

DELEGATED REPORT

Application No:	P/25/0052
Site Address:	Unit E Pengarnddu Industrial Estate Dowlais Merthyr Tydfil CF48 2YF
Development:	Removal of Condition 3 (biodiversity enhancement) of planning permission P/24/0070
Case Officer:	Kate Glover
Site Visit:	6th March 2025
Application Expiry Date:	25th April 2025
Consultation reply date expired:	27th March 2025

APPLICATION SITE

The application relates to a large supermarket, within the settlement boundary. The site comprises a large store, significant area for customer parking and a petrol station.

The part of the site which is relevant to this application is a 'click and collect' area, which comprises of a canopy area and 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. Another area within the wider site which is relevant to this application is a grassy bank which is located on the northwest side of the carpark.

PROPOSED DEVELOPMENT

Permission is sought to remove condition 3 of planning permission P/24/0070 which granted planning permission for the removal of the 'click and collect area' with associated works to the car parking spaces and provision of a new steel door on the side elevation of the supermarket building.

Planning application P/24/0070 was granted with conditions stating the time in which development must be commenced (condition 1), listing the approved plans (condition 2) and a condition which required that prior to the commencement of development, a scheme for biodiversity enhancement would be submitted to and approved by the local planning authority (condition 3).

This section 73 application seeks to remove the condition 3 and a scheme of biodiversity enhancement has been submitted to support the proposal.

The proposed biodiversity enhancement would involve the planting of 3 new trees with a species mix of 1 No. Acer campestre (Field Maple) and 2 No. Betula pendula (Silver birch) and during the planting season (October to March) one tree would be planted close to the area where the 'click and collect' is located and 2 trees would be planted on the grassy bank that is located to the northwest of the carpark.

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
- P/24/0070 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 super market building
Permission GRANTED 05.07.2024

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, a site notice was erected in the vicinity of the site.

CONSULTATION

The following bodies were consulted, and their responses are presented below:

Planning Division's Ecologist - No objection subject to clarification on the long-term management, maintenance and funding mechanism for the proposed biodiversity enhancement.

POLICY CONTEXT

National Development Framework

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

This development has already been considered and found to be acceptable under the original planning application (Planning Ref: P/24/0070).

This application seeks permission to remove a condition on planning decision notice reference P/24/0070. The implications of this on the relevant policies and material planning considerations must therefore be re-assessed to ensure that the development would still be acceptable with the alterations proposed.

These were considerations relating to the principle of development, visual impact, highway safety, residential amenity and ecology.

The impact of the whole development and the matters listed above were considered in the officers delegated report. This removal of condition relates to biodiversity enhancement in relation to the development and ecology, and the removal of the condition would not have any additional impact on the principle of development, visual impact, highway safety and residential amenity.

In relation to ecology, the reason for the condition is to secure ecological enhancement which would contribute to the wider green infrastructure objectives and, therefore, render the proposed development compliant with LDP Policy EnW1.

The planning ecologist is satisfied that the proposed scheme of tree planting would result in an increase of biodiversity in the area. It is noted that the condition also requires that any approved scheme of biodiversity enhancement is retained in perpetuity. Whilst the planning ecologist has requested further details on the management, monitoring and financial securing of such measures, the condition does not require the submission and approval of such matters. Whilst the application seeks to remove condition 3, it is within the powers of the local planning authority to impose a new condition which would ensure the approved scheme of biodiversity enhancement is carried out and the replacement of

dead, dying and seriously damaged trees. Given the proposed biodiversity enhancement is modest in its scale and nature, a method to secure funding is not required.

As the development has not commenced condition 1 (expiry of planning permission) remains necessary and condition 2 (list of approved plans and documents) can be updated so as to include the approved scheme of biodiversity enhancement. The scale of development is modest and will not take more than one planting season to complete. As such, a new condition 3 can be included on the decision notice to ensure that the proposed biodiversity enhancement is carried out in the first planting season following commencement of development and replacement of any tree should that become necessary.

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.

In conclusion, the proposal would still comply with policies listed above and 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.

Biodiversity enhancement - condition 3, Report Reference Number: A6780, received 28 February 2025

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

3. The scheme for biodiversity enhancement as set out in 'Biodiversity Enhancement' report, shall be fully implemented and completed within the first planting season following the commencement of development and any trees, 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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

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DATE: 04.04.2025