

DELEGATED REPORT

Application No:	P/25/0033
Site Address:	Yard 8 Abercanaid Industrial Estate Abercanaid Merthyr Tydfil CF48 1YH
Development:	Storage units (Use Class B8)
Case Officer:	Kate Glover
Site Visit:	25th February 2025
Application Expiry Date:	9th April 2025
Consultation reply date expired:	18th March 2025

APPLICATION SITE

The application site comprises a rectangular shaped compound that is located to the northwest of Abercanaid Industrial Estate. The land is currently laid as hard surface and enclosed by a high security fence. It is noted that the site is occupied by a number of portacabins, builders' equipment and vehicles and piles of what appear to be either rubbish or disorganised storage of materials.

The site is within the settlement boundary (Policy SW4) and is allocated as protected employment land (Policy EcW2) as shown on the proposals map of the Merthyr Tydfil Replacement Local Development Plan (LDP). The site falls within the limits of the allocated Hoover Strategic Regeneration Area as identified by LDP Policy SW6.

The site falls within a C2 flood zone as shown on the Development Advice Map (DAM) that accompanies the current Technical Advice Note (TAN) 15: development and flood risk (2004) and within zone 3 for Rivers as shown on the Flood Map for Planning (FMfP).

Access to the site is achieved via an existing entrance off the estate road of Abercanaid Industrial Estate, which links to the main highway to the south.

PROPOSED DEVELOPMENT

This application seeks consent for the provision of 6 units to be used for storage purposes (B8). The roof of the storage units would be mono-pitched and would measure approximately 3.2m at its highest point, the external measurements of each unit would be approximately 6.14m long and 3.16m wide and when measured together, all 6 units would be approximately 19m in length. Access to the inside of the units would be via an up-and-over door and in front of each unit would be a parking space which would measure approximately 5.68m long and 3.21m wide.

PLANNING HISTORY

The Council's records do not indicate any other recent or relevant planning history for this site.

CONSULTATION

Planning Policy Officer	-	No objection
Environmental Health Manager	-	No objection subject to conditions
Planning Ecology Officer	-	No objection
Head of Engineering and Highways	-	No objection subject to conditions
Natural Resources Wales (NRW)	-	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining properties and a site notice was displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021).

National Planning Policies

Planning Policy Wales (Edition 12, February 2024) (PPW12).

Technical Advice Note 15: Development and Flood Risk (July 2004) (TAN15)

Local Planning Policy

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

- Policy SW4 – Settlement boundaries
- Policy EcW2 – Protecting Employment Sites
- Policy SW6 – Hoover Strategic Regeneration Area
- Policy SW9 – Planning Obligations
- Policy SW11 – Sustainable design and Placemaking
- Policy EnW1 – Nature Conservation and Ecosystem Resilience
- Policy EnW4 – Environmental Protection

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- SPG2: Planning Obligations
- SPG4: Sustainable Design
- SPG 5: Nature and Development

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to the principle of development, impact upon the residential amenity of neighbours, visual impact, flood risk, highway safety, land contamination and ecology.

Principle of Development

The application site lies within the settlement boundary where there is a presumption in favour of development. Further to this, the proposal is located on an Industrial Estate where LDP Policy EcW2 supports development that falls within use Classes B1(b), B1(c), B2 and B8 and as the development is for a B8 use, the proposal accords with the policy's requirements.

As such, the proposed development accords with the aims/objectives of LDP policies SW4 and EcW2.

Visual Impact

The proposed development would be visible from the estate roads serving the industrial estate. The functional character and appearance of the proposal's design is appropriate to the industrial area in which it would be located and as such would not cause any significant visual impact. However, the application is not supported with any details of the materials to be used on the external surfaces of the proposed storage units. To ensure the external materials of the proposed units are appropriate to their surroundings a condition can be used to address this matter. Overall, the proposal would comply with LDP policy SW11.

Residential Amenity

There are no residential dwellings that immediately adjoin the application site and the proposed storage units would not result in any unacceptable impact upon the living conditions of nearby occupiers given the separation distances between the site and the closest properties. As such, the proposal would comply with LDP policy SW11.

