



PLANNING AND RETAIL STATEMENT

B2490 Proposed Coffee shop with Drive through
and Electric Charging Station.

LP2 Ltd

Report Prepared by Philippa Cole

1.0 Introduction and Overview

1.1 This Retail and Planning Statement has been prepared in support of a full planning application for the construction of a coffee shop with drive through facility, parking and servicing along with 16 bay Electric Vehicle Charging Station together with access and landscaping on land adjacent to the B4290, Llandarcy, Neath SA10 6JD (Grid Ref X271969 Y195757).

1.2 A similar planning application was submitted in Ref P2023/0590. This was withdrawn at the request of Neath Port Talbot Council following receipt of Highway comments from Welsh Government (requesting further information in respect of the impact on Junction 43 of M4) and the local Highway Authority (requesting various information and requiring traffic survey data gathered in October). In addition, the planning authority has verbally requested that a sequential test of sites be undertaken to include nearby town and district centres.

1.3 This report is structured as follows:

Section 2.0: Factual Background

- (a) Site description
- (b) Planning history
- (c) Description of the Proposed Development

Section 3.0 : Planning Policy

- (a) Planning Policy Overview
- (b) Future Wales: The National Plan 2040
- (c) Neath Port Talbot LDP
- (d) The Well-Being of Future Generations (Wales Act) 2015
- (e) Planning Policy Wales Edition 11 2021 and associated Technical Advice Notes
- (f) Electric Vehicle Charging Strategy for Wales
- (g) Neath Port Talbot Supplementary Planning Guidance

Section 4.0: Identification of Key Issues

Section 5.0: Response to Site Specific Issues

Section 6.0 Response to Policy Issues

Section 7.0 Conclusion

2.0 Factual Background

(a) Site Description

2.1 The site is located approximately 300m south west of Junction 43 of the M4. Its eastern boundary is along the B4290 and its western boundary is along an unnamed road that links Llandarcy Village to the B4290.

2.2 To the south of the site is the Llandarcy Academy of Sport which part of Neath Port Talbot College but is also open to the public for membership. Opposite the site on the eastern side of B4290 is a David Lloyd Gym. Opposite the site to the west of the unnamed road are a number of office buildings including those occupied by Swansea Bay University Health Board and Natural Resources Wales. To the south and west of this development is the Coed Darcy Village Development Site which is a strategic allocation of 4000 new homes, employment and associated facilities.

2.3 There are existing bus stops adjacent to the site on B4290 as well as existing footways.

2.4 The site itself is circa 0.4 Ha and is currently vacant and overgrown.

(b) Planning History

2.5 The site was formally part of the BP Sports and Social Club – accommodating the clubs tennis courts. On the closure of the BP Llandarcy Refinery (which were located on the site of the proposed Coed Darcy Village), the BP Sport and Social club was redeveloped as the now David Lloyd Leisure Club and the Llandarcy Academy of Sport. The subject site has not been redeveloped since the facility closed over 20 years ago.

2.6 The site was subject to outline planning consent dated 4th April 2007 for a hotel (LPA ref 2006/0805) which included revised access and car parking arrangements. Access formed part of the application and was not reserved for subsequent approval.

2.7 A further consent (ref P2010/0235) was granted on 3rd June 2010 for the variation of condition 3 of planning consent ref. P2006/0805 granted 03/04/07 to allow for an additional 3 years for the submission of reserved matters.

2.8 Conditions 10,12, 13 and 14 together set out the required access and off-site highways works.

2.9 Condition 10 states:

'Prior to the start of development on site, a scheme detailing at a scale of 1:500, a ghost island right hand turn lane linking in with the existing right hand turn lanes either side of the proposed access shall be submitted to and approved in writing by the Local Planning Authority. The through lanes shall have minimum width of 3.4 metres with the right turn lane shall have a width of 3.5 metres. The approved details shall be fully implemented on site prior to any work commencing on the construction of the hotel.'

2.10 Condition 12 states:

'Unless otherwise agreed in writing, the access road into the site shall have a maximum gradient of 1 in 20 for the first 15 metres and 1 in 12 thereafter.'

2.11 Condition 13 states:

'Unless otherwise agreed in writing, the junction onto the B4290 shall have minimum kerb radii of 15 metres in accordance with the Design Manual for Road and Bridges TD42/95.'

2.12 Condition 14 states:

'Unless otherwise agreed in writing, the submission of a scheme at a scale of 1:500 detailing a 2-metre-wide footway on the B4290 along the frontage of the site, with pedestrian crossing facilities across both the B4290 and the Llandarcy Village access road, shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be fully implemented on site prior to the first beneficial use of the hotel.'

2.13 Cambria – the transport consultants have had regard to this in the preparation of the access design for the proposed development.

2.14 No reserved matters were submitted within the 3-year period after 3rd June 2010. The outline planning consent lapsed in June 2015.

2.15 A planning application for an identical development to this proposal was submitted on 1st August 2023 and registered on 5th September 2023 – Ref. P23/0590.

2.16 The application was withdrawn on 11th October 2023.

2.17 As indicated in the introduction the reason that the application was withdrawn was:

- To consider comments from Welsh Government Trunk Road Agency in respect of the impact of the development on J43 of the M4.
- To consider comments from the council's own highways officers and in particular the request to undertake surveys in October instead of the February surveys submitted as part of the Transport Assessment.
- To address the issue of a sequential approach to site selection.
- To consider further active travel links to the site and the relationship with adjacent users including those attending sports matches at adjacent pitches.

2.18 During the time the application was current, it was the subject of consultation.

2.19 In addition to the comments from Welsh Government, the Council Highways dept and the case officer summarised above the following responses were received from statutory/internal consultees.

Consultee	Response	Date	Comments/ Recommended Conditions
DCWW	No Objection subject to condition	19/09/2023	No development shall take place until details of a scheme to divert the public sewer crossing the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the sewer. No other development pursuant to this permission shall be carried out until the approved diversion scheme has been implemented and

			completed. The approved scheme shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity. Reason: To protect the integrity of the public sewerage system and avoid damage thereto
Drainage	SAB Approval Required	29/09/2023	
South Wales Police	No Objection	26/09/2023	Advises the inclusion of height restrictors, security fencing, CCTV, signage advising presence of CCTV, the inclusion of effective lighting and careful consideration of landscaping.
Active travel	Comments	Undated	1. Can the amount of cycle parking comply with the WG Active Travel Guidance (page 241). 2. Not sure if I have missed it but could the cycle parking be located at the entrance of the coffee shop so it is in the safest position. 3. As per the Active Travel Guidance could all crossing points have tactiles and dropped curbs (probably obvious but can't see it everywhere on the diagram.) 3. Could the below path that I have highlighted in purple be widened to enable shared-use and designed to Active Travel standards
Biodiversity	No objection subject to conditions	26/09/2023	Conditions: If the application is to be granted it is recommended that the following be conditioned into the permission: Biodiversity enhancement Prior to development a Biodiversity Enhancement Plan and Habitat Management Plan are to be agreed in writing with NPTC, largely in line with the Conclusions and Figure 5 Suggested locations for biodiversity enhancements in the Preliminary Ecological Appraisal 2023 as submitted. Reptile protection The development shall be carried out in accordance with the Reptile Mitigation Plan in the Reptile Survey 2023 report as submitted. Invasive non-native species (Japanese Knotweed) Prior to the commencement of development, a detailed scheme for the treatment and disposal of soils affected by any invasive non-native plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) shall be submitted to and approved in writing by the Planning Authority. Such a scheme shall be in accordance with current best practice. Thereafter the development shall be carried out in accordance with the approved scheme.

