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COMMITTEE	Planning and Regulatory
COMMITTEE DATE	11th September 2024

Application No.
P/21/0364

Date
22nd February 2024

Determining Authority
MTCBC

Proposed Development

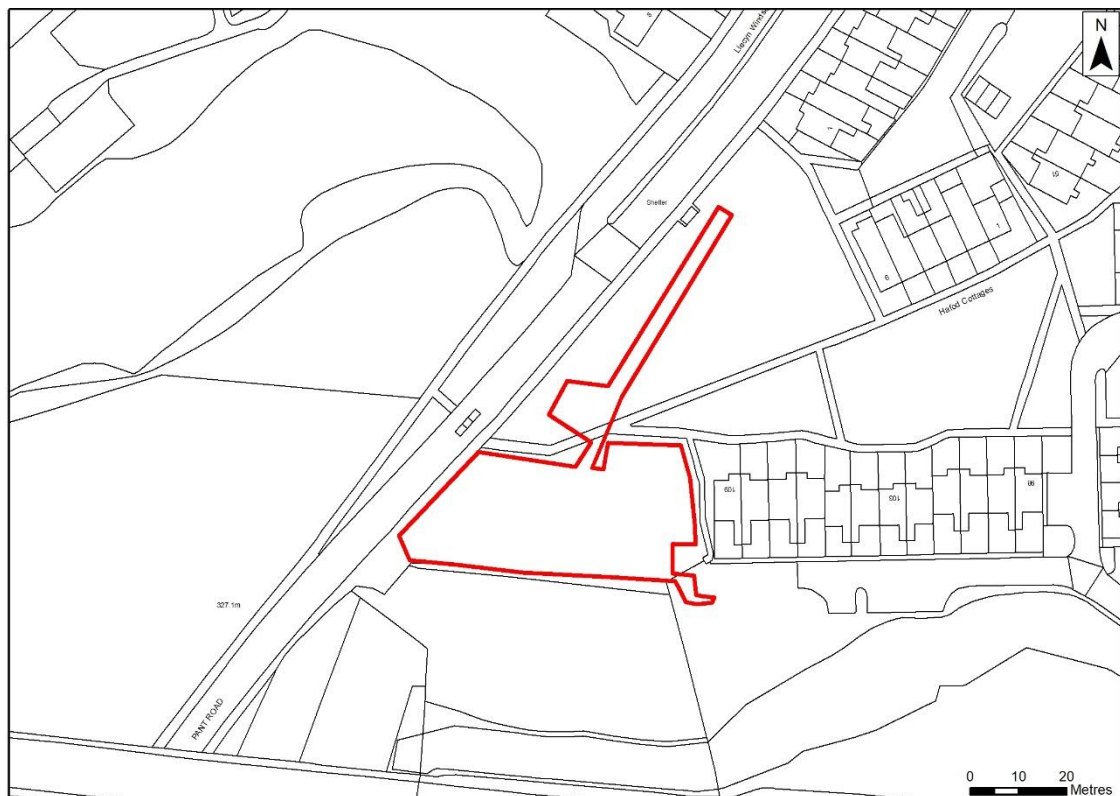
Location

Name & Address of Applicant/Agent

Customer and staff parking area for Merthyr Motor Auctions and associated boundary treatments and hard and soft landscaping

Land north of Merthyr Motor Auctions
Pant Road
Pant
Merthyr Tydfil
CF48 3SH

Mr Dean Davies
c/o Mrs Anna Cheney
Herbert R Thomas Ltd
11 - 12 Jellicoe Court
Atlantic Wharf
Cardiff



P/21/0364

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Councillor Declan Sammon has requested that the application be determined by the planning committee to deliberate on the concerns raised by local residents, which includes the loss of the green space and the potential impact on the surrounding residents.

APPLICATION SITE

The application site relates to a parcel of land located to the north of Merthyr Motor Auctions (MMA), a car auction business, located in the area of Dowlais. This informal open grassed area, measuring approximately 850m², slopes down gently from the east to the west and forms part of a wider area of informal open space.

The site adjoins the existing MMA business site to the south and is bound by areas of informal open space to the north and east. It lies adjacent to the adopted highway (Pant Road) to the west and 109 The Hafod to the east.

PROPOSED DEVELOPMENT

This application seeks planning permission to construct a car parking area to serve the existing MMA site. When originally submitted in 2021, the application proposed a new car parking area measuring approximately 1000m² to provide 32 car parking spaces. However, it was identified by Welsh Water that the application site is crossed by a trunk/distribution watermain. As such, the scheme was amended to include an easement area to the west and north of the site. This has resulted in a smaller application area of approximately 850m².

The proposal seeks to provide a customer and staff parking area with a total of 28 spaces. The permeable (Cellpave HD cellular pavements) parking area would be set back a minimum of 3m (at its closest point) from Pant Road. The parking spaces would be provided along the perimeter of the site with 11 spaces (including 2 disabled bays) located along the southern boundary, 5 spaces along the eastern boundary, 10 spaces along the northern boundary and 2 spaces along the western boundary.

