

DELEGATED REPORT

Application No:	P/24/0070
Site Address:	Asda Store Unit E Pengarnddu Industrial Estate Dowlais Merthyr Tydfil CF48 2YF
Development:	Removal of existing canopy and lockers within the car park and associated works to the car parking spaces and provision of new steel door to side elevation of supermarket building
Case Officer:	Kate Glover
Site Visit:	12th April 2024
Application Expiry Date:	5th July 2024
Consultation reply date expired:	30th April 2024

APPLICATION SITE

The application site is a large supermarket located out of town.

The site comprises a large store, significant area for customer parking and petrol station. The site also contains a 'click and collect' area. This comprises a canopy area which covers lockers and access/egress adjacent to the lockers. To the west of the canopy is a parking space for a delivery vehicle and three demarked parking spaces for any customers that might be waiting to collect goods from the lockers.

The canopied area measuring approximately 11.6 m by 9.5 m, the delivery vehicle waiting area measuring approximately 11.6 m by 3.3 m and the three parking spaces measuring approximately 7.7 m by 5.3 m.

The site is bounded by the A465 trunk road to the south, the access road to Pengarnddu Industrial Estate to the east, other large retail units and road infrastructure to the north and west.

PROPOSED DEVELOPMENT

Full planning permission is sought for the removal of the 'click and collect' and delivery lorry parking areas and in their place, 11 parking spaces would be created. The proposed parking spaces would measure 4.8 m by 2.6m.

Planning permission is also sought for the rearrangement of an area of parking located on the west boundary of the site. It is proposed to replace four parking spaces, with three

larger parking spaces each measuring approximately 3.3 m by 5.1 m. These parking spaces will be allocated for pre-ordered grocery collections.

In addition, planning permission is sought for the use of alternative materials for a fire door that is located on the north elevation of the store. The existing material is aluminium, and it is proposed to use steel.

PLANNING HISTORY

P/96/0304	Demolition of superstore, petrol filling station etc. and re-building of new superstore and petrol filling station (in phases) Permission GRANTED 08.11.1996
P/97/0220	Amendment to service yard area, sprinkler tank generator and refrigeration areas to include enclosure of yard, pursuant to approval P/96/0304 Permission GRANTED 03.07.1997
P/99/0475	Installation of trolley shelters in existing car park Permission GRANTED 14.02.2000
P/01/0008	Waste containers and Compactors hardstanding and enclosure Permission GRANTED 02.03.2001
P/03/0126	Erection of advertisement and information signage Permission GRANTED 15.05.2003
P/03/0555	Removal of Condition 1 of Planning Consent No P/03/0125 - erection of temporary retail unit within car park of Asda Stores Ltd, Dowlais Top Permission GRANTED 0.01.2004
P/03/0582	Proposed externally sited fire escape stairways and lift shafts to gable elevation of store Permission GRANTED .01.2004
P/09/0248	Erection of van loading bays with canopy to rear and formation of new access door into yard Permission GRANTED 17.11.2009
P/09/0336	Increase in roof height of home shopping canopy (alteration to planning consent 09/0248) Permission GRANTED 12.01.2010
P/12/0002	Erection of 3 No. height restriction barriers and signage providing notification of barriers Permission GRANTED 15.02.2012
P/12/0064	Erection of signage to and within building and erection of signage within its curtilage Permission GRANTED 21.05.2012
P/12/0070	Creation of 4 No. electric car charging parking spaces and 2 No. electric car charging points

Permission GRANTED 19.04.2012

P/12/0145 Erection of 5 No. banner signs within curtilage of store

Permission GRANTED 27.09.2012

P/12/0157 Erection of vehicle canopy in car park for grocery collection operation

Permission GRANTED 14.08.2012

P/12/0158 Installation of 4 No. aluminium traysigns to proposed vehicle canopy, erection of 1 No. twin-post sign and erection of No. post mounted lollypop signs in customer car park

Permission GRANTED 14.08.2012

P/15/0027 Installation of 5 refrigeration units on roof of existing single storey annexe and installation of associated railings and raised platform

Permission GRANTED 26.04.2015

P/18/0159 Erect retail pod within the grounds of ASDA store (adjacent to the main entrance)

Permission GRANTED 03.07.2018

CONSULTATION

Due to the nature of the proposal and that there would not be any loss of parking spaces serving the store, no consultation has been carried out.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, a site notice was displayed on public land near the store.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

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

National Planning Policies

Planning Policy Wales (Edition 12, February 2024).

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 (LDP) are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking

- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EcW2 Protecting Employment Sites

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

- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary and as such the principle of development is acceptable (Policy SW4) subject to compliance with relevant policies and material planning considerations.

The application site is an established retail use (A1 use class) and the development is within the grounds of and associated with its current A1 use.

In respect of the character and appearance of the retail unit and the wider setting, it is considered that there would be no detriment caused by the removal of the canopy, replacement parking areas and change in the material of the fire door.

In terms of highway safety, it is noted that the proposal does not interfere with the public highway nor circulation of vehicles within the site. The proposal will result in additional parking spaces, the size of which are to parking standards as set out in CSS Wales, Parking Standards (2008). As such, it is considered that there would be no detriment caused to highway safety as a result of the proposal.

The nearest residential properties are more than 200 m from the proposal site. It is considered, therefore, that the proposal would result in any detriment to residential amenities.

The Planning Authority's Ecologist is satisfied that no ecological survey work is required in support of this proposal. It is noted that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). In this instance, due to the scale and nature of the development, which only includes removal of a canopy, reorganisation of parking spaces and change of the materials used for a fire exist door, the submission of a GIS is deemed to be disproportionate and unreasonable.

Notwithstanding this, ecological enhancement would be required and can be secured via a suitably worded condition. The enhancements would contribute to the wider green infrastructure objectives. The proposed development would therefore comply with LDP Policies EnW1, EnW2 and EnW3 of the LDP.

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.

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:

Drawing Title: Proposed Works details Plan, Drawing Number PL-04, Rev B, Received on 10 May 2024.

Drawing Title: Proposed Site Layout Plan, Drawing Number PL-03, Rev A, Received on 10 May 2024.

Drawing Title: Existing and Proposed Elevations, Drawing Number PL-05, Rev A, Received on 27 March 2024.

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

3. **BEFORE WORKS COMMENCE ON SITE** a scheme for biodiversity enhancement, including a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence. All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED



 **Director of Neighbourhood Services**

DATE: 17.05.2024