			The comments also include recommendations regarding an Informative to be attached to any approval regarding bird nesting season.
Ward Councillor	Objects	No Date	Summary of objection. Concern that this is a car journey generating development that would interfere with active travel in the vicinity of the site. Close to J43 of M4 and intended to act as a mini service station. Need to consider additional pressure on M4 junction. Concern about proximity to junction accessing Coed Darcy which will increase in scale in the future. Potential to create blockages and queues around the area. Potential to increase traffic along B4290 through Jersey Marine Village. Impact on accessing the village of Llandarcy and nearby local businesses and sporting and college facilities.

(c) The Proposed Development

2.20 The proposed development comprises a single storey coffee shop (170 sq. m) with drive through facility, indoor seating and customer parking along with a separate 16 space electric vehicle rapid charging facility.

2.21 Access is proposed from the B4290 in a similar location to that shown in planning consents ref P2006/0805 and P10/0235.

2.22 Access to the site is via a new ghost island priority junction. The ghost island provides 3m wide through lanes with a 3.5m wide central lane. The junction has 10m radii and visibility splays of at least 2.4m x 52 m in both directions.

2.23 A 3m wide footway is proposed on both sides of the access with uncontrolled pedestrian crossing facilities proposed at the junction. The proposed 3 m wide footway will continue along B4290 for the length of the site and will connect with the existing footway. The proposed pedestrian crossing facility with central refuge will link the development to the bus stop and other facilities on the northern side of B4290.

2.24 The coffee shop is located to the south of the proposed access, on the site of the former tennis courts.

2.25 The proposed coffee shop is 170 sq. m of which 88 sq. m is dining space. The coffee shop is served by 26 car parking spaces including 2 accessible spaces and 6 EV charging spaces. 1 motorcycle bay is provided along with 2 cycle stands. A delivery bay is located to the east of the proposed building. The proposed drive through lane wraps around the building. Users of the drive through facility travel around the building in a clockwise direction.

2.26 The building itself is single storey. The principal elevation faces north towards the site access road. The drive through hatch is located on the southern elevation.

2.27 The building is simple design with flat roof and utilising primed block work with timber feature areas. Utilities are screened by a stained timber fence to the east of the building.

2.28 The 16 bay EV Charging facility is located to the north of the proposed access.

2.29 This comprises 16 spaces all 2.4 M X 4.8M The proposed chargers are located at the side of each bay with supporting infra structure to the east of the charging area. The car parking spaces all have a zone to allow access for blue badge holders.

2.30 The applicant owns a wider site than the redline. Existing vegetation will be retained in this area.

3.0 Planning Policy

(a) Overview

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

3.2 Section 38(4) of the Planning and Compulsory Purchase Act 2004 defines the Development Plan and states:

‘For the purposes of any area in Wales the development plan is (a) the National Development Framework for Wales, (b) the strategic plan for any strategic planning area that includes all or part of that area and (c) the local development plan for that area.’

3.3 In this case the Development Plan comprises the National Development Framework for Wales (Future Wales: The National Plan 2040) and the Neath Port Talbot Local Development Plan 2011 – 2026. Material considerations include inter alia Planning Policy Wales Edition 11 (Feb 2021) and the Welsh Government Technical Advice Notes in particular TAN 4 Retail and Commercial Development as well as locally adopted Supplementary Planning Guidance.

(b) Development Plan

(i) Future Wales: The National Plan 2040.

3.4 Future Wales – the National Plan 2040 is a national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

3.5 The following policies are relevant to this proposal:

Policy 1 – Where Wales will grow

The Welsh Government supports sustainable growth in all parts of Wales. In three National Growth Areas there will be growth in employment and housing opportunities and investment in infrastructure. The National Growth Areas are:

- Cardiff, Newport and the Valleys
- Swansea Bay and Llanelli
- Wrexham and Deeside

The National Growth Areas are complemented by Regional Growth Areas which will grow, develop and offer a variety of public and commercial services at regional scale. There are Regional Growth Areas in three regions:

- The South West
- Mid Wales
- The North

Development and growth in towns and villages in rural areas should be of appropriate scale and support local aspirations and need.

3.6 The application site is within the Swansea Bay and Llanelli National Growth Area.

Policy 6 – Town Centre First

Significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They should have good access by public transport to and from the whole town or city and, where appropriate, the wider region. A sequential approach must be used to inform the identification of the best location for these developments and they should be identified in Strategic and Local Development Plans.

The supporting text emphasises that this approach must be followed for significant development serving a town, city or region – wide need. It ‘encourages’ planning authorities to take a similar approach to smaller developments.

The proposed development is not a significant development. Nevertheless, the sequential test has been applied to the development at the request of the planning authority.

Policy 11 – National Connectivity

The Welsh Government will support and invest in improving national connectivity. Our priorities are to encourage longer-distance trips to be made by public transport, while also making longer journeys possible by electric vehicles. The Welsh Government will work with Transport for Wales, local authorities, operators and partners to support the delivery of the following measures to improve national connectivity:

- Rail Network – Transform the rail network and improve the quality of rail services for passengers.*
- Bus Network – Invest in the development of the national bus network, fully integrated with regional and local bus networks, to increase modal share of bus travel and improve access by bus to a wider range of trip destinations.*
- Strategic Road Network – Invest in road improvements to reduce journey times, deliver a safer and more resilient road network, and improve air and noise quality. Create a network of rapid-charging points to enable longer distance travel by electric vehicles throughout Wales.*
- National Cycle Network – Revitalise the National Cycle Network to create a network of traffic-free paths connecting cities, towns and countryside across Wales.*

The proposed development includes an Electric Vehicle Charging station for 16 vehicles and is compliant with this policy.

