the Flood and Water Management Act 2010 and no objection is raised, nor is any condition recommended.

Ecology

The application has been assessed by the Council's Ecologist who notes that the development would only affect an existing car park which would have a very negligible ecological concern. However, two conditions are recommended to ensure that precautionary nesting bird measures are submitted should any existing landscape planting require removal and, also for details of any proposed landscaping scheme to be submitted to ensure that it avoid use of invasive or ecologically problematic species.

Land Contamination

The application site is situated on a historic landfill site and based on the information submitted to support the application, Natural Resources Wales have recommended that conditions be imposed upon any grant of planning permission in respect of contamination not previously identified and also for details of piling or any other foundation designs using penetrative methods to be submitted prior to development commencing in order to demonstrate that there is no unacceptable risk to groundwater.

Comments have also been received from the Council's Public Health and Protection team in this regard and whilst the comments recommend that the application shall not be determined until a scheme to deal with contamination has been submitted for consideration, this is not considered to be reasonable given that the issue has typically been dealt with by condition on other applications/developments in the vicinity of the site.

Other Issues Raised by Local Residents

Where the objections and concerns raised by residents have not been addressed in the sections above, the following responses are offered:

One letter of objection questions the need for a second coffee shop within the same area. It is beyond the remit of the Planning Department to determine market requirements and it has to be assumed that the developer has carried out suitable and

sufficient market research to identify a need with the area prior to going to the expense of formulating and submitting a planning application. Furthermore, the Council must consider and determine any scheme put forward in a planning application in accordance with national and local planning policy.

It is further suggested that traffic controls and parking restrictions be implemented along Ffordd Tirwaun. Whilst this is a valid suggestion, it is not something that can be delivered through the current scheme and there are other more appropriate avenues through which residents can take this up.

The objection further suggests that the Council takes money from wherever possible and gives very little in return. This has no bearing on the consideration of the planning merits of the case and does, in any event, not stand up to any sort of critical analysis of the facts.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

Having taken account of all of the issue outlined above, the proposal is considered to be acceptable in principle and it would have no adverse impact upon the character and appearance of the area, amenity and privacy of the nearest neighbouring properties or upon highway safety in the vicinity of the site. As such, the application is recommended for approval, subject to the conditions specified below.

RECOMMENDATION: Approve, subject to conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans received by the Local Planning Authority on 18 April 2023 and 09 June 2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. 1b: Site Location Plan;
- Drawing No. 4d: Proposed Site Layout Plan;
- Drawing No. 5a: Drive-through Coffee Shop Plans and Elevations;
- Drawing No. 6: Proposed Site Elevations;
- Drawing No. 7a: Electric Meter Kiosk ET14 Type;
- EV Charger Specification;

- Mechanical Ventilation & Environmental Control Equipment

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Notwithstanding the details shown on the approved plans, development shall not commence until details of the new footway tie in with Ffordd Tirwaun have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the submitted plans, development shall not commence until details of a scheme of planting or physical barrier to block headlight glare from vehicles using the drive thru lane have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use of the building and remain as such thereafter.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for:
 - a. The means of access into the site for all construction traffic;
 - b. The parking of vehicles of site operatives and visitors;
 - c. The management of vehicular and pedestrian traffic;
 - d. Loading and unloading of plant and materials;
 - e. Storage of plant and materials use in constructing the development;
 - f. Wheel cleansing facilities;
 - g. The sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process.

Reason: In the interests of the safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local

Planning Authority. The remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that the risks associated with previously unsuspected contamination at the site are dealt with and to minimise risk to both future users of the land and neighbouring land, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to ground water have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason: To ensure that there is no unacceptable risk to groundwater during construction, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall commence until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be reviewed by a competent third party who shall be agreed in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk-top study should contain a conceptual site model.
2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
3. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No member of the public shall be admitted to, allowed to remain on the premises or be served from the premises between the hours of 23:00 and 07:00 on any day.

Reason: In the interests of residential amenity, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. There shall be no arrival, departure, loading or unloading of delivery vehicles between the hours of 20:00 and 07:00 on any day.

Reason: In the interests of residential amenity, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. Should any existing landscape planting be required to be removed, a precautionary nesting bird method statement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall take place until a scheme of landscaping has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the new development will be visually attractive and ecologically appropriate, in accordance with Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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 in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

14. The use hereby approved shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The grease trap shall

be maintained thereafter so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewage system and to ensure the free flow of sewage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.