The boundaries of the site would also be enclosed with a new acoustic barrier and palisade fencing. A 2.1m high timber acoustic barrier (Natural Soundblock) would be erected along the northern and eastern boundaries with a new native hedgerow planted along the outside. A 2.1m high palisade metal fence would be erected along the western boundary, adjacent to Pant Road. The existing hedgerow along the northern boundary of the MMA site would be retained for the most part with only a small section removed to provide access between the existing MMA car park and the proposed car park.

The proposed car parking area would be accessed via the existing entrance, off Pant Road, which currently provides access into the northern part of the MMA site. The existing palisade gate would be removed and a new 2m high by 11m wide cantilever sliding gate would be installed. The new gate would be sited 3m closer to the road. Lighting to the new car park would be provided by 1 Meyer Monospace luminaire, mounted on a 5m steel column, which would be located adjacent to the southern boundary of the site.

The construction of a new customer and staff parking area would enable the existing customer and staff parking area within the main MMA site to instead be used to accommodate an area for a low loader to deliver and collect vehicles, an area for storage of large wheel base vans/smaller non-running vehicles and an area for other non-running vehicles.

The following assessments have been submitted in support of the application:

- Lighting Report
- Ecology Report
- Visual Impact Assessment
- Green Infrastructure Statement
- Noise Assessment
- Noise Assessment Addendum
- Planning Supporting Statement

PLANNING HISTORY

There is no relevant planning history for this site. However, the following planning history is the most relevant relating to the main MMA business site:

P/23/0110 – Vary condition E of appeal decisions APP6410/C/95/508749 and APP6410/C/95/508750 to allow access to the lower yard after 18:30 hrs for circa 30 vehicles on 2 evenings per week (Mondays and Thursdays) – Refused: 24th October 2023

P/23/0086 – First floor rear extension – Approved: 30th June 2023

P/22/0107 – Rear single storey extension – Approved: 8th June 2022

P/21/0108 - Excavation of embankment to provide extended car parking area – 15th April 2021

P/20/0262 – Removal of condition h attached to appeal decisions APP6410/C/95/508749 and 508750 which currently restricts the use of the floodlights – Approved: 3rd September 2021

P/20/0194 – Temporary change of use of Pant Road Playground to create a secure a parking area for car parking, vehicle storage and on load/offload vehicle transporters, due to the construction of the A465 Heads of the Valleys dualling works, to be used in association with Merthyr Motor Auctions – Approved: 10th December 2020

P/14/0258 – Removal of condition h attached to appeal decisions APP6410/C/95/508749 and 508750 which currently restricts the use of the floodlights – Application Approved: 18th November 2015 –Decision Quashed: 6th May 2016 – Application Withdrawn: 5th December 2019.

P/13/0074 – Retention of 2no. lamp posts, housing CCTV cameras and P.A. system – Approved: 2nd May 2013

P/12/0022 – Demolish part of building and construct a two-storey extension – Approved: 5th April 2012

P/09/0142 – Removal of condition e (hours of operation of Planning Inspectorate's appeal decision APP6410/C95/508749) – Refused: 17th December 2009

P/08/0093 – Erection of single storey car and van valeting building – Approved: 5th August 2008

APP6410/C95/508749 and APP6410/C95/508750 – Appeal against enforcement notices served for the unauthorised storage, parking and valeting of vehicles in association with the adjacent car auction premises and engineering works – Appeal allowed and enforcement notices quashed – Approved: 21st February 1997.

CONSULTATION

Head of Engineering and Highways	No objection.
Estates	No response.
Planning Ecology Officer	No objection, subject to conditions.
Rights of Way	No response.
Parks Division	No response.
Environmental Health Manager	No objection.
Welsh Government Highways	No objection, subject to conditions.
Welsh Water	No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to nearby occupiers and 3 site notices were displayed within the vicinity of the site.

As a result of this publicity exercise, a petition with 34 signatures and 6 objection letters were initially received. However two of these objection letters have since been withdrawn. Additionally, 7 letters of support have also been received.

- **Objection letters:**

The comments raised in the objection letters have been summarised below:

- Numerous green areas have already been forfeited to allow the A465 expansion works and with this proposal more green space will be forever lost to accommodate more vehicles as part of a commercial business;

- The green space is well used by the community, including adults and children, for playing, dog walking and other activities. This green space should be retained, especially since the Pant Playground playing area was lost to benefit the commercial activities associated with MMA;
- Local authorities are responsible for protecting and maintaining existing urban green spaces, which provide healthy and sustainable living environments and its loss would have a significant detrimental effect on the local community;
- The proposed boundary fencing would be closer to the footpaths running through the green space, which will result in the area not being as safe to use, particularly at night and may therefore lead to an increase in crime;
- This proposal would increase vehicle use in the surrounding area and would result in noise and pollution brought closer to residential properties, from the coming and going of vehicles, engines left idling, etc, leading to poor air quality;
- MMA has other land that could be use to provide a car park, which would have a lesser impact on residential properties;
- The proposal would result in the loss of trees and grassland which would have an impact on local wildlife;
- This proposal will not improve the quality, quantity or access to the open space and it is not clear how any compensatory provision could be provided for the loss of this green space;
- The plot of land, where the temporary staff and customer car parking area is currently provided to serve the MMA (former Pant Playground), holds a historical covenant, whereby it was agreed that the land would be used for affordable housing and not commercial purposes;
- It appears that only 18 residents have been notified by the Council. The loss of this green space, which is well used by the community, would have a negative impact on a significantly larger area.