Flooding/Drainage

The proposal represents a less vulnerable form of development located within a C2 flood zone as shown on the Development Advice Maps (DAM) that accompany the existing TAN15 and within zone 3 on the Flood Maps for Planning that accompany the emerging TAN15. Given the nature of the use proposed there is no in-principle objection to the development. However, the proposal must be justified in accordance with all the tests (1 or 2 and 3 and 4) as set out within section 6 of TAN15.

Test 1 requires that the proposal be part of "a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement" and confirms that the local authority strategy will be the development plan for the area. In this case, the proposal

is within the defined settlement boundary (LDP Policy SW4) and forms part of a strategic allocation to protect this land for employment/industrial purposes (LPD Policy EcW2). As the proposal meets test 1 there is no requirement to satisfy test 2. Additionally, the land meets the definition of previously developed land as set out in PPW therefore satisfying test 3. Therefore, the proposed development is considered to meet tests 1 and 3 of section 6 of TAN15.

Test 4 requires that “The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable”. Given the limited extent of the flooding shown on site and that no concerns have been raised by NRW in respect of the proposal or potential detriment to third parties and flood risk, the proposed development does not result in any concerns which would warrant this application to be refused on grounds of flood risk.

Highway Safety and Parking

The Head of Engineering and Highways has no objection to the proposal and notes that the dimensions of the parking spaces meet with the requirements of CSS Wales Parking Standards. It has been recommended that a condition be imposed to ensure gates or doors do not open outwards and thereby reduce the size of the parking spaces for vehicles when loading/unloading items from the storage units. Without this condition, there is a danger that vehicles would overhang on to the estate road and effect the free flow of traffic and impact on highway safety. Therefore, the proposal complies with LDP Policy SW11.

Pollution Prevention

The Environmental Health Manager notes the industrial nature of the application site and the potential for unknown pollution to be discovered during the proposal’s construction phase. As such, it is recommended that a condition is used to ensure that should such an event occur the unknown pollution is satisfactorily dealt with. Accordingly, the proposal complies with LDP Policy EnW4.

Ecology/Biodiversity

Policy EnW1 of the LDP relates to nature conservation and ecosystem resilience and seeks to ensure that the green infrastructure and the biodiversity interests are maintained and enhanced. Given the scale and nature of the proposal and the lack of any green infrastructure on or adjacent to the application site, there are no significant concerns in respect of the potential impacts on the green infrastructure or any protected species or habitats. The Council’s Ecologist has not offered any concerns or comments. It is noted that the proposal presents limited opportunity to provide ecological enhancements and, as such no ecological enhancement will be sought in this instance. Accordingly, the proposal would meet the requirements of Policy EnW1 of the LDP.

CONCLUSION

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.

Having regard to the policy context above, the proposal is considered to be acceptable and 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:

Drawing Number: 1073.02 (Plan), Received on 12 February 2025

Drawing Number: 1073.03 (Elevations), Received on 12 February 2025

Drawing Number: 1073.04 (Site Plan), Received on 12 February 2025

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

3. Prior to the construction of the development hereby approved full details of the materials to be used in the construction of the external surfaces of the storage units shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. 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 - To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks. A site investigation may not uncover all instances of contamination and this condition ensures that contamination encountered during the development phase is dealt with appropriately.

5. **At no time shall the development hereby approved** be fitted with any doors or gates which open outwards.

Reason - To prevent obstruction to the highway, in the interests of highway safety to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The application site lies entirely within Zone C2 as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). As such the developer is advised of the flood risk to the current/future occupiers of the property and is advised to consider incorporating flood resistance/resilience measures into the refurbishment works and making provisions for flood warning and emergency access/egress.

The developer may also wish to undertake a Flood Consequence Assessment (FCA) for their own benefit. The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be appropriate to the scale and nature of the development being proposed. If the building and/or access/egress routes are shown to flood during events up to and including a predicted 0.1% (plus an allowance for climate change) flood event, the FCA should propose suitable and appropriate mitigation measures to reduce the effects and consequences of flooding.

Flood resistance/resilience measures that could be incorporated into the development include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels. Appropriate measures and advice is set out in the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available at <https://www.gov.uk/government/publications/improving-the-flood-resistance-of-domestic-and-small-business-properties-interim-guidance> and information from CIRIA (www.ciria.org/flooding). Additional guidance can be found <https://www.gov.uk/prepare-for-flooding/future-flooding>. Further advice can be found on the Natural Resources Wales website.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 01.04.2025