

OFFICER REPORT

Application Number: P2024/0036

Site Address: Land Adjacent To The B4290 Llandarcy Neath SA10 6JD

Proposal: Construction of a drive through coffee shop along with associated access, parking (including 16 EV charging bays) and landscaping

Applicant: Rick Guy

Agent: Philippa Cole

Ward: Coedffranc West

Application Type: Full Plans

Valid Date: 22nd January 2024

Statutory Expiry Date: 17th March 2024

Ext. of Time / PPA date: 1st August 2024

Publicity Expiry Date: 19th August 2024

RECOMMENDATION - Refused

The applicant's agent has advised by email that an appeal against non-determination of this planning application was submitted to PEDW on 13 November 2024. PEDW have since confirmed receipt and advised that the appeal regulations permit a 4-week period of dual jurisdiction during which the Local Planning Authority is able to formally determine the planning application. The 4-week dual jurisdiction period begins from the date of the appeal being received by PEDW therefore any decision issued on or before 11 December 2024 would still be valid.

SITE AND CONTEXT

The application site comprises an approximately 0.4ha area of overgrown brownfield land, last used as a tennis courts as part of a wider BP Sports & Social Club leisure and community offering for its staff, but is not currently used. The site is approximately 300m from Junction 43 of the M4 and is bounded along its eastern edge by the B4290 which links Llandarcy with Jersey Marine, and which was the main route into Swansea from the west and the South Wales valleys prior to construction of the A465 Heads of the Valleys Road and connecting M4 corridor. The B4290 now serves a handful of industrial and residential buildings as well as a farm, with the majority of through traffic using Fabian Way and connecting directly with the M4 and wider strategic road network via Junction 42, which also serves Amazon Warehouse, Swansea University Bay Campus and eastern areas located in the City & County of Swansea.

Following closure of the BP Oil Refinery (to the north of the application site) over 20 years ago, much of the surrounding land has, or is still in the process of, being redeveloped. The substantial part of the wider BP site is still largely undeveloped following many decades of land remediation and restoration which is still on-going. To date, approximately 300 dwellings have been built at Coed Darcy, which is less than 10% of the houses identified in the strategic LDP Policy SRA1 allocation, on which it is proposed to include a new Urban Village, school, doctors' surgery, businesses, retail and open space/playing fields. Road improvements required to facilitate the development include improvements being made to Junction 43 of the M4. Delivery of the Coed Darcy Urban Village is a long-term, strategic objective in the Council's Adopted LDP.

The land in the immediate vicinity of the application site itself has largely already been developed for new community facilities. It comprises a David Lloyd leisure and fitness facility (to the east of the application site on the opposite side of the B4290) and Llandarcy Academy of Sport (to the south and west), which includes a number of outdoor sports pitches and is a sports hub for Neath Port Talbot College, Ospreys regional rugby and Swansea City's football academy. These existing sport and leisure facilities, which are open to visiting members of the general public and attract users from the wider region, are predominantly accessed from Junction 43 of the M4.

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for a single storey coffee shop (170m²) with drive through facility, indoor seating and customer parking along with a separate 16 space electric vehicle rapid charging facility. Access is proposed from the B4290 via a new ghost island priority junction. A new 3m wide footway is proposed on both sides of the access with tactile pedestrian crossing points on either side. The proposed 3m wide footway continues along the B4290 for the length of the application site with a proposed pedestrian crossing facility and central refuge to link the development to an existing bus stop on the northern side of B4290.

The proposed coffee shop is a single storey building located to the south of the proposed new access, and served by 26 car parking spaces including 2 accessible

spaces and 6 EV charging spaces, motorcycle and cycle parking. A delivery bay is located to the east of the proposed building. The proposed drive through lane wraps around the building with users travelling around the building in a clockwise direction. The coffee shop building has a flat roof with primed block work and timber features.

The 16 bay EV Charging station is located separately to the north of the proposed new access point with the layout indicating a pedestrian crossing marked on the ground so users can walk across to the coffee shop. No elevation details of the proposed EV Charging station have been provided to suggest that it would be anything other than an open-air EVC parking area. It is not shown on the submitted drainage strategy report, which details only the proposed drive-through coffee shop aspect of the development proposals.

The application is accompanied by a suite of drawings and supporting technical reports, including a Transport Assessment, Drainage Strategy, Green Infrastructure Statement, Preliminary Ecological Appraisal, Reptile Survey, Tree Survey, EV Charging Report, Surveyor's Site Search, and a Planning/Retail Statement.

NEGOTIATIONS

No pre-application planning advice has been sought or provided for this proposed development/site. Some additional highways/transport and biodiversity technical evidence has been provided since submission of a previous planning application that was subsequently withdrawn (ref. P2023/0590). Amended highway and active travel layout plans have been negotiated during the processing of this application.

PLANNING HISTORY

The application site has the following relevant planning history:

Ref.	Description	Decision	Date
P2023/0590	Erection of a drive through coffee shop along with associated access, parking (including 16 EV charging bays) and landscaping	Withdrawn	11.10.2023
P2018/0857	14 Replacement drop banner signs on existing lampposts and 1 replacement sign at entrance of the site	Approved	16.11.2018
P2016/0857	Retention of 3 No. non-illuminated advertisement signs.	Approved	11.11.2016
P2013/0449	Variation of condition 3 of planning permission P2010/0235 (granted on 3rd June 2010) to allow for an extension of time for the submission of reserved matters	Approved	15.07.2013
P2012/0459	To agree with the LPA an alteration to condition 6 of Planning Permission P2010/0282 (Approved on the 3/9/10) in respect of the timing of the construction of phase 1 of the highway access.	Approved	31.05.2012
P2012/0161	Erection of 8no. 5.25m high pole mounted external floodlights	Approved	17.08.2012
P2010/0641	Part two storey and part single storey extension to phase 2 sports centre to accommodate athletics warm up area and running track together with outdoor multi use games area and associated ground works.	Approved	19.10.2010
P2010/0282	Highway and associated works including junction alteration and road configuration	Approved	03.09.2010
P2010/0235	Variation of condition 3 of planning permission ref. P2006/0805 granted on 3/04/07 to allow for an additional three years for the submission of reserved matters.	Approved	03.06.2010
P2006/0805	Outline application for a proposed hotel (Revised Access and Car Parking Arrangements Plus Supporting Statement)	Approved	03.04.2007

CONSULTATIONS

Highways: Objection. Recommend refusal. This has followed from multiple submissions of information that has still not been able to satisfy the requirements of highway and pedestrian safety.