Policy 12 – Regional Connectivity

The Welsh Government will support and invest in improving regional connectivity. In urban areas, to support sustainable growth and regeneration, our priorities are improving and integrating active travel and public transport. In rural areas our priorities are supporting the uptake of ultra-low emission vehicles and diversifying and sustaining local bus services. The Welsh Government will work with Transport for Wales, local authorities, operators and partners to deliver the following measures to improve regional connectivity:

- Active Travel – Prioritising walking and cycling for all local travel. We will support the implementation of the Active Travel Act to create comprehensive networks of local walking and cycling routes that connect places that people need to get to for everyday purposes*

. • *Bus – Improve the legislative framework for how local bus services are planned and delivered. We will invest in the development of integrated regional and local bus networks to increase modal share of bus travel and improve access by bus to a wider range of trip destinations.*

• *Metros – Develop the South East Metro, South West Metro and North Wales Metro. We will create new integrated transport systems that provide faster, more frequent and joined-up services using trains, buses and light rail.*

• *Ultra-Low Emission Vehicles – Support the roll-out of suitable fuelling infrastructure to facilitate the adoption of ultra-low emission vehicles, particularly in rural areas.*

3.7 The development includes an Electric Vehicle Charging Station for 16 vehicles and conforms with this policy.

3.8 The Transport Statement makes it clear that the site is well placed to be accessed by means other than the car including bus and cycle. The proposed development includes improvements to the pedestrian network and includes cycle parking provision.

3.9 The policies for the South West Region identify the site as being in the National Growth Area (as indicated above). Key decisions for the region include the location of major housing and employment development and the need to reduce commuting by car and improve air quality.

3.10 The site is located adjacent to a strategic mixed development allocation – Coed Darcy as well as existing employment, leisure and education establishments and will complement these facilities.

(ii) Neath Port Talbot LDP 2011 – 2026

3.11 The site is located in the Coastal Corridor Strategy Area.

3.12 The site is identified as white land i.e., land with no allocation or constraint. It abuts the settlement limit (Policy SC1) and is immediately adjacent to allocation SRA1H1/LB5 EC1/3 and H1/LB4.

3.13 Policy SC 1 Settlement Limits states:

Development within settlement limits that is proportionate in scale and form to the role and function of the settlement as set out in the Settlement Hierarchy will be acceptable in principle.

Outside settlement limits, development will only be permitted under the following circumstances:

- 1. It constitutes a sustainable small-scale employment use adjacent to a settlement limit; or*
- 2. It constitutes live-work unit(s) immediately adjacent to a settlement limit in the Valleys Strategy Area only; or*
- 3. It constitutes the small-scale expansion of an existing business or the suitable conversion of an existing building; or*
- 4. It constitutes the appropriate replacement of an existing dwelling; or*
- 5. It is an affordable housing exception site; or*
- 6. It is an appropriate rural enterprise dwelling; or*
- 7. It is an appropriate 'One Planet Development'; or*
- 8. It is a sustainable tourism or farm diversification proposal that is suitable in a countryside location; or*
- 9. It is associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere; or*
- 10. It is associated with either agriculture, forestry, minerals or energy generation; or*

11. *It relates to the appropriate provision of accommodation for Gypsies / Travellers; or*
12. *It constitutes the provision of open space and small-scale ancillary facilities adjoining the settlement boundary.*

Where development is permitted outside the settlement limits, any new buildings must be located adjacent to existing buildings or settlements wherever possible and be of an appropriate scale and form.'

3.14 Supporting paragraph 3.0.16 identifies that whether specific development proposals are appropriate outside settlement limits will be assessed with reference to the relevant topic-based policies within the LDP and national policy.

3.15 Policy SRA 1: Coed Darcy Strategic Regeneration Area designates Coed Darcy, Neath for the development of an urban village comprising the following allocations;

H1/LB/5: Residential 4000 units, 2.400 within the plan period.

EC1/3: B1 Business 41,200 sq.m.

In addition. H1/LB/4 identifies Area 1 Coed Darcy Village Llandarcy for 157 dwellings on 3.8 hectares.

3.16 Policy R3 applies to Out of Centre Retail Proposals. It states:

Proposals for new retail development or additional retail floorspace within settlement limits but outside the defined retail centres or retail allocations will only be permitted where:

- 1. It is demonstrated that there is a need for the development; and*
- 2. The development cannot be accommodated within a defined retail centre and is located in line with the sequential approach; and*
- 3. The vitality and viability of existing retail centres will not be undermined taking into account the cumulative effects of other approved retail developments, recently completed developments and plan commitments; and*
- 4. The proposal would not undermine the Council's retail hierarchy or any regeneration schemes that the Council has formally approved;*

Or:

5. The proposal is within the Coastal Corridor Strategy Area and is for a new retail unit, change of use or extension resulting in a premises of 100sq.m gross floorspace or less and is demonstrated to serve local neighbourhood needs; or

6. The proposal is within the Valleys Strategy Area and is a new retail unit, change of use or extension resulting in a premises of 200m2 gross floorspace or less.'

3.17 The proposed development contains retail floorspace of 170sq.m and is modest in scale.

(b) Other Material Considerations

(i) National Policy

The Well Being of Future Generation (Wales) Act 2015.

3.18 The Well Being of Future Generations (Wales) Act 2015 requires ‘public bodies to do things in pursuit of the economic, social, environmental and cultural well-being of Wales in a way that accords with the sustainable development principle’. The Act sets out the following well-being goals;

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsive Wales

3.19 Within the Act sustainable development is defined as:

‘The process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the development principle aimed at achieving well-being goals.’

Planning Policy Wales (PPW) (Edition 11,2021)

3.20 The primary objective of PPW as set out in Para 1,2 is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

3.21 PPW sets out that, in order to maximise well-being and the creation of sustainable places, the concept of ‘placemaking’ should be at the heart of the planning system. It is stated at Paragraph 2.8 that development proposals “must seek to promote sustainable development and support the well-being of people and communities across Wales. This can be done through maximising their contribution to the achievement of the seven wellbeing goals and by using the five Ways of Working, as required by the Well-being of Future Generations Act. This will include seeking to maximise the social, economic, environmental and cultural benefits, while considering potential impacts when assessing proposals and policies in line with the Act’s Sustainable Development Principle”. Paragraph 2.9 goes on to clarify that “The most appropriate way to implement these requirements through the planning system is to adopt a placemaking approach to plan making, planning policy and decision making”.

3.22 PPW defines placemaking as follows: “Placemaking is a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area’s potential to create high quality development and public spaces that promote people’s prosperity, health, happiness, and well-being in the widest sense”.

3.23 A set of ‘national sustainable placemaking outcomes’ are outlined within PPW, which it advises should be used to inform the assessment of development proposals. The national outcomes are defined as follows:

Creating and Sustaining Communities

- Making Best Use of Resources
- Maximising Environmental Protection and Limiting Environmental Impact
- Growing Our Economy in a Sustainable Manner
- Facilitating Accessible and Healthy Environments

3.24 Section 4.3 of PPW relates to retail and commercial development. Paragraph 4.3.14 states that *“when determining planning applications for retail uses, planning authorities should first consider whether there is a need for additional retail provision”*. Need may be quantitative or qualitative.

3.4.10 Paragraph 4.3.18 sets out that the Welsh Government *“operates a ‘town centres first’ policy in relation to the location of new retail and commercial centre development”, and in implementing this policy, “planning authorities should adopt a sequential approach when determining planning applications for retail and other complementary uses”*.