- Support letters:

The comments raised in the support letters are summarised below:

- The application for the MMA site is crucial to ensure the continued operation of their business;
- MMA has provided support to local businesses in the area for a number of years, which heavily rely on their custom and has created employment opportunities in the area.
- Some residents who live adjacent to the MMA application site, have indicated that they have no objection to the proposed development and have not had any issues with the business previously.

- An expansion to the MMA business would be beneficial to the surrounding businesses, which in return would support the local community;
- MMA contributes significantly to the local community, and this was particularly evident during the initial Covid outbreak, where they supplied vehicles to transport food parcels around the area. MMA is a major contributor to Merthyr Tydfil and the approval of this application would be beneficial to the area in the long term;
- It is indicated that any noise or vehicle access from the MMA site or from the temporary carpark has never adversely impacted the adjacent local businesses.
- MMA is a long-established business and the lack of parking could impact the area with unsightly parking on pavements, grass verges and any downturn in business could have a detrimental effect on employment;

POLICY CONTEXT

National Development Framework

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

Policy 1 – Where Wales Will Grow

‘The Welsh Government supports sustainable growth in all parts of Wales. In three National Growth Areas there will be growth in employment and housing opportunities and investment in infrastructure. The National Growth Areas are: Cardiff, Newport and the Valleys, Swansea Bay and Llanelli, Wrexham and Deeside...’

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

‘The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure...’

Policy 9 – Resilient Ecological Networks and Green Infrastructure

‘To ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure, the Welsh Government will work with key partners to: identify areas which should be safeguarded and created as ecological networks for their importance for adaptation to climate change, for habitat protection, restoration or creation, to protect species, or which provide key ecosystems services, to ensure they are not unduly compromised by future development; and identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking, requiring the use of nature-based solutions as a key mechanism for securing sustainable growth, ecological connectivity, social equality and well-being. Planning authorities should include these areas and/or opportunities in their development plan strategies and policies in order to promote and safeguard the functions and opportunities they provide. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems

and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.'

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

'Cardiff, Newport and the Valleys will be the main focus for growth and investment in the South East region. Strategic and Local Development Plans should recognise the National Growth Area as the focus for strategic economic and housing growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure...The Welsh Government supports co-ordinated regeneration and investment in the Valleys area to improve well-being, increase prosperity and address social inequalities. The Welsh Government will work with regional bodies, local authorities, businesses, the third sector, agencies and stakeholders to support investment, including in the manufacturing sector, and to ensure a regional approach is taken to addressing socio-economic issues in the Valleys...'

National Planning Policies

- Planning Policy Wales (Edition 12, February 2024)

Paragraph 3.3 discusses good design and states it *'...is fundamental to creating sustainable places where people want to live, work and socialise. 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 surrounding area...'*

Paragraph 3.4 goes on to discuss the objectives of good design which are characterised into 5 key aspects, these being *'... Access – ensuring access for all; Character – sustaining or enhancing local character, promoting legible development, a successful relationship between public and private space, quality, choice and variety, innovative design; Community Safety – Ensuring attractive, safe public spaces, security through natural surveillance; Environmental Sustainability – Achieving efficient use and protection of natural resources, enhancing biodiversity and designing for change; Movement – Promoting sustainable means of travel...'*

Paragraph 3.22 points out that planning authorities should develop and maintain places that support healthy, active lifestyles across all ages and socio-economic groups.

Paragraph 3.24 discusses the effects of a development on human health and states that *'...Where significant effects on human health are likely to arise as a result of development plans or individual development proposals, environmental impacts should be considered in full knowledge of the likely consequences for health. Information to assess potential impacts on health can be required through various mechanisms, such as sustainability appraisal of development plans and environmental impact assessments, and where relevant, health impacts should be*

incorporated into such assessments. In general, the most effective and collaborative ways of working will require shared and integrated approaches to evidence gathering and assessments...'

Paragraph 5.4.1 highlights that the planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses.

Paragraphs 6.4.2, 6.4.5, 6.4.21 and 6.4.22 relate to biodiversity and protected species and state that '*...The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. The Nature Recovery Action Plan supports this legislative requirement to reverse the decline in biodiversity, address the underlying causes of biodiversity loss by putting nature at the heart of decision-making and increasing the resilience of ecosystems by taking specific action focused around the 6 objectives for habitats and species....Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems....Planning authorities must follow a stepwise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for...The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process...'*

Paragraph 6.7.1 and 6.7.11 refers to air, noise and light pollution '*... air, noise and light pollution can have negative effects on people, biodiversity and the resilience of ecosystems and should be reduced as far as possible... Air and noise pollution are often, but not exclusively, emitted from the same sources, notably road transport, commercial and industrial activities. Consequently, areas of poor air quality often coincide or overlap with areas subject to high noise levels. Even where they do not, poor air quality at one location and high levels of noise at a neighbouring location may be related to one another, depending on the characteristics of the place in question, including the way in which people use and occupy places and the way in which traffic is managed in the wider area. Where air and noise pollution are generated from the same source they should be considered and addressed together and links should be made with active travel and other strategies for reducing vehicular use so as to reduce or minimise, pollution and to ensure an appropriate soundscape...'*