Active Travel: Layout concerns have been identified in terms of provision for pedestrians and cyclists. The site is not well connected to Llandarcy and Coed Darcy villages and does not comply with Active Travel Act Guidance.

Planning Policy: The first/main issue to address is that the site is outside settlement limits and therefore would need to be shown to comply with LDP Policy SC1. The information/arguments about retail policy, town centre first, sequential test etc. seem secondary to the settlement limit consideration in principle. The other main issue is access, and it would also need to be demonstrated that the proposal would comply with LDP Policy TR2, including Active Travel and Public transport (and not adversely affecting existing provision and routes near to the site etc.).

Drainage: No objection. SAB approval required.

Biodiversity: No objection subject to conditions

Contaminated Land: Due to the site history of the site being used for industrial purposes, there is possibility of contamination and made ground being encountered at the site. A desk study will be required as a minimum to assess the potential pollutant linkages associated with this development. I therefore recommend our standard land contamination conditions be included.

Environmental Health: No objection.

Tree Officer: No objection

DOCO: Security features recommended.

GGAT: No objection

DCWW: The proposed development would be situated within the protection zone of the public sewer which may require a diversion. The developer is advised to undertake further survey work to assess the relationship of the development with the sewer.

WG Trunk Road Agency: We do not issue a direction in respect of this application. General Notes: Proposals should look to maximise local accessibility for all modes of travel in line with current guidance in active travel and the policy of the Welsh Transport Strategy to maximise local accessibility and minimise private vehicular trip generation.

Sport Wales: No reply received.

Natural Resources Wales: No objection. The development will require a EPS licence.

HSE: Does not advise against but the proposed development is within proximity of a major hazard pipeline and the pipeline operator should be contacted prior to any development.

Coedffranc Town Council: No reply received.

REPRESENTATIONS

The Ward Councillors were notified on 23 January 2024.

Ward Councillor comments:

1. The documentation seems to take a great deal of time and trouble justifying the application as being associated with Active Travel, on the grounds that it happens to sit on some routes designated as Active Travel routes. However, it should be noted that it is not a 'cycle through' or a 'walk through' facility, but explicitly and specifically a 'DRIVE THROUGH' (complete with proposed prominent 'DRIV THRU' signage). It is very clearly primarily intended as an outlet to serve cars and their occupants - it may also have a 'sit in' element, but it would not be called a 'drive through' if it wasn't primarily intended for people to drive through it. No amount of distracting comments from developer reports around Active Travel can diminish that simple and obvious fact. It is a facility very much geared towards serving cars and attracting cars, and it needs to be assessed accordingly with regard to any planning rules and guidance around the environment, sustainability, encouraging active travel and discouraging car use, and so on. This is not a facility designed to encourage Active Travel, but a very clearly car-orientated facility, designed with intention of drawing car traffic from the nearby motorway junction as its main customer base, along with others accessing 'locally' using their cars. It could also have a detrimental effect on the safety of Active Travel routes around the area if it requires cars to be crossing Active Travel lanes, and that will also need to be fully considered.

2. The development is proposed on land very close to the junction of the M4 motorway, and I would suggest is very obviously intended to be a small and 'unofficial' motorway 'services' (sitting as it does in between the 'official' services at Penllergaer and Sarn Park) for drivers to pick up coffee on their motorway journeys, or as they start and finish them to/from Swansea and Neath. The nearby motorway junction and associated roads are already under significant pressure, and subject to heavy traffic, queues and delays (including on the M4 itself, as well as the A465), especially at peak times (which would also be peak times for the proposed business). This development would be adding to the pressure on that junction and roundabout, and could have a large impact if queues build up at peak times, as often happens with some other Drive Through outlets.

3. Not only does the additional pressure on the M4 junction need to be considered in itself, but also the fact that traffic accessing the business would be directed from that junction through the traffic lights that provide the only access point to the Coed Darcy estate, which is large, and set eventually to become far, far larger. The only current alternative access to the estate is via a small road, which is also adjacent to the business itself, and there are potential implications that need to be considered around access to that estate both for residents and emergency services. I understand that the alternative access to the Swansea end that was originally proposed is now not going to go ahead, so we have to be taking into the account the possible implications for people getting in and out of their homes should this business attract sufficient custom to create additional blockages and queues around that area (which I would suggest it very easily

could, especially with its requirement for people to be turning right across the traffic into it from the M4 junction side). These same traffic lights are also a primary access route to/from the motorway for Skewen, of course, adding to the pressure on them.

4. I think that there is also a significant potential for the development to create a major increase in traffic along the B4290 road through Jersey Marine village. This is an obvious 'cut through' route to access the business (while avoiding the aforementioned right turn) for those coming from the Swansea side. It is already a road where traffic calming measures have been implemented, and where we have been asking for a pedestrian crossing due to the difficulties of school children in particular (and also a blind person living in the village) in getting across the busy road safely when accessing the bus stops. The potential for traffic to build through the village is already a possible issue with the nearby developments of housing and industrial estates. Realistically, I would suggest that the vast majority of people who want to grab a coffee from the drive through as they access the motorway from Swansea would chose to go through Jersey Marine rather than accessing the proposed development via the motorway junction (particularly if they then intend to travel East on the M4, so could only get to the unit that way), and that could have a major impact on the traffic levels (and possibly also speed, of course) through the village. This needs to be fully investigated and considered, along with any impact on accessing the village of Llandarcy and the nearby local businesses and sporting/college facilities.

The neighbouring properties were consulted on 23 January 2024.

A site notice was also displayed on 24 January 2024.

In response, to date 10 no. representations (2 in support, 8 objections from 4 different objectors) have been received, with the issues raised summarised as follows:

- I would like to object to the above application due to the fact that our village is small and could not cope with the added pressure of more traffic to our area. We already are struggling with the extra traffic coming from the Academy of Sports with their visitors parking all over the green area and streets also the pollution of rubbish being discarded by users would be horrendous.
- The amount of traffic using the B4290 is already greatly increased. Hardly any of the traffic abides by the 30mph when travelling through the village - let alone the 20mph! This application will cause a great deal more traffic to travel this way to and from Swansea rather than using Fabian Way. There are drive through coffee outlets on Fabian Way and the Heads of the Valleys Road already.
- The junction is already difficult to drive out of due to restricted vision both ways and having to consider traffic 3 directions.
- Parking on the B road due to functions/matches at the Academy also compromises safety of the road and vision.
- No a strong enough case for the need or requirement for a coffee shop in this location.