3.25 Paragraph 4.3.20 highlights that *“Edge-of-centre or out-of-centre sites should be accessible by a choice of public and private modes of travel”*.

3.26 It is also highlighted at Paragraph 4.3.20 that *“New out-of-centre retail developments or extensions to existing out-of-centre developments should not be of a scale, type or location likely to undermine the vibrancy, attractiveness and viability of those retail and commercial centres that would otherwise serve the community, and should not be allowed if they would be likely to put development plan retail strategy at risk”*.

3.27 It is confirmed at Paragraph 4.3.26-27 that

“All retail planning applications or retail site allocations of 2,500 sq. metres or more gross floorspace that are proposed on the edge of or outside designated retail and commercial centres should, once a need has been established, be supported by a retail impact assessment”. For smaller retail planning applications or site allocations, planning authorities will need to determine whether an assessment is necessary, for example when a smaller proposal may have a significant impact on a centre. Requests for retail impact assessments by planning authorities on smaller developments should be proportionate to potential impacts.”

3.28 PPW recognises the role that retailing plays in supporting the economy. Paragraph 5.4.1 states:

“For planning purposes, the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long-term prosperity jobs and incomes”.

3.29 Paragraph 5.4.2 goes on to confirm

“Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services”.

3.30 Paragraph 4.3.26 states that all retail planning applications or retail site allocations of 2,500sqm or more gross floorspace that are proposed on the edge of, or outside designated retail and commercial centres should, once a need has been established, be supported by a Retail Impact Assessment.

3.31 The Welsh Government operates a ‘town centre first’ policy with regard to the location of new retail and commercial development. Paragraphs 4.3.20 and 4.3.21 state:

“Edge-of-centre or out-of-centre sites should be accessible by a choice of public and private modes of travel. New out-of-centre retail developments or extensions to existing out-of-centre developments should not be of a scale, type or location likely to undermine the vibrancy, attractiveness and viability of those retail and commercial centres that would otherwise serve the community, and should not be allowed if they would be likely to put development plan retail

strategy at risk. The extent of a sequential test should be agreed by pre-application discussion between the [local] planning authority and the developer.

3.32 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), educational and other non-residential establishments (D1), leisure (D2) and certain other uses such as launderettes and theatres³⁹. However, some education, healthcare and community uses may have specific accessibility requirements which mean they need to be located close to the communities they serve. Planning authorities should be flexible in their approach where it is necessary. The nature of a proposed use is likely to determine what type of centre (i.e. higher or lower order centre) is most appropriate as a starting point for the sequential approach process.

3.33 Paragraph 3.46 states:

“Locational and site choices will also need to be made within the context of an understanding of both economic and market conditions. Consideration should be given to whether specific interventions from the public and/or private sector, such as regeneration strategies or funding, are required to help deliver the strategy and specific development proposals.”

3.34 At 3.4.21 PPW supports the use of previously developed land, wherever possible, in preference to greenfield sites where it is suitable for development (Paragraph 3.55).

3.35 Previously developed land (also known as brownfield land) is defined in PPW (Edition 11) as:

“[Land] which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures.”

Technical Advice Notes 4: Retail and Commercial Development 2016, 23 Economic Development 2014, 14 Design and 18 Transport.

3.36 TAN 4 explains that retail developments comprising over 2,500sqm gross floor space should be supported by an impact assessment. In addition to the needs and sequential tests, planning applications for retail developments on the edge of or outside a retail or commercial centre that are not in accordance with the development plan should be assessed against a range of impact criteria.

3.37 TAN 23 defines economic development broadly so that it can include any form of development that generates wealth, jobs and income. Paragraphs 1.2.1-2 state that the economic benefits of proposals and market needs should be fully considered when determining planning applications:

3.38 The planning system recognises and gives due weight to the economic benefits associated with new development. PPW advises that planning for economic land uses should aim to provide the land that the market requires, unless there are good reasons to the contrary. Where markets work well, this will help maximise economic efficiency and growth.

3.39 Paragraph 1.2.5 states: “Local planning authorities should recognise market signals and have regard to the need to guide economic development to the most appropriate locations, rather than prevent or discourage such development.”

3.40 TAN 14 Design provides guidance for all developments in Wales, in order to ensure good quality, and sustainable design. Regarding inclusive design for leisure developments, paragraph 5.3.2 of TAN 14 states:

“In every area of development earlier and greater attention should be given to the needs of all sectors of society, including older people, children and disabled people. This principle applies to the design of the public realm, to public transport infrastructure and to the location, design and layout of public leisure facilities as well as the design of individual buildings. It is a common misconception that inclusive design is primarily a matter for those with mobility impairments. On the contrary, designing for all means that consideration should include the needs of all, including people with mobility impairments, people with sensory impairments and people with learning difficulties.”

3.41 TAN 18 Transport states that the poor design and layout of car parking can make it more difficult to provide effective walking, cycling and public transport links (paragraph 4.1), while maximum car parking standards should be used at regional and local level as a form of car parking standard management (paragraph 4.6).

Electric Vehicle Charging Strategy for Wales

3.42 Following on from the Future Wales policy support for the provision of new electric vehicle charging infrastructure (Polies 11 and 12), the Welsh Government have published a strategy to set out their vision for Wales on this matter.

3.43 The strategy sets out where Wales is now in providing charging for vans and cars across Wales and the charging needs for the decade and how these can be met.

3.44 The Welsh Government’s Vision is that by 2025 all users of electric car and vans in Wales are confident that they can access electric vehicle charging infra-structure when and where they need it.

3.45 The strategy recognises that in order to increase electric vehicle ownership there must be an increase in the overall number of charging facilities and an improved quality of experience of those facilities.

3.46 The strategy also recognises that many future users will not be able to charge their vehicles at home because many homes in Wales do not have access to off street parking. Consequently, fast charging will need to be installed at many different types of location (retail, workplace etc) and that rapid charging will also be important especially for long distance journeys.

3.47 The strategy concludes that between 30,000 and 55,000 fast chargers and 4,000 rapid chargers will need to be installed in Wales by 2030. Wales currently has less than 1% of the required fast chargers and less than 3% of the rapid chargers.

3.48 The strategy is clear that action to address this shortfall will depend on private and public sector collaboration.

3.49 The strategy additionally sets out the required numbers of charging points based on different scenarios for each of the Welsh Unitary Authorities.

3.50 In Neath Port Talbot the requirement is for between 50 and 80 Rapid Chargers and 870 and 960 fast chargers by 2025 and between 90 and 145 rapid chargers and between 1120 and 1760 fast

chargers by 2030. Placing this in context, as at 2020 the strategy identifies that Neath Port Talbot Council area had 3 rapid chargers and 1 fast charger.

Supplementary Planning Guidance

Neath Port Talbot Council have produced a number of SPGs. The following are considered relevant to this proposal.

