

DELEGATED REPORT

Application No: P/20/0188

Site Address: The Willows
Abercanaid Industrial Estate
Abercanaid
Merthyr Tydfil
CF48 1YF

Development: Construction of 6 storage units

Case Officer: David Cross

Site Visit: 4th September 2020

Application Expiry Date: 12th January 2022

Consultation reply date expired: 2nd April 2021

APPLICATION SITE

This application relates to an area of vacant industrial land measuring approximately 0.1 of a hectare, located within the Abercanaid Industrial Estate. The site is bound to the east by vegetation and a steep embankment that forms part of the River Taff. On all other sides are industrial buildings or hardstanding areas used for access or parking as part of the wider industrial estate. Access into the site is from a shared service road to the west and the land to the north and south of the site currently accommodates a number of storage units. It is noted that the site was historically used as part of a gas works facility, which has since been decommissioned and various remediation works have previously been undertaken to remove potential land contaminations.

PROPOSED DEVELOPMENT

Full planning permission is sought for the construction of 6 storage units with associated access. Four smaller units would be positioned adjacent to the southern site boundary and would back on to an existing block of storage units. These buildings would have an overall width of 21m, would be 6.5m deep and 3.2m high with a mono-pitched roof. Two larger units would be positioned adjacent to the northern site boundary and would measure 16m wide by 8m deep and 6m high with a mono-pitched roof. All of the proposed units would have a concrete block plinth and metal cladding on the elevations and the roof. Galvanised steel roller shutters would be installed on the front elevation of each unit to provide access into the buildings.

The existing access into the site from the adjoining estate road would be utilised to serve the new units. The site is currently enclosed by palisade fencing with an electric sliding gate at the main entrance. It is noted that the site is largely flat and that some minor levelling works would be undertaken to ensure a consistent level of 158.35 AOD as part of

the flood consequence mitigation. The buildings would also have a finish floor level of 158.64 AOD.

PLANNING HISTORY

P/12/0314 - Ground contamination remediation works with associated engineering Operations.

Permission GRANTED on 08.01.2013

P/11/0300 - Ground contamination remediation works with associated engineering operations.

Permission GRANTED on 21.12.2011

CONSULTATION

Head of Engineering - No objection

Environmental Health Manager - No response

Natural Resources Wales - No objection subject to conditions relating to flood risk and land contamination.

Welsh Water - No objection subject to a condition relating to surface water and land drainage.

PUBLICITY

In accordance with Town & Country Planning (Development Management Procedure) (Wales) Order 2012, three site notices were displayed within the vicinity of the site.

No representations were received as a result of this publicity exercise.

POLICY CONTEXT

National planning policy

The Future Wales – the National Plan 2040 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 well-being of our communities.

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

Para 3.5 – 3.15 set out the importance of high quality design to ensure inclusive design, to promote environmental sustainability and ensure high environmental quality. Regard should also be given to the special characteristics of an area, community safety and to encourage sustainable forms of transport.

Para 3.55 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Para 4.1.43 – 4.1.56 set out the need to reduce the level and speed of traffic in new development, the provision of car parking and how this may be integrated into new development to minimise the reliance on cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

Para 6.4.21 – 6.4.23 note that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to any potential impacts on protected species which may result in disturbance or harm to the species or its habitat.

Para 6.6.22 – 6.6.29 highlights the need for planning authorities to be aware of the flooding risks and ensure developments are designed to minimise potential impacts. Developments should reduce and must not increase flood risk arising from river and/or coastal flooding on and off the development site itself.

Technical Advice Notes (TAN):

- TAN 5 Nature Conservation and Planning, September 2009
- TAN 12 Design, March 2016
- TAN 15 Development and Flood Risk, July 2004
- TAN 18, Transport, March 2007

Local planning policy

Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031:

- Policy SW4 - Settlement Boundaries
- Policy SW11 - Sustainable Design and Placemaking
- Policy EnW1 - Nature Conservation and Ecosystem Resilience
- Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species.
- Policy EnW4 - Environmental Protection

Supplementary Planning Guidance (SPG):

- SPG 4 Sustainable Design, July 2013
- SPG 5 Nature and Development, May 2015

PLANNING CONSIDERATIONS

Land use principle

The application site lies within the settlement limits where the majority of new development is generally encouraged and supported by Policy SW4 of the LDP. The site was previously used as part of a gas works facility operated by Wales & West and would therefore constitute previously developed land that is situated at the centre of the well-established Abercanaid Industrial Estate. It is noted that the adjoining land to the south of the site similarly formed part of the old gas works facility and has since been redeveloped to

accommodate storage units. Therefore, the principle of the development is acceptable and the proposed use would not appear out of place with its surrounding context.

Design approach

The proposed storage buildings would be of a typical industrial design and appearance with profiled metal cladding on the elevations/roof and steel roller shutter doors to the front of each unit. The general scale and appearance of the units is acceptable and would be similar in design to other storage units within the immediate vicinity.