- The only reason they would choose this site would be to attract traffic from the M4 which would divert even more traffic from the A465 through Jersey Marine rather than going down Fabian Way to Swansea.
- The volume of traffic through Jersey Marine has already doubled since they changed the junction by Llandarcy to accommodate all the additional housing in Coed Darcy. None of the traffic abides by the speed limit through the village - unless the speed camera is there.
- I contest the above and attached planning application on the basis that the junctions at the bottom of the Llandarcy road will be a very difficult and dangerous junction to exit from.
- It is already difficult as you have to watch out for traffic in four directions before you can exit safely and even then a car will approach you over the maximum speed limit and you will be forced to stop and give way or be close to an accident.
- There is still not due consideration for this very busy flow of traffic at this junction.
- I do want to put on record the dreadful decisions being considered for the above. This section of the B4290 is already a nightmare:
 - 1: Narrow lanes at the "T" junction for Llandarcy - when you have just come off a motorway.
 - 2: This facility will only encourage more traffic off Fabian Way and through Jersey Marine.
 - 3; Virtually NO traffic abides by the speed limits on this length of the B4290 - whether that's 30 or 20mph.
 - 4: Children crossing at bus stops and from the sports centres.
 - 5: Bus stops with limited visibility around them.
 - 6: Lorries travelling down this country lane to the industrial park.
 - 7: Lorries (including the cab sections) using this route to the Amazon Roundabout.
 - 8: Virtually blind junction when coming out of the private road to the hotel etc.
 - 9: Unmonitored parking when the children are playing football within the Llandarcy Stadium at the weekends

- I am writing on behalf of NPT Links, an organisation dedicated to promoting sustainable transportation options within Neath Port Talbot. This is a residential area, and we would like to express some concerns regarding this proposal. It appears to members of our group that this has been designed using the design manual for roads and bridges and would suggest that the plans should be reviewed against the guidance provided in Chapter 12 of the Active Travel Act, as well as considering the act as a whole. We would also urge you to consider your obligations under the Well-being of Future Generations (Wales) Act 2015

(amended plans) We note the recent changes to the layout of the proposed Coffee shop and welcome all the changes, these provide significantly improved pedestrian and cycling access for potential customers from the east and the north. NPT links is still concerned that pedestrian access is still poor from the Llandarcy Academy, Llandarcy and Coed Darcy. The concern is that visitors from these locations will be encouraged to drive if there is no pedestrian entrance from where they would naturally approach the facility.

We believe that an additional pedestrian entrance from the unnamed road behind the Llandarcy Academy would encourage local residents to walk to the facility. If the topography of the area is making that difficult perhaps a simple pedestrian path could be included which would also be beneficial to active travel in the area in general. We also remain concerned that drive throughs generally encourage driving to be the default mode of travel. We support building facilities such as coffee shops close to where people live.

- I welcome the addition of this coffee shop to the area. I currently have to travel in my car to Llansamlet for a drive-thru coffee but now I will be able to walk from my house.
- I'm very much in favour of this planning application. It will add to the amenities for the area and make use of an area of land that has been left to become an eyesore having been not used for so long. It needs development, I want to live in a vibrant growing community and this fits the bill.

REPORT

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

The Environment (Wales) Act 2016 places a duty on the Council to maintain and enhance biodiversity, promote the resilience of ecosystems and increase their ability to adapt to events such as the impacts of climate change.

The Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or shops and services.

The Historic Environment (Wales) Act 2023 enhances the protection and sustainable management of the wider historic environment for the cultural, social, economic and environmental benefit of future generations.

National Planning Policy:

Future Wales: The National Plan 2040 is the national development framework, setting the direction for development in Wales to 2040. The development plan sets out 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 wellbeing of our communities.

Future Wales sets out where Welsh Government wants the nation to be in 20 years' time by identifying 11 Outcomes which it says can be achieved ***if the planning system is focused on the long-term and provides quality development in the right places for the right reasons*** [author's emphasis]. The 11 Outcomes are inter-related and inter-dependent, and will improve places and well-being across Wales. The 11 Outcomes are: 'A Wales where people live.....'

- 1and work in connected, inclusive and healthy places;
- 2in vibrant rural places with access to homes, jobs and services;
- 3in distinctive regions that tackle health and socio-economic inequality through sustainable growth;
- 4in places with a thriving Welsh Language;
- 5and work in towns and cities which are a focus and springboard for sustainable growth;
- 6in places where prosperity, innovation and culture are promoted;
- 7in places where travel is sustainable;
- 8 In places with world-class digital infrastructure;
- 9 In places that sustainably manage their natural resources and reduce pollution;
- 10 ...in places with biodiverse, resilient and connected ecosystems; and
- 11 ...in places which are decarbonised and climate-resilient.'

The following Future Wales policies are of particular relevance to the assessment of this application:

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

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.”

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 11 – National Connectivity

Policy 12 – Regional Connectivity

[Planning Policy Wales \(Edition 12, February 2024\)](#)

The primary objective of PPW 12 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, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places

PPW 12 promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities. It encourages a wider, sustainable and problem solving outlook which focuses on integrating and addressing multiple issues rather than on an approach which is fragmented, un-coordinated and deals with issues in isolation. It provides an opportunity to remove any actual or perceived problems in current approaches and stimulate and support innovative and creative ideas as well as high standards of evidence and assessment to underpin the preparation of development plans and strategies and individual proposals. Monitoring and learning from development outcomes so as to drive sustainable improvements in planning practice is also important.

The following is of particular relevance in the assessment of this planning application:

2.17 In responding to the key principles for the planning system, the creation of sustainable places and in recognition of the need to contribute to the well-being of future generations in Wales through placemaking, development plans and development proposals must seek to deliver developments that address the national sustainable placemaking outcomes.

2.7 Placemaking in development decisions happens at all levels and involves considerations at a global scale, including the climate emergency, down to the very local level, such as considering the amenity impact on neighbouring properties and people.

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising

opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate.

3.60 Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

4.3.18 The Welsh Government operates a ‘town centres first’ policy in relation to the location of new retail and commercial centre development. In implementing this policy, planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses. By adopting a sequential approach first preference should be to locate new development within a retail and commercial centre defined in the development plan hierarchy of centres.