Paragraphs 6.8.1, 6.8.3, 6.8.4 specifically discuss lighting and states '*... There is a need to balance the provision of lighting to enhance safety and security to help in the prevention of crime and to allow activities like sport and recreation to take place with the need to protect the natural and historic environment including wildlife and features of the natural environment, such as tranquillity; retain dark skies where appropriate; prevent glare and respect the amenity of neighbouring land uses; and reduce the carbon emissions associated with lighting...*'

Paragraphs 6.7.22 to 6.7.25 talks about soundscapes. '*...Certain qualities of sound can be associated with particular places and the activities within them. Taking steps to foster the continued longevity of uses and activities which provide wider cultural benefit and experience for people and contribute towards the local economy, both in terms of a vibrancy of place and in creating a space for creativity to flourish, is an important role for the planning system...The potential impacts of noise pollution arising from existing development, be this commercial, industrial, transport related or cultural venues (such as music venues, theatres or arts centres), must be fully considered to ensure the effects on new development can be adequately controlled to safeguard amenity and any necessary measures and controls should be incorporated as part of the proposed new development. This will help to prevent the risk of restrictions or possible closure of existing premises or adverse impacts on transport infrastructure due to noise and other complaints from occupiers of new developments. It will be important that the most appropriate level of information is provided and assessment undertaken...*'

- Technical Advice Notes (TAN's)

TAN 5: Nature Conservation and Planning (2009)

Paragraph 4 refers to nature conservation in development control and states the following:

Paragraph 4.1.1 states that '*...the development control process is a critical stage in delivering the protection and enhancement of nature conservation required by PPW and the following can help in achieving these objectives:*

- *adopting the five-point approach to decision-making - information, avoidance, mitigation, compensation and new benefits;*
- *ensuring that planning applications are submitted with adequate information, using early negotiation, checklists, requiring ecological surveys and appropriate consultation;*
- *securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations;*
- *carrying out effective planning enforcement;*
- *identifying ways to build nature conservation into the design of new development...*'

Paragraph 4.3.4 states that '*...the information submitted with the planning application should be proportional to the likelihood of effects on nature conservation interests and to their potential significance...*'

TAN12: Design (2016) 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 18: Transport (March 2007)

Paragraph 2 highlights the integration between land use, planning and transport and states:

2.1 An efficient and sustainable transport system is a requirement for a modern, prosperous and inclusive society. However, transport, in particular road traffic, can also have negative impacts on human health and the environment. Road traffic growth is a cause of increased local air pollution, green house gas emissions contributing to global warming and climate change and, in some areas, congestion, which can affect economic competitiveness.

TAN 23: Economic Development (February 2014)

Paragraph 2 discusses economic objectives and states:

2.1.1 It should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction. Planning should positively and imaginatively seek such 'win-win' outcomes, where development contributes to all dimensions of sustainability.

2.1.2 Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions when social and environmental considerations will outweigh economic benefit. The decision in each case will depend on the specific circumstances and the planning authority's priorities.

2.1.3 It is a central objective of the planning system to steer development to appropriate locations. Therefore, where a proposed development would cause unacceptable environmental or social harm, demand should be steered to an alternative location, unless the harm is outweighed by the additional benefit of development at the original site in question.

Local Planning Policies

The 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 EnW4 – Environmental Protection
- Policy EnW5 – Landscape Protection

- Supplementary Planning Guidance (SPG's)

- SPG Note 4: Sustainable Design (July 2013)
- SPG Note 5: Nature and Development (May 2015)

PLANNING CONSIDERATIONS

The issues to consider under this application relate to whether the proposed car parking area would be acceptable in this location in principle, and whether it would be acceptable with regards to its impact upon the character and appearance of the area, the amenities of nearby residents, ecology, natural environment and highway safety.

Justification

The MMA site has been operating for over 40 years and it is understood to be one of the largest auction businesses in the UK. Prior to the commencement of works on the A465 carriageway, the MMA site, as noted in the planning statement, extended to approximately 2ha of land and buildings, used in association with the auction business. This included a northern, central and lower yard area used for the storage of vehicles, two valet buildings, an auction house, waiting/viewing areas, cafes, toilets and a customer car parking area (located to the most northern part of the site, adjoining the proposed car parking area).

The planning statement explains that prior to the commencement of the ongoing works on the A465 carriageway, the main car park (in the northern part of the MMA site) was used by low loaders to deliver/collect vehicles. As a result of the A465 dualling works, which encroached into the MMA site, it was not feasible for this arrangement to continue due to the significant loss of parking storage throughout the site. Thus, this function is currently carried out in the temporary car park provided to the west of Pant Road on the former Pant playground. Once works on the A465 carriageway have been completed, MMA would resume their commercial activity, including the delivery/collection of vehicles, within a reduced commercial yard area. Indeed, given the reduction in the operational land, the site cannot be used as it was, prior to the A465 dualling works. However, it is important to understand how much of this land will be permanently lost. The information submitted under a recent application (P/23/0110) indicated that the loss of the land within the MMA site is mainly temporary and a large proportion of the land lost would be returned once the dualling works are complete. However, it was identified in the P/23/0110 application that approximately 984m² of useable land within the MMA site would be permanently lost.