- **Planning Obligations (October 2016)**

3.51 The guidance lists a number of areas where contributions may be sought. Many of these will not be relevant to this proposal. However, there is potential for highways and biodiversity to be dealt with via a S106 in the event that appropriate mitigation is not provided as part of the proposed development or not dealt with by means of other legislation for example where works in the public highway are covered by other legislation such as S278 or S38 agreements.

- **Car Parking Standards**

3.52 The guidance sets out the maximum parking standards to be provided at development falling within the various Use Classes for different areas ranging from city/town centre with high levels of accessibility to rural/countryside locations with low levels of accessibility.

3.53 The proposed development does not fit within a particular Use Class. In case law, coffee shops that include a takeaway element and a sit in element have been found to be a mixed A1/A3. In such circumstances the guidance acknowledges that the absence of parking standards for a particular land use does not mean that no provision will be required. In addition, the local planning authority reserved the right to treat all planning applications on their merits according to the size, nature, location, density, employments and traffic generation characteristics of the proposed development and its impact on the local and regional highway network.

- **Biodiversity and Geodiversity. May 2018**

3.54 The SPG sets out the information that any applicant is expected to provide in respect of Biodiversity and Geodiversity in support of a planning application. The site does not have any geodiversity interest and therefore the applicant has had regard only to the guidance in respect of biodiversity.

3.55 The applicant is expected to support a planning application with details of the sites existing biodiversity value including presence/absence of protected species, priority habitats or habitats listed in the LBAP or S7 Environment (Wales) Act or meeting SINC criteria, presence of designated sites near the application site. The presence of linkages to other habitats and features should also be reviewed.

3.56 The applicant is expected to assess the direct and indirect impacts of the development on biodiversity and propose protection, enhancement, mitigation and compensation measures. A quantitative assessment of the biodiversity net loss or gain is also expected.

3.57 Where ecological surveys are required, these should be undertaken by a suitably qualified/experienced ecologist.

3.58 Only when suitable information is submitted will the council be able to determine the application and exercise its responsibilities of the biodiversity and ecosystem resilience duty.

3.59 Appropriate surveys have been undertaken in support of this planning application.

4.0 Identification of Key Issues

4.1 From the foregoing factual background review is clear that following the consideration of a similar proposal under application ref 23/0590 that there is no objection to the proposals on grounds of drainage and biodiversity subject to conditions and the securing of SAB approval.

4.2 The main concerns identified through consideration of the previous application are as follows:

- That there is no evidence that a sequential approach to site selection has been followed;
- That the impact of the proposed development on J43 of the M4 needs further consideration;
- Consideration needs to be given to the widening of the footway on the B4290 from 2m to 3m;
- That consideration be given to the layout following comments received by the Highways Authority;
- That consideration be given to general highway capacity in the area and the potential for conflict;
- Consideration be given to the assertion that the development of itself is car trip generating;
- The compatibility of the proposed use with surrounding land uses;
- The potential contamination of the site and a requirement for a Desk Based Contaminated land report.

4.3 The policy review identifies the following:

- That the site is within a National Growth Area;
- That significant commercial and retail development must be located within town and city centres. A sequential approach to site selection is encouraged for smaller developments but is not prescriptive;
- That weight should be given to locational and market signals for economic development;
- Retail Impact Assessments are not required for developments of under 2500 sq.m;
- That Electric Vehicle Charging Facilities are urgently needed throughout Wales including Neath Port Talbot to support the change from fossil fuels to electric vehicles;
- That proposed retail development outside defined retail centres or allocations should not undermine viability or vitality of existing centres;
- That development outside the settlement boundary should be adjacent to existing development and constitute small scale employment use or is associated with infra structure.

4.4 The following sections of this report address these issues under the following broad headings:

- Response to Site specific Issues including updated Highway information, Contaminated Land report.
- Response to Policy Issues including Retail Impact/Vitality and Viability of Town Centres, the Sequential Approach to Site Selection, Edge of Settlement Location and Sustainability including Car Trip Generating Development.

4.5 The response to the policy issues is preceded by a review of High Court decisions, planning appeal decisions and consideration of applications for drive through coffee shops and charging stations in other local authorities in Wales. The Sequential Approach to site selection is supported by a report by Chartered Surveyors EJ Hales.

5.0 Response to Site Specific Issues.

(a) Highways and Active Travel

5.1 A revised and updated Transport Assessment has been submitted with this application.

5.2 This addresses the issues raised by Welsh Government Highways Agency and the local Highway Authority.

(i) Welsh Government

5.3 Following receipt of a request for further information from Welsh Government Highways Agency regarding the impact of the proposed development on J 43 of the M4, a meeting was held with officers of the department.

5.4 At the meeting it was agreed that the request for further information was consistent with the approach taken to other applications in the vicinity of the junction.

5.5 The Transport Assessment provides additional information and concludes that the proposed application will have an imperceptible impact on J43 of M4.

(ii) Highway Authority

5.6 The revised and updated Transport assessment and layout plan provide the following in response to the Highways Authority's comments:

- New / re-written section 4.1 on Active Travel links;
- Details of the recent survey undertaken in October provided. The October traffic levels are within 2% (identical in traffic terms) of the initial February survey;
- Expanded section 5.3 on parking & layout;
- Traffic generation estimates for Saturdays are added
- The split between new, diverted and pass-by trips justified by matching this with the split that was accepted for the Birchgrove Costa Coffee site's application (see later commentary in Section 6. below);
- Safety Audit included;
- More detailed analysis of the development's traffic impact;
- Relocation of pedestrian crossing / island to avoid potential conflict with buses / overtaking vehicles;
- Increased cycleway / footway width to 3m.

5.7 The overall conclusions within the report are as follows:

'the proposed development is in an appropriate and accessible location. It is served by a safe access; relevant parking provision is made and it is considered that the traffic generated by the development will have no significant impact on highway conditions. As such it is considered that there are no highway or transportation issues that should prevent the proposal from gaining planning permission.'

Contaminated Land

5.8 Landmark Report has been included in the updated submission. This concludes that no significant contamination linkage has been identified and that any liabilities from contaminated land are unlikely. As a result, no further action is required.

6.0 Response to Policy and Other Planning Issues.

(a) Review of Case law, appeal decisions and other planning decisions.

6.1 In considering the response to the policy issues raised, a review of case law, planning appeal decisions and other planning decisions was undertaken to determine how the courts, planning inspectors and other councils have considered similar developments. There are no relevant appeal decisions relating to EV Charging stations. This is not surprising given the relatively new need for such facilities. There are however several appeal decisions that deal with drive through coffee shops, the sustainability of such facilities and how they sit in the application of retail policy.

(i) Case Law – the Sequential Test

6.2 As indicated above the general requirements of the sequential approach to site selection are set out in paras 4.3.18 -4.3.24 of PPW. The approach requires pragmatism and flexibility from Local Planning Authorities, developers and operators.