The buildings would be positioned along the northern and southern boundaries of the site, where they would back on to existing storage units. The central part of the site would remain clear to provide suitable access, parking and turning facilities. The general layout of the proposal is acceptable and the overall design of the development would not have an adverse impact on the character or appearance of the Abercanaid Industrial Estate. Therefore, the proposal complies with policy SW11 of the LDP.

Ecological impact

The site largely comprises an area of hard-core material and disturbed ground that is currently used for the parking of vehicles. There are no existing features of ecological interest within the site. It is noted that site is close proximity to the Afon Taf Site of Importance for Nature Conservation (to the east), which extends across the length of the River Taff. However, the proposed development would not encroach into this area. As such, there would not be any significant impacts on any protected species or habitats. Therefore, the proposal complies with policies EnW1 and EnW3 of the LDP.

Highway implications

Access into the site would be via the existing road that serves the wider industrial estate, which is used by the surrounding businesses including large heavy good vehicles. This highway can accommodate two-way traffic movements with a narrow footpath along one side of the carriageway. The existing entrance into the site is of an acceptable standard to enable vehicles to enter and exit the site. There is also sufficient room within the site to enable vehicles to turn and exit in a forward gear. It is noted on the plans that there is an existing electric sliding gate being utilised, which avoids any obstruction to the free flow of traffic movements. The development would accommodate a total of 6 storage units that would not likely generate a significant level of traffic movements. There would also be adequate room to the front of each unit to accommodate parking for those utilising the facilities. It is acknowledged that the Head of Engineering has not raised any highway safety concerns. Therefore, the proposal complies with policy SW11 of the LDP.

Flood risk

A Flood Consequence Assessment (FCA) has been submitted in support of the application, given that the development lies entirely within a C2 Flood Zone, as identified by Natural Resources Wales (NRW) on their Development Advice Maps (DAM), which are considered to be areas without significant flood defence infrastructure. It is noted in TAN15 that employment, commercial and retail development falls into the category of 'less vulnerable development'.

In terms of justifying the location of the development, the FCA notes that the proposed storage units would be built on previously developed commercial land within an established industrial estate. The development would also be located adjacent to a site that is already used to accommodate a number of storage units.

It is concluded in the FCA that the site would remain flood free in a 1 in 100 year event, with minor flooding encroaching into the site in the same event when taking into account climate change. In a 1 in 1000 year event flood depths would peak at 0.15m locally but would mostly be below 0.1m, which inundates the majority of the site. It is proposed that the floor levels of the units be set at 158.64m AOD, which includes a 300mm freeboard above the design event flood levels. The ground levels across the site would also be evened out to provide a consistent level of 158.35m AOD. This would essentially remove the site from the 1 in 100 year flood event. The FCA has also considered the risk to the access/egress route, which would be flooded during an event. It is noted that the flood levels would peak at 0.08m during a 1 in 100 year event and 0.30m during a 1 in 1000 year event. The FCA considers that these flooding levels would be safe and accessible for all users during a flooding event.

Natural Resources Wales is satisfied with the flood risk assessments that has been undertaken, which has regard to the most recent flood data and they are satisfied with the proposed levels of the site. It is also noted by NRW that the levelling of the site is unlikely to adversely impact flood risk on the surrounding area. Accordingly, NRW have not raised any objection to the development. Therefore, the proposal complies with policy EnW4 of the LDP.

Contaminated land

The application site was previously used as part of a wider area that had housed a former gas works until it was decommissioned in the 1950's and was subsequently used as a haulage depot. Site investigations have previously been undertaken which found the soils to contain elevated levels of hydrocarbons, heavy metals and inorganic compounds. At the time, the contaminated land posed a significant environmental risk to ground water and surface water receptors, which lead to a scheme of remediation being undertaken. To ensure that the remediation works to address the contaminated soil had been undertaken within the application site, it was requested by NRW that evidence be provided in the form of a technical note. A Site Investigation report has been submitted in support of the application, which includes a further assessment of the soil condition. It is concluded in the report that the site is no longer deemed to be contaminated and there was no source of contamination posing a significant risk of harm to a sensitive receptor given the end-use of the land. It is acknowledged that NRW are satisfied with the conclusions reached in the site investigation report and have not raised any objection to the development. It is noted that a condition has been recommended to address any unexpected contamination that may be encountered during construction. Accordingly, the development of the site does not pose a significant environmental risk. Therefore, the proposal complies with policy EnW4 of the LDP.

CONCLUSIONS

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following

recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

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

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

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

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

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

Proposed Plans and Elevations, received 10.03.2022

Proposed Site Plan & Levels, received 13.01.2022

Flood Consequence Assessment, prepared by Louwis Commercial Properties Ltd, Dated 2020

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

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason - In the interest of health and safety and environmental amenity and so as to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the 'CL:AIRE Definition of Waste: Development Industry Code of Practice'. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

RECOMMENDATION ENDORSED

A handwritten signature in black ink, appearing to be 'JMS', written over a horizontal line.

Head of Town Planning

DATE:

10/3/22