

DELEGATED REPORT

Application No:	P/20/0109
Site Address:	Land At Pant Industrial Estate Pant Merthyr Tydfil
Development:	Erection of industrial units (Use Classes B1, B2, B8) and associated works
Case Officer:	Caroline Pulley
Site Visit:	8th June 2020
Application Expiry Date:	11th September 2020
Consultation reply date expired:	29th June 2020

APPLICATION SITE

The application site comprises a vacant plot of land within the north-eastern section of Pant Industrial Estate. The site has an area of approximately 0.5ha. It is rectangular in shape and is predominantly flat, although it is set down from the highway to the north by approximately 2m. Its boundaries are enclosed by palisade fencing. The site is currently covered with vegetation and has no means of vehicular access, although there are a set of access gates within the fencing located along the northern boundary. There are no buildings on the site but it is understood that the land was previously used as a chemical plant. The site is bound by industrial units on both sides, the highway to the north and the side wall of another industrial unit to the rear. The nearest residential dwellings are approximately 67m to the north-east of the site and they are separated by two highways and an intervening row of industrial buildings.

PROPOSED DEVELOPMENT

The application proposes the construction of 14 industrial units for B1, B2 and B8 use. The units would be laid out in five distinct blocks (with 8 units having mezzanine floors) as highlighted below:

- Units 1 and 2 – these two units would be detached and would be sited at the northern end of the site, either side of the proposed entrance. They would vary slightly in scale but they would generally be of a very similar design. Unit 1 would be positioned along the western boundary. It would measure 15.9m wide by a maximum of 25.4m in length and would be orientated to face south. Unit 2 would have a slightly wider footprint measuring 18m wide by 23.5m in length (slightly

shorter in length than Unit 1). The two units would both have a pedestrian access and a large industrial door opening to their front (south facing) elevation. Their external walls would be finished in a mixture of dark grey flat panel cladding and white silver aluminium Trapezoidal cladding.

- Units 3 and 4 – these two units would form a semi-detached building along the western boundary of the site (to the south of unit 1). They would be orientated to face east (onto the internal access road) and measure 39.6m wide by 12.5m deep and 7.7m high to the ridge. The two units would each be of the same size and provide a single level of accommodation. Each unit would have a pedestrian access and a large industrial door opening to the front and a second pedestrian access door to the rear. The external elevations of the building would be finished with silver cladding.
- Units 5, 6 and 7 – these three units would form an attached short row along the eastern boundary. The overall building would have a shallow pitched roof measuring 7.8m to the ridge. It would measure 39.4m wide by 12.4m deep with units 5 and 6 being identical in size. Unit 7 would contain a mezzanine floor and would have a slightly wider floor area to units 5 and 6. Each unit would have both a pedestrian access and a large industrial door opening to the front, and would be finished in silver cladding.
- Units 8 to 14 – these seven units would be two storey in height and provide an attached row along the southern boundary of the site. The overall building would measure 52m wide by 6.8m deep and 8m high. Each unit would have both pedestrian access and large industrial door opening to the front, and would be finished in a mixture of dark grey and silver cladding.

Access to the site would be from the highway to the north and each unit would have its own servicing and parking areas. In total 37 car parking spaces would be provided within the site, of which 3 would be disabled spaces. The submitted plans also show facilities for parking bicycles and the provision of 4 Electric Vehicle Charging Points.

The submitted plans indicate areas of landscaping around the units and car parking spaces. The proposed layout plan also shows provision for a substation, bin storage, CCTV cameras and the siting of 20 lighting columns.

The units could be used for B1 (Light Industry), B2 (General Industrial) and B8 (Storage and Distribution) purposes as defined by the 1987 Town and Country Planning (Use Classes) Order.

The application is accompanied by the following documents:

- Pre-Application Consultation Report (PAC)
- Design and Access Statement (DAS)
- Ecological Assessment
- Utilities Report
- RIBA Stage 3 Report
- BREEAM Feasibility Report
- Structural Feasibility Report
- Civils Feasibility Report

PLANNING HISTORY

There is no recent planning history relating to the site.