6.3 The application of the sequential approach to site selections has been tested by the Supreme Court in the case of Tesco Stores v Dundee Council (2012) which forms a material consideration to the application of the Sequential Test.

6.4 The case considers the meaning of 'suitable site'. The judgement held that 'suitable' relates directly to the development being proposed by the applicant subject to a reasonable level of flexibility and realism being shown by all parties.

6.5 LPAs should not require the development to be altered or reduced so that it can be made to fit an alternative site as to do so maybe to make it an inappropriate business decision on the part of the developer.

6.6 A further court case Lidl UK v Scottish Ministers concluded that the fundamental question was whether an alternative site is suitable for the proposed development and not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site.

6.7 In light of the above, any alternative site must be suitable for the proposed development i.e. the proposed coffee shop with drive through facility, car parking and servicing along with the 16 bay EV charging station.

6.8 Whilst the two facilities are separate facilities, the two are necessarily co- located, the coffee shop providing the qualitative benefits to the charging station – a place for users to wait and refresh whilst cars are being recharged. The presence of such facilities is supported by the Welsh Government charging strategy which emphasises the need to improve the quality of experience for EV drivers. This is seen as essential in encouraging drivers to make the switch to EVs.

(ii) Appeal Decisions

6.9 The Case Law set out above has consistently been supported by appeal decisions. In the case of Land to the east of Kingsway Road, Scunthorpe DN16 2AE (Appeal Ref: APP/Y2003/W/22/3299625) dated March 28 2023, the development proposed was for the

construction of two retail units and one drive-thru unit with associated access, parking, drainage and landscaping.

6.10 In respect of the sequential test the inspector concluded:

'24. The appellant is not though required to disaggregate the proposal in order to try to find town centre and edge of centre sites, although the Framework does require some flexibility to be shown. As it is a fairly modest development by virtue of the proposed floorspace, there is limited merit in attempting to split the proposal up. The appellant has applied some flexibility as regards the site area, based on what is proposed, to between 0.36 to 0.44 hectares (ha). The appeal site is itself approximately 0.40 ha. However, where there are larger sites, consideration still needs to be given to whether the proposal could reasonably occupy part of it'

App 1

6.11 In other appeal decisions, inspectors have, whilst acknowledging the need to follow a sequential test approach, additionally had regard to the trading characteristics and needs of the proposed development.

6.12 In the case of Land at Whitewalls Drive Colne (Appeal Ref App/E2340/W/21/3289117) the inspector acknowledges that both parties noted:

'23....., the purpose of the sequential test is to demonstrate that there are no alternative sites within a town centre or edge of centre locations. The evidence before me indicates that the primary purpose of the development (putting the industrial units to one side) is to provide roadside services for motorists owing to the site's position at the end of a major transport hub which links Colne to neighbouring east Lancashire urban areas as well as Preston and Manchester. By definition, such a use is unlikely to be located within a town centre. Nevertheless, the Planning Practice Guidance (PPG) states that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.

24. The sequential test includes details of trading characteristics and sets out the need for a prominent/visible roadside presence on an arterial route in order to benefit from passing trade as well as being sited close to existing employment uses. On this basis I am persuaded that there are specific locational requirements for the proposed scheme and that this constitutes robust justification for siting the development at the appeal site as set out in the PPG. Given that the sequential test concludes that there are no suitable locations meeting the above requirements within the town centre or edge of centre, I am satisfied that the submission meets the requirements of the sequential test in accordance with the Framework and Policy WRK4. This is supported by the conclusions of the Council's consultants.'

App 2

6.13 Other decisions have clearly considered whether or not coffee drive through restaurants are of themselves car borne trip generators.

6.14 In the case of Garage, Bothwell Road, Glasgow (PPA-380-2091) the inspector was considering an application for the demolition of an existing car wash and ancillary buildings and the erection of a coffee shop with drive through, a jet wash facility, site access reconfiguration, vehicular parking and associated works. In the appeal decision dated 24th August 2022 the inspector states:

'While the appeal proposal is primarily for a food and drink establishment, with sit-in tables, the main attraction of the use is likely the drive-through facility. I can understand that this component of the proposal appears, on the face of it, counter to the aim of reducing greenhouse gas emissions and

tackling climate change. Certainly, there would be an increase in emissions as a result of new trips being generated. However, any increase in emissions could be balanced to some extent by the energy scheme measures required to be implemented. In addition, the majority of customers would be driving past the site anyway with the opportunity for linked trips from those visiting the nearby local centre, Tesco, petrol station or MOT servicing unit. The actual number of additional trips to the site would not be substantial. Furthermore, the site is well positioned to allow sustainable modes of travel should customers chose that option. Therefore, on balance, I find that the effects of carbon dioxide emissions and resulting impact on climate change are unlikely to be significant or adverse.'

APP 3

6.15 Similarly in respect of an application for the erection of a coffee shop with Drive thru facility at 102 Pilton Drive, Royston, Edinburgh the inspector concluded in his decision dated 29th April 2022 that:

19. I have considered the representations in full. I recognise that there is widespread support through both national and local policy for the reduction in private car use and I acknowledge concerns that the provision of the drive-thru would increase private car use. However, I have considered the proposal in line with the adopted Local Development Plan which does not place a restriction on drive-thru's. As above I also find there is limited evidence that the drive-thru element would directly increase the level of private car trips associated with the proposal.

App 4

6.16 In all cases, the inspectors accepted the evidence that drive through coffee shops create limited new car borne trips and that up to 90% of visits to the developments are either diverted or pass by as opposed to new trips.

(iii) Local Authority Decisions

6.17 Two local planning authority decisions in Wales have also been reviewed. The first is the approach taken by Swansea Council in respect of a (in part) drive through Costa Coffee at Junction 44 of M4. This application was reviewed on grounds of the proximity to the application site.

6.18 The second considers an application in Pembrokeshire which post-dates the publication of the Future Wales National Plan 2040.

Land at Heol Ddu Farm, Birchgrove Road, Birchgrove, Swansea. SA7 9NS.

6.19 The planning application comprised a mixed-use development of 23 residential dwellings and coffee shop with Drive through Facility and associated works (Ref 2017/2677/FUL).

6.20 In recommending the application for approval, the following are considered relevant:

- Officers considered the assumption that 20% of trips to the coffee shop would be new trips to be robust;
- There was no objection by Welsh Government (Transport) and it was considered that the proposed development would not have a material impact upon the M4 or its slip roads.
- Despite very little evidence in respect of need provided in support of the application the officer concluded that there was some evidence of qualitative need for

commuters, those traveling on M4 and the fact that there was interest from a national chain.

- In respect of the sequential test the officer accepted that by its very nature the proposed use would not lend itself to a city centre location. That Morriston district centre is densely built up and located within a Conservation Area and that there were no sites available in either Morriston or Trallwn.
- In response to concerns being raised that the proposal represented 'a motorway service station by stealth' the officer concluded that a motorway service station would constitute an entirely different form of development and it would fall within a different Use Class and whilst the coffee shop would attract some motorway traffic this would not be significant.

