

DELEGATED REPORT

Application No: P/20/0042

Site Address: General Dynamics Land Systems Ltd
Merthyr Road
Pentrebach
Merthyr Tydfil
CF48 4LA

Development: Variation of condition 7 of planning permission P/15/0130 to allow the test track to be used Monday to Friday 08.00 - 18.00 hours, Saturday 09.00 - 17.00 hours and temporarily on Sundays between 10.00 and 16.00 hours

Case Officer: Caroline Pulley

Site Visit:

Application Expiry Date: 14th April 2020

Consultation reply date expired: 17th March 2020

APPLICATION SITE

The application site relates to the General Dynamics Land Systems factory located within the Linde Industrial Park. The site is accessed from the roundabout junction on the A4054 and via the winding access road that serves the Linde Industrial Park. The Trevithick Trail runs along the eastern side of the industrial park. To the north, and below the level of the site, are residential properties (Rhydfach). A triangular shaped heavily landscaped area of land abuts the southern boundary of the site.

PROPOSED DEVELOPMENT

The application seeks a variation to condition 7 attached to planning permission P/15/0130, which relates to a vehicular test track and ramp at the site.

The condition attached to this permission limited the use of the test track facility to Monday to Friday and between the hours of 08:00 and 18:00 hours. However, condition 7 was amended in 2018, following an application being approved for the variation to allow the test track to be used on Saturdays between the hours of 09:00 and 17:00. The current application seeks to vary the condition again, to allow the test track and ramp to be used on Sundays between 10:00 and 16:00 hours.

The application is accompanied by a supporting statement and a Noise Impact Assessment, prepared by Hunter Acoustics.

PLANNING HISTORY

There are a number of planning applications relating to the site. The most recent and relevant applications are detailed below:

P/18/0346 - Variation of condition 7 of planning permission P/15/0130 to allow test track to be used on Saturdays - Approved 21.12.2018

P/15/0130 - Construction of vehicular test facility to be used ancillary to the existing industrial use. Demolition of high bay buildings, erection of lighting columns and associated work. - Approved 25.06.2015

P/12/0316 - Create a 4500m2 test track facility to supplement existing test track facility. Approved 09/01/2013

CONSULTATION

Environmental Health Manager: No objection.

PUBLICITY

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

Two letters of objection have been received raising concern that the use of the test track on weekends, and in particular on Sundays, would cause unacceptable levels of noise and disturbance to nearby residents.

Local Ward Members were advised of the objections received to this application however, no request has been submitted requiring the application to be reported to the Planning Committee. As such, the application will progress to be determined by the Chief Officer of Planning and Neighbourhood Services.

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 section is:

Section 6.7.14 states "Proposed development should be designed wherever possible to prevent adverse effects to amenity, health and the environment but as a minimum to limit or constrain any effects that do occur"

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

TAN 11 – Noise provides advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of businesses.

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 23 – Economic Development advises on, amongst other issues, assessing the economic benefits of new development.

Local Policy

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

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy EnW4 – Environmental Protection

Policy EcW2 – Protecting Employment

PLANNING CONSIDERATIONS

As noted earlier, planning permission was approved for the test track facility in 2015 (application P/15/0130) following a detailed review of a noise assessment which concluded that there would be no adverse impact on neighbouring properties, in terms of noise and disturbance and that the scheme would be in compliance with guidance set out by the World Health Organisation (WHO). However, it was acknowledged during the consideration of this application that the noise assessment carried out was limited, in so far as background noise measures were only carried out on a weekday. In light of this, the Council's Environmental Health Officer recommended a condition be imposed which limited the use of the test track facility to weekdays and between 08:00 and 18:00 hours.

In 2018, a Section 73 application was submitted to the authority to extend the days in which the test track facility could be used. Initially, this application sought to vary the condition to allow the test track to be used on both Saturdays and Sundays. However, following discussions with officers, the applicant agreed to remove the proposed Sunday hours from the application. The condition was subsequently varied enabling the test track to be used on Saturdays between the hours of 09 00 and 1700.

The statement accompanying the current application highlights that following an internal review of production processes and contract requirements, there is an operational and business need for the test track to be used for a limited period (i.e. 2 hour period or two tests) on Sundays. While appreciating the concerns that have been raised by local residents, a noise assessment has been carried out to determine the likely impact upon the residents of nearby properties as result of the extended use of the test track. This has included an assessment of the background noise sound levels together with the operational noise arising from the use of the test track and ramp on both days of the weekend. In addition, the report has compared the expected noise levels with the World Health Organisation (HMO) guidance regarding acceptable noise levels outside a residential property. This has demonstrated that the noise levels from the operation of the test track facility on Sundays would not be unduly harmful between the daytime hours of 10:00 – 16:00. Allowing the test track to operate during this period is therefore unlikely to have an adverse impact on nearby residential properties. As there are a number of noise sensitive properties within the area, consultation has also been undertaken with the Council's Environmental Health Section. No objections have been raised in this respect and the Environmental Health Officer has highlighted that there have been no reports of

noise complaints being made to the Environmental Health Section. As such, the development is deemed to be in accordance with the relevant policies 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.

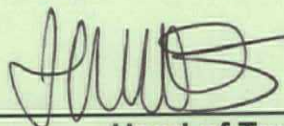
Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following CONDITION

1. The test track shall only be used Monday to Friday between the hours of 08:00 and 18:00, Saturdays between the hours of 09:00 and 17:00 and on Sundays between the hours of 10:00 and 16:00.

Reason - To ensure that the noise emitted is not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

2/4/20