CONSULTATION

Engineering and Traffic Group Leader:	No objection, subject to conditions.
Planning Division's Policy Officer:	Raises no objection to the scheme.
Planning Division's Ecologist:	No objection following the submission of an Ecological Assessment.
Planning Division's Landscape Architect:	Raises no objection to the proposal or the proposed landscaping scheme.
Environmental Health Manager:	Raises no objection to the scheme
Welsh Water:	Raises no objection to the scheme but highlights that the site is crossed by a public sewer and no development can take place within 3m either side of the centreline of the sewer.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and site notices were displayed within the vicinity of the site. A press notice was also published in the local newspaper.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

Planning Policy Wales (PPW) Edition 10 (December 2018) sets out the land use policies of the Welsh Government. The most relevant paragraphs are:

Paragraphs 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

Paragraph 3.51 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Paragraph 4.1.39 points out that to encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV

charging points as part of new development. Where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have ULEV charging points.

Paragraphs 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 that may result in disturbance or harm to the species or its habitat.

Paragraph 6.9.25 states that planning decisions will need to take into account; the potential hazard that instability could create to the development itself, to its occupants and to the local environment; and, the results of a specialist investigation and assessment by the developer to determine the stability of the ground and to identify any remedial measures required to deal with any instability.

Paragraph 6.9.27 states that where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application are as follows:-

TAN 5 – Nature conservation and planning sets out the role of the planning system in protecting and enhancing biodiversity and geological conservation.

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

TAN 18 – Transport describes how to integrate land use and transport planning. It explains how transport impacts should be assessed and mitigated.

TAN 23 – Economic Development

Paragraph 2.1.12 points out that an industrial estate in a disadvantaged area could help fight social exclusion, improve run-down places and create job opportunities for people at high risk of unemployment.

Paragraph 4.6.7 states that certain industrial and related uses may conflict with other uses, especially housing. To operate effectively, these activities usually need dedicated industrial areas, where they can be confident that they will not be a bad neighbour to anyone.

Local Policy

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

Policy SW4 – Settlement boundaries
Policy SW9 – Planning Obligations
Policy SW10 – Protecting and Improving Open Spaces
Policy SW11 – Sustainable design and Placemaking
Policy SW12 – Improving the Transport Network
Policy EnW1 – Nature Conservation and Ecosystem Resilience
Policy EnW2 – Internationally and Nationally Protected Sites and Species
Policy EnW4 – Environmental Protection
Policy EcW2 – Protecting Employment Sites
Policy EcW9 – District Heating

Supplementary Planning Guidance (SPG) Note No.2 – Planning Obligations
Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design
Supplementary Planning Guidance (SPG) Note No.5 – Nature and Development

PLANNING CONSIDERATIONS

The application site lies within the settlement boundary as defined by the (LDP), where the majority of new development is encouraged and generally supported by Policy SW4 of the LDP. The site is also situated within an employment protection area, where Policy EcW2 of the LDP seeks to protect the employment function of the County Borough. In such areas development proposals which fall within Use Classes B1, B2 and B8 are supported. Therefore, the principle of the development is acceptable and the nature of the proposed industrial uses would be compatible with the existing businesses in the vicinity.

Given the above, the main considerations of this application would be:

- The impact of the development on the character and appearance of the area;
- Highway safety and car parking considerations;
- Ecological Issues; and
- The impact on neighbouring properties.

In terms of visual amenity, the design, scale and layout of the buildings are typical of modern industrial units with shallow pitched roofs and cladding to elevations. Additionally, each unit would have a roller shutter door. The buildings would be set back from the internal access road of the estate and would not appear overly prominent or intrusive. Furthermore, the design of units would help to bring some interest to this part of the industrial estate and would be seen as a visual improvement in comparison to many of the older units that can be seen within this area. The use of contrasting light and dark grey flat panel and trapezoidal cladding would help to break up the elevations of the buildings, whilst also adding visual interest in the area. Within the site itself, the two most visible and prominent units would be 1 and 2. These buildings have been designed to provide a suitable frontage onto the main access road. This is welcomed. It is also noted that planting is proposed in key areas of the site i.e. around the main entrance and within the car parking area, which contributes to the quality of the development. Overall, it is considered that the proposed development is of an acceptable design and would not adversely impact on the character of the area. Therefore, the proposal complies with policy SW11 of the LDP.