4.3.19 If a suitable site or building to meet identified need is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes, including active travel and public transport, be considered. Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered. The onus of proof that central sites have been thoroughly assessed rests with the developer.

*4.3.20 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** [author’s emphasis]. The extent of a sequential test should be agreed by pre-application discussion between the planning authority and the developer.*

4.3.21 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 theatres.

4.3.27 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.

PPW 12 is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- Technical Advice Note 4: Retail and Commercial Development
- Technical Advice Note 5: Nature Conservation and Planning
- Technical Advice Note 11: Noise (and emerging policy revisions thereto)
- Technical Advice Note 12: Design
- Technical Advice Note 18: Transport
- Technical Advice Note 23: Economic Development

The Placemaking Charter, of which Neath Port Talbot Council are a signatory sets out the following principles:

People and community

The local community are involved in the development of proposals. The needs, aspirations, health and well-being of all people are considered at the outset. Proposals are shaped to help to meet these needs as well as create, integrate, protect and/or enhance a sense of community and promote equality.

Location

Places grow and develop in a way that uses land efficiently, supports and enhances existing places and is well connected. The location of housing, employment and leisure and other facilities are planned to help reduce the need to travel.

Movement

Walking, cycling and public transport are prioritised to provide a choice of transport modes and avoid dependence on private vehicles. Well designed and safe active travel routes connect to the wider active travel and public transport network and public transport stations and stops are positively integrated.

Mix of uses

Places have a range of purposes which provide opportunities for community development, local business growth and access jobs, services and facilities via walking, cycling or public transport. Development density and a mix of uses and tenures helps to support a diverse community and vibrant public realm.

Public realm

Streets and public spaces are well defined, welcoming, safe and inclusive with a distinct identity. They are designed to be robust and adaptable with landscape, green infrastructure and sustainable drainage well integrated. They are well connected to existing places and promote opportunities for social interaction and a range of activities for all people.

Identity

The positive, distinctive qualities of existing places are valued and respected. The unique features and opportunities of a location including heritage, culture, language, built and natural physical attributes are identified and responded to.

The proposed development will need to address all of the above placemaking principles and the objectives for good design. How your proposals address all of these principles will be required as part of any Planning statement/ design and access statement submitted with your application. Your application will be assessed against these principles as they are key to ensuring that development positively contributes towards building sustainable places that support active and healthy lives.

Local Planning Policies

The Local Development Plan for the area comprises the [Neath Port Talbot Local Development Plan](#) which was adopted in January 2016, and within which the following policies are of relevance:

Strategic Policies:

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable communities
- **Policy SP4** Infrastructure
- **Policy SP5** Development in the Coastal Corridor Strategy Area
- **Policy SP10** Open Space
- **Policy SP12** Retail
- **Policy SP14** The Countryside and the Undeveloped Coast
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP18** Renewable and Low Carbon Energy
- **Policy SP19** Waste Management
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Topic Based Policies:

- **Policy SC1** Settlement limits
- **Policy I1** Infrastructure Requirements

- **Policy SRA1** Coed Darcy Strategic Regeneration Area
- **Policy OS1** Open Space Provision
- **Policy OS2** Protection of Existing Open Space
- **Policy R3** Out of Centre Retail Proposals
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **Policy EN7** Important Natural Features
- **Policy EN8** Pollution and Land Stability
- **Policy RE1** Criteria for the Assessment of Renewable and Low Carbon Energy Development
- **Policy RE2** Renewable and Low Carbon Energy in New Development
- **Policy W3** Waste Management in New Development
- **Policy TR1** Transport Proposals
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Planning Obligations](#) (October 2016)
- [Parking Standards](#) (October 2016)
- [Pollution](#) (October 2016)
- [Open Space & Greenspace](#) (July 2017)
- [Renewable and Low Carbon Energy](#) (July 2017)
- [Design](#) (July 2017)
- [Biodiversity and Geodiversity](#) (May 2018)

Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) Screening

The application site does not exceed the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application has not been screened in accordance with the requirements of Schedule 3 of the Regulations.

The proposed development is not located within a zone of influence for any Special Area of Conservation (SAC), Candidate Special Area of Conservation (CSAC) or Ramsar sites and as such it is considered that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2017 is not required.

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of the development in this location, the impact in terms of highway and pedestrian safety, the impact on the visual amenity of the area, drainage, pollution control and biodiversity/ecology considerations.

Principle of Development

There are 4 main issues that affect consideration of whether or not the principle of the development is acceptable in this location. These are:

- Settlement limit (LDP Strategic Policies SP1, SP3 and SP5);
- Coed Darcy Urban Village (LDP Strategic Policies SP5 and SP20);
- Sequential approach (LDP Strategic Policies SP12); and
- Need for Electric Vehicle Charging (LDP Strategic Policy SP18).

Each of these issues, the relevant national and local policies and assessment of impact, are dealt with in turn as follows:

Settlement Limit

In seeking to address the causes of climate change, Strategic LDP Policy SP1 identifies the importance of cohesive and efficient settlement patterns, sustainable travel patterns and reduced reliance on the private car. This is expanded upon by Strategic LDP Policy SP3 which outlines how the delivery of sustainable healthy and cohesive communities and the conservation of the countryside will be promoted by, amongst other things, defining settlement limits and resisting inappropriate development outside of those settlement limits.

Policy SP3 supporting paragraph 3.0.10 explains that *‘The development of sustainable communities, either newly-built settlements such as Coed Darcy or through the enhancement and improvement of existing settlements is a fundamental element of the LDP’s strategic approach. Policy SP3 has been underpinned by a comprehensive review of settlements establishing the current role and function of each individual settlement, identifying the functional relationships between settlements and establishing the potential future roles of each settlement’*.

Therefore the identification of a settlement hierarchy is used to provide a balanced approach to managing growth, directing development to areas reflecting the attributes contained within that community and their ability to accommodate new development. As well as assessing the role and function of each settlement, the LDP has assessed the capacity of land within those settlements to accommodate new development. The settlement limits identified in the LDP therefore provide clarity on where development should be directed and there is a presumption in favour of sustainable new development within those settlements. Conversely, outside of settlement limits, development is only permitted under very specific circumstances, in order to *‘prevent the coalescence of settlements, ribbon development and fragmented development and also prevent inappropriate development in the countryside’* (para.3.0.13). *‘Whether specific development proposals are appropriate or suitable outside settlement limits will be assessed with reference to the relevant topic policies within this Plan and national policy’* (para.3.0.16).