App 5

Haven Bridge Garage, Honeyborough, Milford Haven. SA73 1QZ

6.21 The planning application comprised a full application for demolition of existing garage and sales areas and construction of an electric vehicle charging facility, drive thru restaurant, drive thru coffee pod, vehicle wash and valet area together with associated parking and service areas. (ref 22/0840/PA).

6.22 The application was considered at committee in July 2023.

6.23 In reaching a recommendation for approval which was subsequently supported by the committee the officer considered the Town Centre First policies of Future Wales the National Plan 2040 and similar policies in the Local Development Plan. In addition, the officer considered the package of uses being proposed where the various elements are provided to additionally support EV chargers who will typically spend 30 minutes charging vehicles.

6.24 The officer also identifies policies 11 National Connectivity and 12 Regional Connectivity of Future Wales which both support the delivery of new EV charging facilities as well as the Electric Charging Strategy for Wales which develops the statutory framework provided by Future Wales. The officer places substantial weight on these policies.

6.25 Officers concluded that the benefits of the scheme outweigh the conflicts with policy. **App 6**

(b) Response to Policy Considerations

The following are identified as the key policy considerations in this case:

- The need for the development;
- Whether the proposed development has will undermine the vitality and viability of identified retail centres;
- Whether there are any town or edge of centre sites that could accommodate the proposed development. In considering this issue regard has been had to the established case law and appeal decisions outlined above.
- Consideration of the site's edge of settlement location;
- Whether the proposed development is sustainable.

(i) Need.

6.26 The concept of need for additional retail floorspace is split into two areas – quantitative and qualitative. In terms of the former, the establishing of such a need is usually reserved for the development of traditional convenience and comparison goods floorspace and involves comparing the anticipated turnover of the proposed development with available expenditure within the catchment. Such assessments can only meaningfully be undertaken on larger schemes as the turnover in very small developments compared with available expenditure is negligible. The guidance in respect of such assessments is usually for floorspace over 2500 sq.m.

6.27 In this case the proposed floorspace is not of a type that would normally be considered for this exercise, or of an appropriate size that it could be meaningfully assessed.

6.28 It is noteworthy that Policy R3 of the Neath Port Talbot LDP does not require proposals of less than 100 sq.m in the Coastal Corridor to undertake any form of assessment. This figure rises to 200 sq.m in the Valleys Strategy Area.

6.29 In terms of qualitative need it is respectively suggested that the proposed development needs to be considered as a whole.

6.30 The proposed retail element (i.e. the drive through coffee shop) will provide complementary facilities to the charging station – a facility where motorists can wait in comfort for their cars to charge.

6.31 In addition, the proposed coffee shop will provide an additional facility and meeting place for those passing the site on the way to work or as part of another trip and for those living and working in the area. There are very limited facilities in the area and this is a location that is identified to expand significantly.

6.32 In addition, there is identified demand for the facilities from national operators of both the proposed drive through coffee shop and charging station which, as accepted in the officer's report in respect of the Costa Coffee at Junction 44 is of itself an indication of need.

6.33 The need for additional EV charging is clearly set out in the Electric Vehicle Charging Strategy for Wales with the requirement in Neath Port Talbot Council for between 50 and 80 Rapid Chargers and 870 and 960 fast chargers by 2025 and between 90 and 145 rapid chargers and between 1120 and 1760 fast chargers by 2030.

(ii) Viability of Existing Centres and Retail Hierarchy.

6.34 As indicated above, a full retail impact assessment would not be expected in respect of a proposal of this size. This is supported by Planning Policy Wales, Technical Advice Note 6 and various appeal decisions and Local planning authority decisions referred to above.

6.35 Notwithstanding, visits have been made to the 3 centres identified by Neath Port Talbot Council, namely Skewen, Briton Ferry and Neath to establish the reliance of these centres on similar retail developments.

6.36 None of the centres identified, relied on the presence of coffee shops in maintaining their vitality and viability.

Skewen

6.37 Skewen, the nearest retail centre to the site is a linear centre fronting New Road. The identified centre is interspersed with residential dwellings.

6.38 The centre provided a good range of facilities including a One Stop supermarket, a bakery (Jenkins), Barbers (5 premises), Hairdressers (5 Premises), opticians (3 premises), beauty salon (2 premises) a furniture store, a number of takeaways, restaurants (2 sit in Evening Only), Public houses (2 premises) computer repair services, Dental clinics and a financial services provider. There are 2 cafes – Crescii's and Sunny Side Up.

6.39 Only 1 property was identified as vacant.

6.40 The proposed development would not undermine the vitality and viability of this centre.

Briton Ferry

6.41 Briton Ferry is a long identified town centre fronting A474 Neath Road. Premises are mainly terraced, interspersed with residential dwellings. A number of residential streets connect with Neath Road resulting in relatively small retail premises backing on to residential streets.

6.42 A Tesco Express and Jenkins Bakery is located to the north of the identified centre.

6.43 There are no identified coffee shops in Briton Ferry.

Neath

6.44 Neath is the largest shopping centre in the County Borough Council Area. It is split into 4 distinct areas as follows:

- The traditional pedestrianised shopping area along Green Street, Wind Street, Angel Street and part of Queen Street;
- The newly created pedestrianised area of Water Street which houses the new leisure centre, library, café bar and coffee shop. There is additionally a large vacant former Wilco store in this location.
- Morrisons Supermarket to the North of Angel Street provides a large foodstore with parking immediately adjacent to the pedestrianised shopping area.
- Secondary shopping areas in Windsor Road including units fronting Neath Station.

6.45 The centre is the subject of an extensive one-way system which results in it being a destination centre as opposed to one with sites and stores attracting pass-by trade.

6.46 The following coffee shops were identified within the town centre, - all within the pedestrianised areas – Costa Coffee, Monty's, Forty-Six Café, Hi Coffee Express as well as the café within Morrisons.

6.47 This represents a relatively small number of units within the town centre and the proposed development will not compete directly with these premises and will not undermine the vitality and viability of the identified centre.

6.48 In light of the above and the consideration of each of the centres and the size of the proposed development, it is concluded that the proposed development will not undermine the vitality and viability of any of the identified centres or the council's retail hierarchy.

(iii) Sequential Assessment

6.49 The applicant instructed EJ Hales to undertake a sequential site assessment in respect of the proposals.

6.50 A letter report from EJ Hales is an appendix to this report. **App 7**

6.51 The company has visited the site, visited the identified centres and undertaken a search of alternative sites. In light of the established case law set out above and confirmed by various appeal decision, any alternative site must be suitable for the proposed development i.e. the proposed coffee shop with drive through, car parking servicing and 16 Bay EV charging facility. Whilst separate facilities, the two are necessarily co located, the coffee shop providing qualitative benefits to the charging station as outlined earlier in this report.

