

DELEGATED REPORT

Application No:	P/22/0022
Site Address:	General Dynamics Land Systems Ltd Merthyr Road Pentrebach Merthyr Tydfil CF48 4LA
Development:	Proposed enclosure to tank parking area, lean-to extension to existing building, pump house and storage tanks
Case Officer:	Caroline Pulley
Site Visit:	17th February 2022
Application Expiry Date:	26th May 2022
Consultation reply date expired:	21st April 2022

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

This application seeks planning permission to enclose a tank parking area located along the south-eastern elevation of the building. It also seeks permission for the construction of a lean-to extension to the rear of the building and erection of a pump house/plant room and two storage tanks within the front north-western corner of the building.

The enclosure to the tank parking area would form an infill structure measuring 103m wide by 13.6m deep. It would feature three roller shutter doors and two pedestrian doors to its south-eastern elevation, two pedestrian doors to its north-eastern elevation and a single pedestrian door to its south-western elevation. The external walls would be completed with goosewing grey composite cladding. The roof would remain unchanged.

The lean-to extension proposed to the rear of the building would measure 36.7m wide, 8m deep and 7.6m high (sloping down to 6m at the eaves). The extension would feature 12 rooflights in its east facing roof plane, four 5m high blue roller shutter doors in its eastern elevation and two pedestrian side access doors. The external walls of the extension would be completed with goosewing grey composite cladding and the roof would be covered with dark grey QuadCore Trapezoidal panels.

The two storage tanks would be situated either side of the pump house and would each measure 7.76m in diameter and 9m in height. The pump house/plant room would contain two standby diesel pumps. It would be separated from the main building by a distance of 4.3m and would measure 6.5m wide, 6.5m deep and maximum of 4.2m high.

PLANNING HISTORY

The site is subject to an extensive planning history. The most relevant and recent applications are listed below:

P/20/0204 – Construction of replacement covered vehicle wash down facility – Approved 28.09.2020

P/20/0042 - 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 – Approved 02.04.2020

P/19/0013 - Erection of two storage buildings, fencing and associated lighting – Approved 20.02.2019

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

Head of Engineering: No objection.

Environmental Health Manager: No objection.

The Coal Authority: No objection subject to intrusive site investigations taking place before works start and a signed declaration statement being submitted by a competent person to demonstrate that the site is safe and stable for the development.

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.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 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.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 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.

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 provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

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 business.

TAN 12 - Design 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 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 EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW2 – Internationally and Nationally Protected Sites and Species

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

Policy EcW2 – Protecting Employment Sites

Other Material Considerations

Supplementary Planning Guidance Note 5: Nature and Development

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary and is designated as a protected employment site (Policy EcW2). Given that the proposed development is primarily for the construction of extension and structures to be used in connection with the existing use of the site, the principle of development is acceptable. Therefore the main issues to consider in respect of this application are whether there would be any adverse impact on the character and appearance of the area or upon the residential amenities of those living nearby. The potential impact of the scheme on highway safety is also a consideration.

In terms of the impact of the scheme on the character and appearance of the area, the enclosure of the existing tank parking area would not have any adverse impact on the character and appearance of the existing building, since this aspect of the development would not result increase the footprint or height of this structure. The proposed lean-to extension would also be of a scale, which is proportionate to the existing building. Furthermore, as it would be located to the rear of the building, its visual impact upon the overall site would be limited. In addition, it would be finished to match the appearance of the existing buildings already present on this site.

Notwithstanding the above, the proposed tanks would be prominently located and would be viewed from the slip road leading from the A470 carriageway to the west. While this is a concern, the site is elevated above the valley floor. As such, these structures would not be easily noticeable from the land below due to the significant change in level. Moreover, it is acknowledged that the tanks would be viewed in association with the backdrop of the existing building and therefore, their visual impact on the surrounding area would be reduced. The landscaping to the west of the site would also help to soften the appearance of the tanks, thereby reducing their overall impact on the surrounding area. Considering these factors, the proposed scheme would have an acceptable impact on the visual amenities of the surrounding area.

In terms of the impact of the scheme on neighbouring amenity, the lean-to extension would be located to the rear of the site and given its positioning, it would not adversely impinge upon the amenities of neighbouring properties located within the vicinity of the site. The enclosure to the tank parking area would also not have any impact, since this part of the development is located away from the boundaries with neighbouring properties. The impact arising from the siting of the proposed tanks has also been considered. In this respect, it is noted that a separation distance of approximately 80m would be maintained from the neighbouring properties to the north (Rhydfach) and given this distance, the proposed tanks and pump house would not have any significant impact upon the amenities of those living closest to this site. It should also be noted that the Council's Environmental Health Officer has not raised any objection to the scheme. Lastly, the Head of Engineering has not raised any objection to the scheme and the proposed development would not have any adverse impact on the existing parking facilities at the site.

In light of the above, the proposed scheme is in compliance with Policy SW11 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

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:

AL(0)02 Rev A Proposed Plan and Elevations received on 03.02.22

AL(0)02 Rev A Proposed Plan and Elevations (Sprinker Tank and Plant) received on 03.02.22

AL(0)02 Rev A Proposed Plan and Elevations (New enclosure to Tank Parking Area) received on 03.02.22

AL(0)03 Rev B Proposed Pump House and Tanks Plan received on 03.02.22

AL(0)03 Rev A Proposed Section and Details received on 03.02.22

AL(0)03 Proposed Tanking over Clad Details received on 03.02.22

AL(90)02 Rev B Existing and Proposed Site Plans received on 03.02.22

AL(0)04 Pump House and Tanks Context Elevations received on 03.05.22

Coal Mining Risk Assessment received on 31.03.2022

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

3. **No development shall take place** until intrusive site investigations have been carried out to establish the risks posed to the development by past shallow coal mining activity 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 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 unstable and as such in the interests of safety remedial measures may need to be carried out.

4. **Prior to the development being brought into beneficial use** a signed statement or declaration prepared by a suitably competent person confirming that the site is,

or has been made, safe and stable for the approved development shall be submitted and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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

4. Prior to the construction of the tanks hereby approved, details of the external finishing colour proposed for the construction of the external surfaces of the tanks 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.

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 developer shall obtain all other necessary consents **BEFORE** works commence including BUILDING REGULATION approval.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

23/5/22