In order to mitigate for the loss of this land, the Pant Road Playground, located across the road (to the west of MMA) as noted above, is currently being used temporarily as a parking compound for vehicles (including HGV and non-runners) and for the on-load/off-load of vehicle transporters until the A465 dualling works are completed. Whilst this has ensured the continued operation of the auction business, when these temporary works come to an end, the MMA site would be left to operate its business with less operational land.

The proposed development therefore seeks to provide additional land measuring 850m² to serve the MMA site. This would provide a new customer and staff parking

area and free up the existing customer car and staff parking area, which would be used for the unloading/collection of vehicles and the storage of vehicles. It is therefore considered that the submitted justification for the proposed development would be acceptable in this instance.

Principle of Development

The site lies within the settlement boundary and Primary Growth Area where new development in such areas, is encouraged and supported by LDP Policy SW4 provided it complies with other relevant policies.

The site relates to an area of open green space and LDP Policy SW10 is therefore relevant. This policy states that *'...development proposals that improve the quality, quantity or access to open space will generally be supported. Development proposals that would have an unacceptable adverse impact on or result in a loss of open space will not be permitted unless:*

- *It would not cause or exacerbate a deficiency of open space in accordance with the Council's open space standards or;*
- *The majority of the open space can best be retained and enhanced through the redevelopment of a small part of the site or;*
- *Satisfactory equivalent community benefit or enhanced compensatory provision can be provided in accordance with the Council's open space standards and;*
- *In all cases, the open space has no significant nature or historic conservation importance.'*

Whilst the proposal would result in a small loss of part of this open green space, a much larger and extensive portion of open green space would continue to be available to the north, northeast and to the southeast of the application site. As such, the development would not cause or significantly exacerbate a deficiency of open space in the area. It is considered that the site would effect a small area of informal open green space, which does not form part of a designated open space within the Council's Open Space Strategy. Additionally, the site is not deemed to have any significant nature or historic conservation importance. The proposal would therefore be considered acceptable in principle in this instance and would not be contrary to LDP Policy SW10.

Character and Appearance

The proposed development would result in the loss of an area of open space measuring approximately 850m², which would dramatically alter its character and appearance, since the existing open space, comprising of trees and grassland, would be replaced with an enclosed car parking area to serve a commercial business. However, it should be noted that the site forms a small part of a much larger area of green open space in the immediate vicinity, which would continue to be available for informal amenity/recreational use by the local community.

In terms of its visual appearance, it should be noted that the car parking area would be set back at least 3 metres from Pant Road and would be enclosed by an extensive

new native hedgerow along the northern and eastern boundaries. Trees would also be planted to the north and northeast of the site. This additional planting, when established, combined with the existing trees, hedgerow and other vegetation would allow the development to integrate effectively with the surrounding landscape and would significantly soften its appearance when viewed in association with the remaining green space and surrounding residential properties.

It is noted that the front western boundary of the site would include a 2.1m high metal palisade fence enclosure. Although this would be set back 3 metres from the highway, it would run parallel with Pant Road. Normally, such 'industrial type' enclosures would not be supported, however, in this instance, it would provide a continuation of the existing palisade metal fence which currently encloses the MMA site and would therefore not appear out of place in this context. The agent has attempted to make the fence less prominent by proposing additional planting along this western boundary. Whilst planting provision would be limited in this part of the application site (due to Welsh Water easement area) a new evergreen hedge and ivy is proposed along part of this boundary, which would serve to soften the appearance of the fence when viewed within the wider area. The proposed 2.1m high sliding entrance gate to replace the existing gate is also considered acceptable. Although the gate would be located 3 metres closer to Pant Road, it would not project any closer to the road than the existing palisade boundary fence enclosing the existing MMA site.

It is therefore considered that the proposed extension of the MMA site to the north, although a prominent alteration, would appear to be the most logical and natural extension to the business site, when viewed in context with the wider area. The proposed development is therefore not considered to significantly detract from the character and appearance of the area and would accord with LDP Policies SW11 and EnW5.

Residential Amenity

The proposed development has been considered in respect of its impact upon the amenities of occupiers at the nearest residential properties. In this instance, the properties at The Hafod, located to the northeast of the application site are the residents most likely to be affected by this proposal.

- Noise

In considering the impact of the development upon these neighbouring dwellings, noise and disturbance, given the nature of the proposal, would be a primary consideration and a noise assessment has been submitted in support of the application.

