

DELEGATED REPORT

Application No: P/21/0088

Site Address: Unit 9
Cyfarthfa Industrial Estate
Merthyr Tydfil
CF47 8PE

Development: Site 8 storage containers to the side of the unit

Case Officer: Caroline Pulley

Application Expiry Date: 5th October 2022

Consultation reply date expired: 19th April 2021

APPLICATION SITE

The application site relates to an existing industrial unit, unit 9, located on the western part of Cyfarthfa Industrial Estate. The large building, finished with a light grey corrugated roof and light grey corrugated elevations with a red/orange brick wall beneath, operates as a commercial business (tyre sales). The building is accessed from the front elevation and side elevation, via a tarmacked area which has been laid to the southern side of the unit. The premises, like others along this row, is served by a parking area located to the front of the premises.

The application site is bound to the north by the adjoining industrial unit, to the east by the parking area and internal access road beyond, to the south by a flat grassed area (which separates the application unit from other additional units to the south) and to the west by the River Taff.

The application site lies in the settlement boundary – Primary Growth Area, Protected Employment Site and within a C2 flood zone. The rear part of the site also adjoins Cyfarthfa Conservation Area and the Cwm Taf Fechan Site of Interest for Nature Conservation (SINC), as designated within the Merthyr Tydfil Replacement Local Development Plan (LDP) 2016 - 2031.

PROPOSED DEVELOPMENT

This application seeks planning permission to erect 8 storage containers to the southern side of unit 9. The steel clad containers would adjoin the existing unit and would sit on the tarmacked area to the southern side of the premises. Four storage containers (2x20ft and 2x40ft) would be sited at ground floor and 4 (2x20ft and 2x40ft) would sit above these. The containers would be accessed internally from within the existing unit and provide an additional tyre storage facility, which would be used in support of the existing business.

PLANNING HISTORY

The following planning history is relevant to this site:

P/18/0208 - Side extension – Approved: 15th October 2018

P/17/0014 - Proposed change of use to a tyre distribution centre (use class B8), the installation of two roller shutter doors and a new tarmac drive adjacent to the south facing side elevation of the building – Approved: 2nd March 2017

CONSULTATION

Head of Engineering and Highways	No objection.
Policy Section	No objection.
Council's Ecologist	No objection.
Environmental Health	No objection.
Natural Resources Wales	No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, nearby occupiers were consulted and a site notice was displayed within the vicinity of the site. No letters of representation have been received as a result of this publicity exercise.

POLICY CONTEXT

National Development Framework

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

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 4 – Supporting Rural Communities

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policies

- Planning Policy Wales - Edition 11 (February 2021)

Paragraph 3.3 refers to good design and states that '*...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...*'

Paragraph 3.9 refers to character and states that '*...the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...*'

Paragraph 3.14 refers to context appraisal and states that these '*...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...*'

Paragraph 3.55 states that '*...previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development...*'

Paragraph 6.4.3 discusses biodiversity and states that '*...the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...*'

- TAN's (Technical Advice Notes)

TAN 5: Nature Conservation and Planning (2009) – This TAN provides guidance on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

TAN 12: Design (2016) – This TAN advises that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and deliver environmental sustainability, economic development and social inclusion at every scale throughout Wales.

TAN 15: Development and Flood Risk (2004) – This TAN considers the vulnerability of different land uses to flooding and identifies three separate development categories, emergency services, highly vulnerable development and less vulnerable development. Sections 6 and 7 of TAN 15 relates to the justification of development types within flood zones and whether a flood consequent assessment is required.

Local Planning Policies

- The Merthyr Tydfil Replacement Local Development Plan 2016-2031

Policy SW4: Settlement Boundaries

Policy SW11: Sustainable Design and Place Making

Policy CW1: The Historic Environment

Policy EnW1: Nature Conservation and Ecosystem Resilience

Policy EnW4: Environmental Protection

Policy EcW2: Protected Employment Sites

PLANNING CONSIDERATIONS

The issues to consider in the assessment of this application relate to whether the proposed development would be acceptable in principle in this location and whether it would be acceptable in respect of its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Principle of Development

The application site lies within the defined settlement boundary and Primary Growth Area where new development is supported provided it complies with other relevant policies and material planning considerations. As such, the proposal would comply with LDP Policy SW4.

The premises also lies within the Cyfarthfa Industrial Estate which is a protected employment site and LDP Policy EcW2 is therefore a relevant consideration. This policy states that development will be permitted if it is within use classes:

- *B1(b), B1(c), B2 or B8; or,*
- *It provides an ancillary facility or service that supports the primary employment use, or;*
- *It is an acceptable complementary commercial service outside class B uses, or,*
- *It is an appropriate waste management facility compatible with existing industrial and commercial activities.*

Given that the proposed containers would provide an additional storage facility (classed as B8 use) in support of the existing business, it would comply with at least two of the above noted criteria and would therefore accord with LDP Policy EcW2.

The application site is also sited within a C2 Flood Zone as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Both the existing use and the proposed use however relate to Less Vulnerable Development and as such would be acceptable in this location. NRW has therefore not objected to this application. The proposed development would therefore comply with LDP Policy EnW4.

Character and Appearance

The storage containers are proposed to adjoin an existing industrial building, where large scale buildings, of an industrial scale, with roller shutter doors are characteristic of the area. Whilst storage containers are a form of development which would generally be resisted and an extension of a similar scale, design and finishes, would be more fitting and appropriate, it should be noted that the existing unit is largely finished with steel clad elevations and a steel roof. Thus, the material finishes of the containers would be considered appropriate within this context. Furthermore, the containers, would not be flush with the front elevation and would be sited approximately 18 metres from the front elevation. Thus, they would not dominate the existing building and would appear as a relatively discrete addition when viewed against the existing unit, or from within the wider industrial estate. The proposed development, in this instance, is therefore considered acceptable and would comply with LDP Policy SW11.

It should also be noted that the extension would not be flush with the rear of the building, as such, it would be sited outside the conservation area and SINC. Thus, it would not harm the quality of the SINC. Given its location and the adjoining industrial buildings, it would have little impact on the setting of the conservation area. As such it accords with Policies CW1 and EnW1 of the LDP.

Residential and Other Amenity

In respect of the impact on neighbouring amenities, the nearest residential properties are located approximately 100 metres to the north of the application site. Given its location it would have no impact on unit 8. As such, it is not considered that the proposed development would harm the amenities of residents or have a significant adverse impact on neighbouring units. As such, no letters of objection have been received in respect of this application. The proposal would therefore comply with LDP Policy SW11.

Ecology

In respect of ecology, a technical note has been provided with the application. This states that the tarmac present on site is of no ecological value. Also, there is no vegetation on site that is suitable for roosting bats. The Council's Ecologist has reviewed the ecology note and has raised no objection to the development. The proposal therefore complies with LDP Policy EnW1.

Parking and Highway Safety

In respect of parking provision and highway safety, there is an existing parking area to the front of the existing unit, access to which is served via the inner industrial estate road. Furthermore, no spaces would be lost as a result of this proposal. Additional parking could also be provided on-street on the estate road, a wide road which although well used does not appear to be congested. The Head of Engineering and Highways has considered the proposal and has not raised an objection to the application. The proposal would therefore comply with LDP Policy SW11.

CONCLUSION

The development, due to the reasons discussed above, is therefore considered acceptable and in compliance with relevant policies and guidance.

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:**

CONDITIONS/REASONS:

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 number 570.01 Rev A received on 11.10.2022

Drawing number 570.02 Rev A received on 11.10.2022

BE Ecological Technical Note received on 10.08.2022

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

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.

3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

12/10/22