To assist in delivery of these strategic aims, Topic LDP Policy SC1 identifies 12 development types which may be permitted outside settlement limits and in all cases requires that they be of an appropriate scale and form. These development types include sustainable tourism or farm diversification, agriculture, forestry, minerals or energy generation, affordable housing exception sites and appropriate provision for Gypsies/Travellers.

Taking the development proposals as a whole, it does not meet any of the 12 development types that are acceptable outside settlement limits, as set out in LDP Policy SC1. At best, development type 9 recognises, amongst other things, that development may be permitted where it is associated with the provision of infrastructure, which would include new electric vehicle charging ('EVC') facilities, subject to it being evidenced that the development cannot reasonably be located elsewhere.

Lidl UK GmbH v Scottish Ministers (2006) and *Tesco Stores Ltd v Dundee City Council (2012)* confirm that the development as a whole must be considered when assessing the suitability of alternative site locations. This case law, which deals mainly with the sequential approach to site selection (see further details below) has established that a Local Planning Authority should not attempt to disaggregate parts of a development into smaller components.

On this basis, as the proposal is for a drive-through coffee shop and separate EVC charging station, it is concluded that the development, when taken as a whole, does not accord with any of the specific development types listed in LDP Policy SC1 and is therefore contrary in principle to the objectives of Strategic LDP Policy SP3.

It is considered that a development of this type/nature, in this location, would unacceptably harm the function and cohesiveness of the Llandarcy and Coed Darcy settlements (parts of which are still under construction). This undermines the strategically planned, cohesive and efficient settlement pattern, creating a ribbon and fragmented form of development, and maintaining or even increasing, but not reducing, reliance on the private car.

Coed Darcy Urban Village

To assist delivery of the sustainable settlement framework described above, the Council has made a distinction between areas of the County Borough that are located along the coast and M4 corridor and areas that are located in the upper valleys. This approach recognises that the development pressures, demands and opportunities vary considerably between these two distinct geographical areas and therefore different approaches are required to meet the overall strategy of concentrating development along the coastal corridor whilst reinvigorating the valleys. The Adopted LDP has therefore identified Strategic Policies SP5 (Development in the Coastal Corridor Strategy Area) and SP6 (Development in the Valleys Strategy Area).

The application site lies within the Coastal Corridor Strategy Area. Policy SP5 identifies, amongst other things, the allocation of a Strategic Regeneration Area and highway improvements at Coed Darcy which paragraph 4.0.4 explains will be developed '*over the LDP period and beyond*'. The strategy and vision for Coed Darcy is explained in more detail under Topic Policy SRA1 and includes the broad proposals and masterplan in supporting paragraphs 4.0.6 - 4.0.9. The planned development includes up to 3000sqm of retail floorspace '*to provide for the needs of the Urban Village*'.

The application site and development proposals do not form part of this wider masterplan. To this end, not only does the application site/development fall outside of settlement limits under Topic LDP Policy SC1, but it also falls outside of the broader proposals for Coed Darcy Urban Village under Topic Policy SRA1. This further evidences the unplanned and ad-hoc nature of the current application. It is considered that a development of this type in this location would undermine the strategically planned approach to delivery of a sustainable and cohesive community centred around Coed Darcy. Allowing a drive-through coffee shop in this location would unacceptably alter the existing pattern of local traffic movements and character of the B4290 and conflict with the wider masterplan layout.

Sequential Approach

Strategic LDP Policy SP12 identifies ways in which the Council will support existing retail centres through, amongst other things, identifying a hierarchy to encourage retail and complementary uses in appropriate locations whilst resisting out of centre retail proposals. This further supports the cohesive communities and sustainable development and travel patterns that underpin Strategic Policy SP1, designed to tackle the causes of climate change.

Since the current LDP was adopted in 2016, Welsh Government has published Future Wales: The National Plan 20240 and PPW12, both of which clearly set out the Welsh Government's commitment to a 'town centre first' principle with regard to locating new retail and leisure developments. National planning policy clearly states that uses affected by Future Wales Policy 6 (Town Centre First), should apply the sequential test to demonstrate that the proposal cannot be accommodated in a town or city centre or other retail/commercial centre identified by the Local Planning Authority. Developers are required, amongst other things, to demonstrate that all potential retail and commercial centre options have been thoroughly assessed using a sequential approach. Any edge-of-centre or out-of centre locations must also be accessible by a choice of non-car transport modes and 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.

According to Welsh Government's FAQs (which has been produced to assist interpretation of Future Wales) there is no definition of 'significant' in Future Wales and they say that it is for the Local Planning Authority to determine this, based on their knowledge of their local area. Future Wales Policy 6 also states, in its supporting

paragraphs, that *'a plan-led approach is the best way to identify the location for these facilities'*.

The application site does not fall within LDP settlement limits. It is not located within a LDP designated retail centre or a LDP retail allocation. It is therefore considered to be 'out-of-centre' for the purposes of FW Policy 6 and Strategic LDP Policy SP12.

Topic LDP Policy R3 sets out the criteria for allowing new retail development in out-of-centre locations and requires, amongst other things, a need having been demonstrated, it being located in line with the sequential approach and it not undermining the vitality and viability of retail centres, the Council's retail hierarchy or any regeneration schemes that the Council has formally approved.

Supporting paragraphs 5.2.49 and 5.2.50 help to explain the additional criteria of LDP Policy R3, which apply only to the Coastal Corridor Strategy (criteria 5) and Valleys Strategy (criteria 6) Areas respectively. These permit new out-of-centre retail premises of 100m² gross floorspace or less where it is demonstrated to serve local neighbourhood needs in the Coastal Corridor Strategy Area. Supporting paragraph 5.2.49 makes it clear that only small shops to serve the local neighbourhood will be permitted outside retail centres.

To this end, whilst the application is accompanied by a supporting planning statement and evidence that sets out the sequential approach taken to site selection, it has not demonstrated that the proposed development will serve local neighbourhood needs, which is a requirement of LDP Policy R3.

The supporting evidence, particularly in relation to the EVC element of the scheme (further details below) suggests that the development is intended to serve traffic already using the wider highway network and serving more of a regional need than a local one. The concerns of the local Ward Councillor and some third parties regarding the probable re-routing of local traffic onto the B4290 from Fabian Way are discussed in more detail below, but this is considered to be a realistic scenario that demonstrates the development is designed to cater for car-borne trips. The development is not a 'small shop' nor does it 'serve local neighbourhood needs', with the exemption under LDP Policy R3 only being allowed in such circumstances.