The noise report explains that the proposal will generate noise that has the potential to affect noise sensitive receptors at The Hafod, a residential development located approximately 10 metres east of the application site. Noise impact assessments are normally informed by the results of a noise survey carried out at the development site. However, at the time when the survey work was undertaken (prior to the A465 works commencing), the noise report confirms that the UK was under 'Covid Lockdown'. As such, it was not possible to carry out any survey work which would have been

representative of normal working conditions. The report explains that significant sources of noise at the development site are associated with existing and proposed vehicle movements at the MMA facility and road traffic noise along the A465. To enable a robust evaluation of the MMA activity (noise during a normal day), the assessment utilised estimated maximum traffic movements that would occur at the site during a typical auction day.

Similarly, the report notes that when assessing road traffic noise levels, any assessment would have been affected by the 'Covid Lockdown' and it was not possible or practical to carry out a meaningful noise survey. As such, to enable a more robust assessment of the A465 traffic noise levels at this site, the assessment has utilised the latest available traffic count data for the A465, described as annual average daily flow (AADF) of traffic. This long-term average provides a more representative description of the road traffic noise levels at the site when compared with a more typical short-term 24 hour snapshot of noise levels. The annual average daily flow (AADF) figures give the number of vehicles that will drive on a stretch of the road on an average day of the year and are presented as vehicles per day, broken down by vehicle type. The report highlights that the aim of the assessment is to determine the effect of any change in the acoustic environment arising from the proposed development.

The current and proposed vehicle movements at the development site were provided by Herbert R Thomas LTD following detailed discussions with MMA regarding estimated vehicle movements. Whilst daily vehicular movements vary at the MMA business site, the estimated vehicular movements are based on a maximum number. In terms of significant noise sources, these are noted as the existing and proposed parking arrangements, which would include a mix of light vehicles and HGV's as well as customer and staff cars.

The report explains that '...as the site is relatively large with multiple noise sources, a 3D acoustic CAD model of the proposed development was constructed to aid in the identification of potential areas that may not meet the stated criteria. This process minimises unnecessary schemes of mitigation. EMS B&K Predictor V2019 Software was utilised to model both the A465 road traffic noise levels across the whole of site plus the existing and proposed vehicle movements associated with the proposed car park development to the north... This noise prediction software allows for the investigation of noise emissions in complex or large outdoor environments... To determine the baseline noise emissions at the nearest sensitive receptors, the model was updated to include the significant noise sources. These sources are identified as the road traffic travelling along the A465 and the vehicle movements within the existing car park, identified as Zone 1 and Zone 2...'

In regards to any change in noise levels, the report concludes from the modelling that *'...The operational noise levels from the proposed development layout (Area C) are calculated at the southern and northern facade of the nearest noise sensitive property, at The Hafod, and compared with the operational noise levels from current activities within the existing car park... The effect in terms of the degree of change in sound level due to the development proposal is described as substantial for the receptor at the north of The Hafod and not significant for the receptor at the south of The Hafod...'*

The report also notes that *'...relying solely on the change in noise level is not appropriate because it risks ignoring the context of the noise change. The context, in this case, is that the area is also exposed to significant levels of road traffic noise from the A465. Therefore, the change in noise level should be considered in relation to the existing ambient noise levels at the receptors...'* The assessment explains that *'...the effect in terms of the degree of change in cumulative ambient noise levels due to the development proposal would normally be described as not significant for both receptors at The Hafod. However, the Institute of Environmental Management and Assessment (IEMA) guidelines state that 'where existing noise levels are already at a level where there might be significant risk of adverse quality of life and health effects, then any increase in noise level, regardless of how small, is an impact which should be taken into account'. The World Health Organisation recommends that external ambient noise levels at dwellings should not exceed 50 dB LAeq,t during the daytime and evening to prevent moderate annoyance with the onset of serious annoyance occurring at noise levels of 55 dB LAeq,t and above. These guideline values consider specific environments and identified health effects. Each value is set at the lowest levels that affect health, such as annoyance, and were derived from annoyance studies.*

The assessment recognises that *'...the results clearly indicate that the existing ambient noise levels are already above the threshold for moderate annoyance for the receptor on the north elevation of The Hafod and above the threshold for serious annoyance for the receptor on the south elevation. Therefore, following the IEMA guidance, 'any increase in noise level, regardless of how small, is an impact'. The report therefore concludes that '...the proposed development results in an impact at the dwellings at the Hafod and a scheme of mitigation is required to ensure that the ambient noise levels do not increase as a result of the proposed development...'*

Since it was concluded that mitigation was required to address the increase in ambient noise levels, the assessment confirms that the modelling was updated to assess the extent and effectiveness of an acoustic barrier to be located along the northern and eastern boundaries of the site (Area C). The results of the modelling demonstrated that the *'...recommended mitigation is effective in ensuring that the proposed development of Area C will not result in any increase in the existing ambient noise levels at the nearest noise sensitive receptors...'* The report explains that *'...where there is no change to the noise levels as a result of a development, the magnitude of impact is described as negligible and considered not significant...'*

In terms of the mitigation required, the report clarifies that the acoustic barrier to be located along the north and east perimeter of the site should be *'...contiguous throughout its length and extend to a minimum height of 2.1m. It should have a minimum superficial mass of 15 kg/m², and could comprise timber fencing, earth bund or a combination of both...'* and *'...to achieve the calculated sound reduction performance, there must be no holes or weaknesses in the structure of the barrier. There should also be no gaps between the barrier and the ground in order to prevent sound passing underneath the barrier...'*