In terms of the effect on neighbouring properties, the proposal would not have any significant impact. The closest residential properties are located approximately 65m north-

east of the site. Therefore, the proposed units/buildings would have no impact in terms of overshadowing, loss of daylight or outlook from any residential properties. In terms of noise and disturbance, in view of the separation distance and existing noise sources from other businesses within the industrial estate, it is considered that the proposal would not give rise to a significantly greater impact. It should also be noted that the Council's Environmental Health Manager has not raised any objections to the scheme. Therefore, the development could take place without having a harmful impact on the amenities of surrounding residents.

Turning to highway safety, the application site is already served by an adopted highway, which is a well established route for large vehicles and lorries. It is considered that the existing highway can accommodate the proposed development and that there would not be an adverse impact on the free flow of traffic in the area. The proposed service road is considered to be of an acceptable design with appropriate turning facilities for each unit to enable vehicles to enter and exit the site in a forward gear. Furthermore, suitable visibility splays (2.5m x 40m) would be provided at the entrance of the site to ensure drivers can view on-coming traffic. The parking provision within the site is also considered to be sufficient to serve the needs of the proposed industrial units, with an appropriate amount of disabled parking spaces. Additionally, the proposal includes bicycle storage facilities to help support more sustainable forms of travel. The Engineering and Traffic Group Leader has not highlighted any highway safety concerns and as such, has not raised any objection to the development. It should also be noted that in line with current Government policy 10% of the car parking spaces (i.e. 4 spaces) will have Electric Vehicle Charging Points.

In terms of ecology, the application site has been vacant for a considerable period of time and is covered with overgrown vegetation. Accordingly, it has some potential to accommodate protected species and habitats. As such, an Ecological Assessment has been submitted in support of this application. The report highlights that there are no trees or buildings on the site suitable for roosting bats. The report does however highlight that the site has some potential to host reptiles, given the ground conditions. The report makes a number of recommendations to safeguard species from the proposed development. These recommendations include a Reptile Migration Strategy (RMS) (included within Appendix F) designed to prevent harm to reptiles which the Council's Ecologist considers acceptable. A number of on-site enhancements measures are proposed which include the siting of two bat boxes and four bird boxes. A suitable planting schedule is also proposed. Having regard to the enhancements and mitigation measures being put forward with this application, the Council's Ecologist raises no objection to the scheme. As such, the proposal complies with policy EnW1 of the LDP.

Finally, 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 no. 1970 (05) 102 Rev C Proposed Site Plan received on 10.07.2020
Drawing no. 19070 (05) 201 Rev A Unit 1 - Floor plans and elevations received on 03.06.2020
Drawing no. 19070 (05) 201 Rev A Unit 2 - Floor plans and Elevations received on 03.06.2020
Drawing no. 19070 (05) 202 Rev C Units 3 & 4 - Floor plans and elevations received on 03.06.2020
Drawing no. 19070 (05) 203 Rev B Units 5, 6 & 7 Floor plans and elevations received on 03.06.2020
Drawing no. 19070 (05) 204 Rev A Units 8-14 Floor plans and elevations received on 03.06.2020
Drawing no. 1970 (05) 104 Rev B Proposed Site Sections received on 03.06.2020
Drawing no. 305056-020 Rev B Proposed External Levels Layout received on 03.06.2020
Drawing no. 305056-045 Proposed Road Construction Details Sheet 01 received on 03.06.2020
Drawing no. 305056-046 Proposed Road Construction Details Sheet 02 received on 03.06.2020
Drawing no. 305056-040 Proposed Drainage Construction Details Sheet 01 received on 03.06.2020
Drawing no. 305056-041 Proposed Drainage Construction Details Sheet 02 received on 03.06.2020
Drawing no. 305056-042 Proposed Drainage Construction Details Sheet 03 received on 03.06.2020
Drawing no. 305056-043 Proposed Drainage Construction Details Sheet 04 received on 03.06.2020
Drawing no. 305056-004 Rev A Post Development Surface Water Runoff received on 03.06.2020
Drawing no. 305056-031 Existing Underground Drainage Remediation Works Layout received on 03.06.2020
Drawing no. CA 2020-44 Rev A Landscape Overall Proposals received on 29.07.2020
Drawing no. CA 2020-46 Rev A Landscape Planting Details received on 29.07.2020
MKR: Pant Industrial Estate: Planting Schedule received on 29.07.2020
Drawing no. CA 2020-43 Landscape Existing and Overlay received on 29.07.2020
Drawing no. CA 2020-45 Rev A Tree Section Rain Garden received on 29.07.2020
Drawing no. 305056-032 Rev B Proposed Underground Drainage Layout received on 31.07.2020
Drawing no. 5055-HAH-00-SW-DR-E-60-0101 Rev P02 Site Wide Landlord Electrical Services received on 05.08.2020
Ecological Assessment Issue 1VD received on 05.08.2020
Planting Methodology and Aftercare Landscape Ecology Management Plan LEMP Rev 5 August 2020 received on 05.08.2020