The proposed drive-through coffee shop also exceeds the 100m² gross floorspace permitted by LDP Policy R3. Whilst the 170m² proposal is not considered to be a significant increase in size (having regard to the 200m² gross floorspace permitted in the Valleys Strategy Area), unlike the latter, the policy requires it to have been demonstrated that the development will serve local neighbourhood need. The application has not met this requirement, and it is worth noting that the sequential approach to site selection doesn't included the Coed Darcy Urban Village in its assessment. The applicants have assessed the existing, currently vacant corner shop at the entrance to the existing 300 dwellings part of the development, however, having regard to the case law requirement to consider the development as a whole, it has not

assessed the ability of the wider Urban Village to accommodate the development proposals in its sequential approach.

PPW 12 paragraph 4.3.20 requires that the extent of a sequential assessment should be agreed by pre-application discussion between the planning authority and the developer. As described above, the planning application was first submitted in August 2023 (under application reference P2023/0590) with no formal pre-application planning advice sought beforehand nor between withdrawal of that application in October 2023 and resubmission of the current application in January 2024.

Given the type and nature of the proposed development and particularly its proximity to Coed Darcy, being an out-of-centre retail development of 170m² is considered to be significant within the context of the local area and the application of FW Policy 6 and PPW 12. These seek to protect not only existing retail centres but other retail/commercial centres identified by the Local Planning Authority.

The developers have assessed the potential for a sequentially preferable site within existing retail centres and found no sites large enough. However, their assessment does not include the Urban Village centre of Coed Darcy (LDP Policy SRA1). The application site, being located outside settlement limits, is not readily accessible by a choice of non-car modes of travel and is of a scale and type of development that maintains reliance on the private car. Whilst the application site is served by an existing bus stop, due to the nature of the development, it is expected that the majority of trips to the site would be by private car and the site location and layout is poorly designed in terms of wider pedestrian and cycle connectivity (see further details below).

As outlined above, the courts have held that it is not for the applicant to reduce or segregate their proposal so that it could be made to fit elsewhere. However the wider Coed Darcy LDP Policy SRA1 master plan has not been included in the developer's sequential assessment. Given that the application is for development outside of settlement limits, in excess of 100m² and providing no demonstrable evidence of overriding local need for it to be provided in this location, it is considered that the application is not sustainably justified in this location and contrary to both national and local planning retail policies in this regard.

Need for Electric Vehicle Charging

The proposed development is presented as a package of development where the elements of retail use (drive-through coffee shop) are provided in support of a proposed new EVC station. In this context, Future Wales Policies 11 (National Connectivity) and 12 (Regional Connectivity) are considered relevant in the support that is offered for the delivery of new EV charging infrastructure.

The Electric Vehicle Charging Strategy for Wales ('EVCS') develops the statutory framework provided by Future Wales. 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. 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. 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.

It is noted that the new EVC station element of the proposed development could reasonably fall within the category of providing new 'on-route' charging capacity. It is not unreasonable for travellers to search for a break and refreshment, albeit this would normally be expected to be provided at specific motorway service station developments rather than more minor roads that happen to sit alongside an M4 junction, whether they are classified or not. The EVCS states that provision in Wales is much more sparsely distributed than in England and that it is important to address gaps in the network to increase user confidence in the availability of charging facilities on long distance journeys.

Whilst the evidence for providing more EVC infrastructure is accepted, the provision of unplanned retail development as a justification for its provision is not, particularly in locations where it would serve as a destination attraction in its own right and significantly alter the existing pattern of local traffic, as is anticipated will occur here. Therefore the need for more EVC infrastructure does not outweigh the harm that will arise from the development as a whole in this location.

The application is accompanied by planning reports prepared by officers from both Swansea and Pembrokeshire County Councils as evidence of the need for the EVC and retail developments to co-locate in combination. This is submitted as evidence that the same conclusions should be arrived at here.

In the Pembrokeshire case, however, there was a realistic 'fall-back position' in terms of retail provision that does not apply to the current application site. Furthermore, in the Swansea case, the report concludes that whilst there is 'some evidence to suggest a qualitative need for the proposal and this is supported by the fact that there is commercial interest in developing the site.....on balance, whilst the need for the facility has not been robustly demonstrated, neither is there considered to be sufficient grounds to refuse the application for this reason'. In that case the retail was part of a larger mixed-use development, including delivery of affordable housing. It is not comparable to the current application site and context.

In the case of the current application:

- the proposed development does not conform with any of the criteria set out in adopted LDP Policies SC1 and R3;
- evidence of overriding local neighbourhood need has been demonstrated; and
- the suitability of locating in and impacting on the new Urban Village at Coed Darcy has not been assessed.

The need for a commercial return to cross-subsidise delivery of any new EVC capacity is accepted, however it is considered essential that this need is met in a plan-led rather than ad-hoc manner, particularly on sites like this which are close to and impact on delivery of long-term regeneration aspirations for the local community.

Parking and Access Requirements and Impact on Highway and Pedestrian Safety

In response to the previous planning application P2023/0590, both the Council's Highways Officer and Welsh Government Trunk Road Agency ('WGTRA') requested additional traffic data, including a Transport Assessment, be provided so that the impact on traffic patterns, particularly on capacity at Junction 43, could be assessed.

WGTRA have not issued a direction, however, and unlike their observations in the Swansea case referred to by the applicant, neither have they made any comment on whether it would have a material impact on the M4 or its slip roads. WGTRA have also included a general note in their response highlighting that proposals should look to maximise local accessibility for all modes of travel in line with current guidance in active travel and the policy of the Welsh Transport Strategy to maximise local accessibility and minimise private vehicular trip generation.

WGTRA's response is taken as a clear indication that the decision on the application should be made by solely by the Local Highway Authority, having regard to local knowledge as well as committed and planned future developments in the immediate vicinity of the application site, identified by Strategic LDP Policies SP5 and SP20 and Topic LDP Policies SRA1 and TR1.

The local Ward Member and a number of third parties have correctly identified existing problems of excess vehicle speed on the B4290. They have also expressed concern that the provision of a drive-through on the application site will likely re-route through traffic from Fabian Way (who currently join the M4 at Junction 42) via Jersey Marine and the B4290 before rejoining the M4 via Junction 43 at Coed Darcy. Given the applicant's evidence that the development will serve existing traffic rather than generate new traffic, this local re-routing is considered to be a realistic probability. It is also worth noting that the necessary highway improvement works to facilitate delivery of the wider strategic Coed Darcy Urban Village development have only in part been delivered to date, with further highway improvements still outstanding. The re-routing of local traffic onto Junction 43 in advance of planned improvements is therefore a concern. Given the location of the proposed development, it is anticipated that traffic movements along the B4290 will likely increase in both directions as a consequence of the development.