6.52 E j Hales did not identify any suitable sites within or on the edge of the three identified centres.

6.53 A number of sites were identified within the settlement boundaries but were dismissed as being unsuitable due to a number of reasons, including:

- Locations within or adjacent to residential areas:
- Site size (too big or small);
- Planning consents in place for residential and other uses.

6.54 In addition, none of the sites had the adjacent active travel and public transport facilities that are available at the planning application site.

6.55 In line with policy, a suitable sequential test has been undertaken commensurate with the proposed development.

6.56 In line with other decisions, regard has been had to the need for such a facility to have a prominent road frontage to benefit from pass by and diverted trips. The subject site has this as well as the active travel and public transport facilities required by policy and described in detail in the Transportation Assessment.

(iv) Consideration of the site's edge of Settlement Location.

6.57 Policy SC1 identifies particular circumstances where development may be appropriate outside the identified settlement limits, these include sustainable small-scale employment uses and development associated with the provision of infrastructure. In addition, the supporting text identifies that whether specific development proposals are appropriate outside settlement limits will be assessed with reference to topic-based policies in the LDP and national policy.

6.58 In all cases, the policy makes reference to the preference being for sites adjacent to existing buildings and the identified settlement boundary.

6.59 As previously established, the site is located adjacent to existing development, a large strategic allocation for future development and abuts the settlement boundary. In addition, the site is identified as 'white land' i.e. land with no specific designation or constraint. It is also brown field having been part of the former BP sports club facilities.

6.60 There are no topic-based policies within the Local Development Plan which specifically relate to either EV Charging Stations or Drive through Coffee shops.

6.61 However, Future Wales The National Plan 2040 now forms part of the Development Plan and provides support for EV Charging Facilities at Policies 11 and 12. This is further supported by the Electric Vehicle Charging Strategy For Wales which in its Vision for Charging In Wales which states that by 2025 all users of electric cars in Wales are confident that they can access electric vehicle charging Infrastructure where they need it.

6.62 Welsh Government clearly see EV Charging facilities as infrastructure.

6.63 Para 5.4.2 of PPW additionally confirms that retail development is an employment use.

6.64 As such, locationally, and in terms of use, the proposed development complies with policy SC1.

(v) Sustainability including Car Trip Generation of the Proposed Development.

6.65 The car trip generation of proposed drive through coffee shops has been the subject of consideration in appeal decisions reviewed previously in this report.

6.66 Inspectors have concluded that stand alone coffee shops with drive through facilities are not significant car trip generators as up to 90% of trips to such facilities are not new trips but diverted or pass - by trips. Objections to such facilities on these grounds have been dismissed.

6.67 In this case, the presence of much needed EV charging facilities as evidenced by the Electric Charging Strategy for Wales must be additionally be placed positively in the planning balance in favour of the development proposals. Not least, it must be seen as offsetting any harm by introducing much needed facilities which will in turn encourage the switch to Electric Vehicles in Wales and benefit Electric Vehicle users in Wales. The co-location of the coffee shop with drive through facility with the EV Charging station will deliver a commercially viable development in line with policy as well as the quality experience to all users as encouraged by policy.

6.68 In addition, the site is well served by active travel infra structure and three bus services stop directly outside the site. This provision is fully detailed in the Transport Assessment that accompanies the planning application. The proposals include improvements to footway linkages around the site and the provision of safe crossing points to existing footways and the relocated bus stops. Together these will provide safe and sustainable walking routes to the development from public transport and existing local employment, leisure, education and residential development.

6.69 The proposed development is of previously developed land.

6.70 In light of the above the development is considered sustainable.

7.0 Conclusions

In light of the foregoing the following is concluded:

1. The site is located adjacent to the settlement boundary in an area characterised by employment, education and leisure/sports uses.
2. The site was previously part of the BP Sports and Social club, being the site of the club's tennis courts.
3. The site previously had outline planning consent for an hotel.
4. The proposed development is for a linked development of a drive through coffee shop with associated parking and servicing and a 16 bay electric vehicle charging station. The coffee shop will provide waiting and refreshment services for the EV charging facility in addition to facilities for local residents, local employees and users of the local sports facilities as well as pass by and diverted trips.
5. A previous application for a development similar to the current proposals was withdrawn at the request of the Local Planning Authority. The Local Planning Authority required further consideration of highway issues including impact on J43 of the M4, further consideration of retail and sustainability issues including application of the sequential approach to site selection and further consideration of the potential for the site to be contaminated.
6. The site is located in a National Growth Area as designated by Future Wales The National Plan 2040. The Coed Darcy strategic allocation in the adopted Local Development Plan for mixed use development including 4000 new homes, employment and other uses is adjacent to the site.
7. The site itself is 'white land' having no particular allocation or constraint within the Local Development Plan.
8. The site is well linked to active travel routes and bus services and the proposed development will enhance these links.
9. Future Wales The National Plan requires new significant commercial development adopt the town centre first approach to site selection. In respect of smaller development this approach is encouraged but is not prescriptive. The Plan also encourages the development of EV Charging Facilities. This has subsequently been supported by the Electric Vehicle Charging Strategy for Wales. The latter identifies considerable need for charging facilities across Wales including Neath Part Talbot County Borough Council Area.
10. The highway consultants have concluded there are no reasons on highway grounds to refuse the application.
11. The contaminated land report has found no evidence of contaminated land risk.
12. There was no objection to the previously withdrawn application on grounds of ecology/biodiversity or drainage
13. The Courts have held that in approaching the sequential approach to site selection that any alternative site must be suitable for the proposed development in this case the proposed coffee shop with drive through facility, car parking and servicing along with the 16 bay EV charging station. Appeal decisions have confirmed this approach.
14. Appeal and local authority decisions have also considered whether a drive through coffee shop is car trip generating and have found they are not and that the vast majority of visitors are not new trips but pass by or diverted trips. The appeals and LPA decisions have accepted

a figure of between 80% and 90% of the cars visiting a coffee drive through are pass by or diversions.

15. LDP policy does not prevent development of small-scale employment uses or infrastructure in edge of settlement locations.
16. Appeal decisions have acknowledged the application of the sequential approach to site selection but have additionally found that drive through units are intended to be roadside users and may not be suitable in town centre locations. The availability of public transport/active travel links at the appeal sites have however been a consideration.
17. A review of the occupiers in the town centres of Skewen, Briton Ferry and Neath has found that these centres have very little overlap with the proposed development and that the proposed development will not adversely impact on these centres' vitality and viability.
18. The sequential approach to site selection undertaken by EJ Hales has concluded that there are no suitable, available sites within or on the edge of the identified town centres. Other sites identified have been dismissed on grounds of size, location and proximity to residential development. None of the sites had the links with active travel and public transport that are present at the application site.

The proposed development is considered an appropriate form of development on the site and the application should be supported.