Having considered the noise assessment submitted in detail, it appears that the report has been well structured in respect of its assessment methods, findings and conclusions. Whilst the proposed car park would result in increased noise levels at the

nearest noise sensitive dwellings, located at The Hafod, (approximately 10 metres away from the application site), this can be suitably mitigated via the installation of a 2.1m high acoustic barrier. The submitted plans illustrate that the acoustic barrier, would be erected along the northern and eastern perimeter of the proposed car parking area, as recommended in the noise assessment. The results of the modelling demonstrate that implementing the recommended acoustic barrier would result in no change to the cumulative ambient noise levels at the nearest sensitive receptors at The Hafod. It is therefore considered that the proposed development, with the inclusion of an acoustic barrier, would not result in additional noise and disturbance which would be detrimental to the amenities of the nearby occupiers, located at The Hafod.

- Other Impacts

It is acknowledged that the proposed parking area which can accommodate 28 vehicles could have some potential impact on the surrounding area in terms of additional fumes, odours, vibration and air pollution. Taking into account the context of the site and the scale of the development, it is noted that the Environmental Health Manager has not raised any concern in respect of air quality or potential nuisances.

With regards to the potential impact of the external lighting within the car park extension upon the surrounding area, it is noted that there would be some potential for an increase in light pollution. However, this would be minimal since the new car parking area is proposed to be illuminated by 1 single floodlight mounted on a 5 metre column, located centrally on the southern boundary of the proposed parking area. The design of the floodlight means it would not result in any direct upward light and ensure that any illumination is concentrated within the car parking area only, avoiding any light spillage outside the application site. This, combined with the fact that the new floodlight will only be used between the hours of 08:00 and 22:00 would ensure that the surrounding residential properties are safeguarded from any adverse light pollution. In respect of dipped headlights from vehicles that enter and leave the new car parking area, any impact would be negligible, since the boundaries closest to the residential properties would be enclosed with a 2.1m high acoustic barrier, which must be free of holes and gaps. The acoustic fence would ensure that any light spillage from vehicle headlights is completely contained within the car parking area and therefore prevent an adverse impact on the amenities of nearby residents.

Accordingly, any potential increase in noise, fumes, odour, vibration, light and air pollution, which may occur as a result of the proposed development would not be considered to significantly harm the amenities of nearby occupiers. In this respect, the proposal would accord with LDP Policy SW11 and EnW4.

Ecology

This application has been supported by various reports, which includes an ecology report, a lighting report, a green infrastructure statement and a visual impact assessment. It has also been accompanied by various plans detailing the landscape proposals, plants schedules, specifications and ground preparation.

The ecology report identified a number of habitats within the site, the majority of which were of a relatively low value due to low species diversity. The application site is therefore considered to have low ecological value at a local level. Additionally, there was no adverse impact on any protected species identified.

The Council's Ecologist has considered the submitted reports and plans and has found these to be acceptable. Indeed, it should be noted that extensive mitigation/enhancement is proposed, in the form of planting to include new native hedgerows, evergreen hedgerows, ivy and new tree planting, which would enhance biodiversity in the local area in the long-term. The implementation of the proposed mitigation measures can be secured by condition. Therefore, the proposed development would accord with LDP Policy EnW1.

Natural Environment

The proposed development has also been considered in respect of its impact upon the natural surrounding environment. It is considered that the lighting of the proposed car parking area by virtue of 1 floodlight would not have any significant impact in respect of obtrusive light, glare or sky glow when viewed within the surrounding area. Indeed, the 1 Meyer Monospace luminaire (with a slight downward tilt) and 2700k warm white light luminaire would be viewed in context with other existing floodlights (on the adjoining MMA site) and street lighting. Its impact would therefore not be considered significant or prominent in this instance. Similarly, the impact from the use of dipped vehicle headlights (when using the car park) mainly during the winter months, would not give rise to any significant issues in respect of obtrusive light, glare or sky glow. Thus, the Environmental Health Manager has not raised any objections in this respect. The proposal would therefore be acceptable in respect of its impact upon the natural environment and would accord with LDP Policies EnW4 and EnW5.

Highway Safety

The proposed car parking area would be served by the existing access off Pant Road in the northern part of the MMA site. As such, no new access is proposed in association with the proposed car parking area. The existing inward opening metal gate however would be replaced with a new cantilever sliding gate, which would be installed 3 metres closer to the highway (Pant Road). This would provide additional manoeuvring space and facilitate vehicular movements for low loaders to enter and exit the existing customer and staff car park area (which is proposed to be used for the delivery/collection of vehicles and storage of medium/small non-running vehicles). It is acknowledged that the Head of Engineering and Highways has not raised any highway safety concern. Similarly, the Welsh Government Highways Division has not raised any objection, provided that the development is not implemented until the temporary site compound, including all buildings, structures, machinery, etc used in association with the A465 dualling works have been removed from the site. The proposed development would therefore accord with LDP Policy SW11.