The Council's Active Travel Officer has identified a number of issues with the proposed layout – both to and within the site itself – in terms of access for non-car modes of travel, particularly pedestrians and cyclists. Third party comments from a local accessibility group have also identified a lack of connectivity to the existing Llandarcy and Coed Darcy settlements. It is therefore concluded that the majority of trips to the

site/development will be undertaken by car. This reinforces the unsuitable nature of the application site for unplanned retail development in accordance with Future Wales Policy 6 and PPW12.

A Stage 1 Road Safety Audit (RSA) has been provided, with the applicant stating that there has not been any issues raised by the Auditor regarding vehicular visibility splays to serve the new development. The Council's Highways Officer disagrees, highlighting amongst other issues, a bus stop obscuring visibility for drivers. The Highways Officer considers there to be a conflict between any vehicles attempting to overtake a stopped bus, a refuge island, and a risk of pedestrians crossing. The location of the proposed islands would not allow for vehicles to pass a stopped bus safely, and therefore there is a risk of stacking of traffic at this location which would not have occurred previously. The Highways Officer has requested both a Stage 1 and 2 RSA to inform the assessment, however a Stage 2 RSA has not been provided by the applicant.

There is also disagreement between the applicant and the Council's Highways Officer regarding the required visibility splays for the proposed new access. The Council uses TAN18 Table A for requirements of visibility splays for any classified roads. This is a standardised response that has been implemented throughout the County Borough. As stated within TAN18 '*Table B is designed for roads in built up areas*', however this is not an appropriate description in the case of the B4290 which has a semi-rural character and serves a limited amount of development, which makes the issue of re-routed vehicles a significant concern, particularly at peak times.

A speed survey has been undertaken for this scheme, where the measured speeds exceed the posted speed limit of 20mph considerably - 30mph and 34mph. This information shows that vehicular speeds are in excess in this area, also supported by local Ward Councillor and third party knowledge, and would not be achievable in a built up area. In light of the speed survey evidence provided, the required visibility splays are 90m to the northwest and 70m to the southeast. The splays currently proposed are only 55m to the northwest and 90m to the southeast. The applicant has provided evidence of a previous appeal that disputes the use of Table A over Table B from TAN18, however the location of that appeal (an unclassified road within a residential cul-de-sac) is considered to be significantly and materially different to the location and road conditions for the current application site.

The applicant has set out the agreed methodology for the assessment of the impact of the proposed development on the surrounding highway network. However not all the agreed information has been subsequently included within the submitted Transport Assessment, for example the RFC needs to be provided for the signalled junction to ensure that the additional vehicular trips do not breach capacity.

No objection is raised to the number of proposed parking spaces, this being in excess of adopted standards. However concerns have been raised that the size of each space needs to increase in order to ensure they can be used by larger vehicles. The Highways Officer has also raised concerns regarding the internal layout of the proposed

development, for example in respect of the delivery route for HGVs and accessibility for pedestrians. These concerns have not been addressed by the applicant.

The swept path analysis has not been provided in the format requested, which would allow the Highways Officer to review and ensure it has been undertaken correctly. Furthermore, the vehicle tracking provided for the proposed drive-through area, show the vehicles are exiting and traveling on the right-hand lane, which is not considered to be acceptable.

For all of the above reasons, it is concluded that the application would be unacceptable from a highway and pedestrian safety perspective, and fails to accord with LDP Policies BE1 and TR2 in this regard.

Impact on Visual Amenity

The application site is located between modern, functional buildings designed for leisure use. The proposed development is of modular construction, modern and mass-produced in its design and typical of other drive-through developments. It does not, therefore, create an independent or distinct sense of 'place' or 'placemaking' and the introduction of EVC infrastructure and associated new drive-through signage will introduce an element of visual 'clutter' to this currently undeveloped parcel of land. However, largely due to the site's proximity to existing leisure development within the vicinity, it is considered that this can be accommodated within the existing site context without detriment to the visual amenity of the wider area. The application is therefore considered to be generally in compliance with LDP Policy BE1 in this regard.

Drainage

DCWW confirm that the public sewerage system is capable of accommodating the foul discharge flows from the development. The combined system is not capable of accommodating additional surface water discharge, however the proposed layout makes provision for disposal of this via a Sustainable Drainage ('SuDs') system which will require separate approval from the SAB authority.

The submitted Drainage Strategy report does not include the proposed EVC station within its plans/calculations – which suggests that the EVC element of the scheme is secondary to the drive-through coffee shop element rather than integral to it – and therefore this would need to be updated to reflect the additional surface water run-off from this additional area of hardsurfacing. However, subject to a condition to require an amended drainage report and to maintain the integrity of the existing combined public system, there is no objection to the proposal on drainage grounds.

DCWW has noted the site is crossed by a public sewer and that part of the proposed drive-through would be within the protection zone of the sewer. In the event that planning permission were to be granted for the development, then an informative note would be necessary to advise the applicant of this potential constraint.

Pollution Control

In view of the past oil refinery activities on or near to the site there is a potential for land contamination. In order to address the residual risks posed by potential contamination to human health and the environment, the Council's Land Contamination Officer has recommended a suite of standard conditions requiring the submission of progressively more detailed reports to assess and, where necessary, mitigate, the risks posed by potential contamination at the site. Subject to conditions to address this potential risk, therefore, it is considered that the development would not be unacceptable on the grounds of pollution control.

The Health & Safety Executive does not advise against the development but has identified its proximity to a major hazard pipeline. In the event that planning permission were to be granted for the development, then an informative note would be necessary to advise the applicant of this potential constraint.

Biodiversity / Ecology

As identified above, Policies EN6 and EN7 of the Local Development Plan will be of relevance insofar as there is a need to ensure any impacts on biodiversity/ natural features are appropriately assessed and, where applicable, mitigated.

PPW 12 sets out that the quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.

A green infrastructure statement must be submitted with all planning applications, that is proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. The green infrastructure statement is an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step wise approach (Paragraph 6.4.15 of PPW 12) has been applied.