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

3. Prior to the occupation of any unit hereby approved, the 2.5m by 40m vision splays shall be provided in accordance with the details shown on drawing 1970 (05) 102 Rev C and shall thereafter be maintained free of any obstruction exceeding 0.9m in height.

Reason - In the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. Prior to the occupation of the units hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the uses are commenced.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. No unit shall be occupied until space has been laid out within the site in accordance with drawing no 1970 (05) 102 Rev C for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available for the parking of vehicles/such purposes in perpetuity.

Reason - In the interests of highway safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. All planting, seeding or turfing comprised in the approved details of landscaping (as illustrated on drawing numbers CA 2020-44 Rev A, CA 2020-46 Rev A, CA 2020-45 Rev A, 1970 (05) 102 Rev C and within the MKR planting schedule) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. No materials, products, equipment or machinery shall be stored outside the building(s) hereby approved.

Reason - In the interest of visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. **No development shall take place** until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan .

9. **No development shall take place** until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development begins. If any contamination and/or land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason - The site may be contaminated or unstable and as such in the interests of safety remedial measures may need to be carried out.

10. If during the course of development, any unexpected contamination or land instability issues are found which were not identified in the site investigation referred to in condition 9, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained for the period agreed in the remediation scheme.

Reason - The site may be contaminated or unstable and as such in the interests of safety remedial measures may need to be carried out.

11. Prior to the beneficial occupation of the units hereby approved, details of the CCTV cameras shall be submitted to and approved in writing by the local planning authority. The details shall include the height of the proposed poles and the design of the proposed CCTV cameras. The CCTV cameras shall be installed in accordance with the approved details.

Reason - To protect the natural environment and important environment and in the interests of visually acceptable amenity and residential amenity.

12. Prior to the occupation of the buildings hereby approved, details of the sub station, bin storage and bicycle storage facilities as illustrated on drawing no 1970 (05) 102 Rev C and CA 2020-44 Rev A, shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details prior to the occupation of the buildings.

Reason - In the interests of visual amenity and support sustainable forms of transport and to accord with Policies SW11 and SW12 of the Merthyr Tydfil Local Development Plan.

13. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

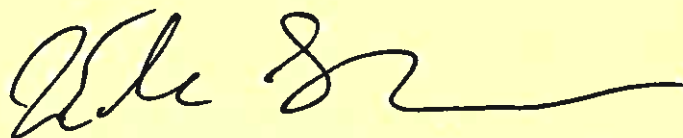
Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

INFORMATIVES

1. The developer should note that the proposed development is crossed by a public sewer. The presence of such an asset may affect the proposal. As such, the advice of Welsh Water should be sought prior to the commencement of the development.
2. The developer should be aware that advertisement consent may be required from the local planning authority for the erection of the signage shown on the proposed drawings.
3. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Works to any trees, hedgerows and other suitable nesting bird habitat which are to be removed or pruned as part of the proposal should only be carried out outside the bird breeding season. The bird breeding season typically extends between March to August inclusive.

If any vegetation removal or site clearance works are scheduled to commence in the bird nesting season it is advised that the advice from an Ecologist is sought. Any active nests will need to be protected until the young have fledged.

RECOMMENDATION ENDORSED



Chief Executive

DATE: 12th August 2020

1875
The 25th of May 1875
Dear Sir
I have the honor to acknowledge the receipt of your letter of the 24th inst.

and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,
Yours obedient servant,
J. H. [Signature]

Enclosed for you are two copies of the report of the Committee on the subject of the proposed amendment to the Constitution.

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