Responses to Representations

The majority of the concerns raised in the objections received, as a result of the publicity exercise carried out, have been fully considered and have been addressed in the relevant sections of this report. The following considerations have also been made:

- Whilst the enclosed car parking area would bring the MMA site closer to the footpaths running through the green space, these paths would remain in situ and unaltered as a result of this proposal. As such, they can continue to be used by the local community in the same manner.
- It is acknowledged that there are concerns with the potential increase in crime associated with the use of the footpath due to some parts of the path not being visible from the wider surroundings. The boundary enclosure to the carpark would be setback from the footpath and the area would largely remain open and visible. It is not considered that the layout of the development would create any hidden or discreet environments that may particularly attract anti-social activity.
- Matters relating to covenants that effect the site, would not be a material planning consideration and has not be considered as part of the assessment of this application.
- The publicity of this application has been carried out in accordance with the planning regulations and involved consultation with 21 properties and the display of 3 notices within the surrounding vicinity.

CONCLUSION

The focus of the consideration of this application has been on whether the proposed car parking area would be acceptable in this location. It is concluded that the proposal, given its siting, layout, enclosures and planting, etc would not have a significant detrimental impact upon the character of the area or the amenities of nearby occupiers. The proposal is also considered satisfactory in terms of its impact upon the natural environment, ecology and highway safety. Therefore, it is considered that the proposed development would comply with the relevant LDP Policies.

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.

As such, the following recommendation is therefore 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:

- Planting Plan and Schedules, Drawing no. 58104 Rev E, received: 22nd May 2024;
- Plant Schedules, Specification and Ground Preparation, Drawing no. 581.05 Rev E, received: 22nd May 2024;
- Landscape Management Plan, Drawing no. 581.06 Rev E, received: 22nd May 2024;
- General Arrangement, Drawing no. 581.01 Rev D, received: 22nd February 2024;
- Parking Layout with Section A to A, Drawing no. 581.02 Rev E, received: 22nd February 2024;
- Section B to B Drawing no. 581.03 Rev D, received: 22nd February 2024;
- Levels Plan A3 L (2), received: 22nd February 2024;
- Levels Plan A3 L, received: 22nd February 2024;
- Figure 4, Rev A, received: 22nd February 2024;
- Figure 5, Rev A, received: 22nd February 2024;
- Figure 6, Rev A, received: 22nd February 2024.
- 2469.R1 - MMA Site C Lighting Report-P6, received: 28th June 2024;
- Be Ecological Ltd, EcIA of the Hafod, Merthyr Tydfil, Issue 1VH, received: 28th June 2024;
- Visual Impact Assessment, mh/581, received: 22nd May 2024;
- Green Infrastructure, Biodiversity Net Gain and Species Note, received: 22nd May 2024;
- Noise Impact Assessment for Proposed Modification to Car Park Area C, received: 22nd February 2024.

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

3. **No development shall commence** until the use of the temporary site compound (used in conjunction with the A465 dualling works) which adjoins the southern boundary of the application site has ceased and all buildings, structures, machinery, equipment, and materials brought on to, or erected on this land, or works undertaken to it in connection with the temporary use, have been removed from the site.

Reason - In the interest of highway and pedestrian safety and to maintain the free flow of trunk road traffic in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. The parking spaces hereby approved shall be laid out in accordance with the Parking Layout plan (Drawing no. 581.02 Rev E). The parking spaces shall

remain available for staff and customer parking only and the associated turning/manoeuvring area shall be free of any obstruction at all times.

Reason - In the interests of highway and pedestrian safety and to protect the amenities of nearby residents, in accordance with Policies SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. The floodlight hereby approved shall not be illuminated before 8:00am or after 10:00pm on any day.

Reason - In the interest of ecology, to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

6. **Prior to the beneficial use of the car park** hereby approved, full details of the acoustic barrier/fence, including a section plan, its height, design, mass and materials, shall be submitted to and approved by the local planning authority. The acoustic barrier/fence shall be completed in accordance with the approved details prior to the car park being brought into beneficial use and shall be maintained in good condition thereafter.

Reason - To ensure that the new development will be visually attractive and in the interest of residential amenity, to accord with Policies and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. All planting, seeding or turfing comprised in the approved Planting Plan and Schedule (Drawing No. 581/04 Rev E) shall be carried out in the first planting and seeding seasons following the completion of the development, 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 and in the interest of biodiversity to accord with Policies SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. No surface water and/or land drainage shall be allowed to discharge directly or indirectly into the public sewerage system.

Reason - To ensure adequate disposal of surface water drainage in accordance with LDP Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

INFORMATIVES

1. The proposed development may affect a designated public right of way and the applicant is advised to contact the public right of way officer (01685 727309) prior to the commencement of works on-site.
2. The applicant/developer's attention is drawn to the comments received from Welsh Water during the course of this application. Their records indicate that

the site is crossed by a trunk/distribution watermain. Dwr Cymru Welsh Water, as a statutory undertaker, has statutory powers to access their apparatus at all times.

Prior to the commencement of development, the applicant is strongly advised to contact Welsh Water on 0800 917 2652 regarding diversion works/other works which may be required to accommodate the proposed development.