In this case there are no ecological constraints that would restrict the development, the site being mainly hardstanding with mosses and lichens), dense continuous scrub and poor semi-improved grassland. The existing semi-natural broadleaved woodland to the west of the site is within the applicant's control but does not form part of the red-line boundary and is proposed to be retained, as is a single hawthorn tree to the north of the proposed EVC station. A reptile survey has been undertaken which has evidenced the presence of grass snakes on the site, and a details provided on how this issue, as well as the presence of non-native invasive species, will be managed and mitigated.

The biodiversity net gain duty is met through the recommendations contained within the submitted Preliminary Ecological Appraisal, Green Infrastructure Statement, Biodiversity Enhancement and Habitat Management Plans, and comprise new bat and bird boxes to the retained woodland as well as a reptile hibernacula, native shrub and hedge planting and a pond/ditch.

The Council's Biodiversity Officer raises no objection to the application, subject to imposing a number of suitably worded conditions to secure the biodiversity enhancements and effectively control and mitigate for the reptiles and non-native invasive species (Japanese Knotweed) that are present on the site.

Section 106 Planning Obligations

Local Development Plan Policy SP 4 (Infrastructure) states that *'Developments will be expected to make efficient use of existing infrastructure and where required make adequate provision for new infrastructure, ensuring that there are no detrimental effects on the area and community. Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable'*.

Policy I1 (Infrastructure Requirements) then states that *'In addition to infrastructure improvements necessary to make a development acceptable in health, safety and amenity terms, additional works or funding may be required to ensure that, where appropriate, the impact of new development is mitigated. These requirements will include consideration of and appropriate provision for: Affordable housing; Open space and recreation facilities; Welsh language infrastructure (in language Sensitive Areas); Community facilities including community hubs; Biodiversity, environmental and conservation interests; Improving access to facilities and services including the provision of walking and cycling routes; Historic and built environment and public realm improvements; Community and public transport; Education and training'*.

The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In view of the type and form of development proposed in this location, having regard to local circumstances and needs arising from the development, no planning obligations are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations. However the developer would need to enter into a section 278 agreement for the construction of the new site

access junction, ghost island and the detailed design and alterations proposed to the B4290 and as detailed on the submitted plans.

Summary

The application site lies outside settlement limits and there are no special circumstances under LDP Policy SC1 to justify setting aside the presumption against new development in this location. The proposed drive-through coffee shop is likely to induce re-routed local car journeys that would not otherwise occur on the B4290 and its development type and nature inherently attracts non-essential trips, thus contributing to increased vehicle activity and undermining efforts to reduce unnecessary car dependency.

The site's proximity to a large, strategically planned development that includes retail, raises concern about the impact on LDP Policy SRA1 regeneration objectives for Coed Darcy. The proposed development, being located outside both the current settlement limit and proposed master plan area, risks undermining the viability and economic success of the forthcoming development, which has been strategically planned to cater for local needs on a comprehensive basis.

The application fails to justify the necessity of a drive-through coffee shop at this specific location. With other similar facilities available within reasonable distances along the M4 corridor that would cater for regional demand, this proposal does not serve any demonstrable community or local need and exceeds the out of centre floorspace tolerance afforded by LDP Policy R3, which is designed to meet a specific community need not cater for through-traffic.

While it is accepted there may be a demonstrable regional need for more electric vehicle charging facilities, the same cannot be said for a drive-through coffee shop. The EV charging station could operate as a standalone facility, better serving its primary purpose and the local community without the additional traffic and environmental impacts associated with a drive-through development.

It is acknowledged that revenue generation and a degree of cross-subsidisation may be necessary to support the installation and operation of a new EV charging station. However, integrating this infrastructure within the planned strategic development proposals for Coed Darcy would provide a more cohesive and strategic approach, avoiding the piecemeal, unplanned and ad-hoc approach to new development that this application represents.

The proposed development will increase vehicular activity at Junction 43, already a critical junction on the M4. With the anticipated demand from the nearby planned development, it is crucial to reserve road capacity to accommodate future needs sustainably and in a planned way. Adding a new traffic-attracting facility outside of the planned settlement and master plan area could impact upon the junction's ability to

handle future planned growth, leading to congestion and inefficiencies. A precautionary approach is required to ensure that unplanned, ad-hoc developments do not undermine delivery of the wider strategic LDP vision for this local area.

For the all of the above reasons, the proposal does not accord with sustainable plan-led development principles or effective local placemaking and is recommended for refusal.

CONCLUSION

The decision to refuse planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

The proposed development is considered unacceptable in principle as it fails to accord with national and local planning policies, which require that inappropriate development outside defined settlement limits be strictly controlled. In the opinion of the Local Planning Authority, the proposal represents an inappropriate form of unplanned development that would have an unacceptable impact on pedestrian and highway safety and would undermine the Council's strategic regeneration objectives for the local area. The proposal is not sustainably justified in this location and no overriding evidence of local need has been provided to justify setting aside a sequentially preferable and plan-led approach to development in this location. Accordingly, the proposed development fails to accord with Policies SP1, SP2, SP3, SP5, SP12, SP20, SC1, SRA1, R3, TR1, TR2 and BE1 of the Adopted Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040 and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION

Refused

Subject to the following conditions/reasons, which have been imposed for the reasons stated:-

- 1 The proposed development fails to accord with strategic national and local planning policies which require that inappropriate development outside defined settlement limits be strictly controlled. In the opinion of the Local Planning Authority, the proposed development does not satisfy the relevant criteria identifying exemptions under Policy SC1 and is tantamount to the creation of new commercial retail development in the open countryside which is an inappropriate and sequentially poor form of unplanned development that would have a detrimental impact on the cohesive and sustainable settlement and travel patterns and conflicts with the strategic regeneration proposals for the wider area.

For this reason the proposed development is considered contrary to Policies SP1, SP2, SP3, SP5, SP12, SP20 , SC1, SRA1, R3 and BE1 of the Adopted Neath Port Talbot Local Development Plan.

- 2 It is considered that the proposed development, by virtue of its access, visibility, layout and poor provision for non-car modes of transport, would have an unacceptable impact on highway and pedestrian safety to the detriment of users of the proposed development and the wider highway network.

For this reason the proposed development is considered contrary to Policies SP20 and TR2 of the Adopted Neath Port Talbot Local Development Plan.

Case Officer	Claire Hall
Telephone No.	01639 686727

Date of Recommendation	6th December 2024
-------------------------------	-------------------

