

DELEGATED REPORT

Application No: P/20/0024

Site Address: Land To The Rear Of Merthyr Tydfil Leisure Village
Rhydyar
Merthyr Tydfil

Development: Erection of new office building with associated parking

Case Officer: David Cross

Site Visit: 29th January 2020

Application Expiry Date: 16th March 2020

Consultation reply date expired: 17th February 2020

APPLICATION SITE

This application relates to an irregular shaped area of land measuring approximately 0.42 of a hectare, located to the rear (east of) Merthyr Tydfil Leisure Centre and a bowling/cinema complex. The site comprises an area of grassland that is bound to the west by the car park serving the wider Merthyr Tydfil Leisure Village. To the north and south of the site is vacant grassland and to the east a steep embankment with mature vegetation that initially slopes up an old railway abutment and then down to the River Taff beyond. Additionally, there is a formal pedestrian/cycle route that forms part of the Taff Trail which crosses the site in a north/south direction.

PROPOSED DEVELOPMENT

Full planning permission is sought for the construction of a new office building with associated car parking facilities. The proposed building would be situated in the southern part of the site with a frontage directly onto the adjoining car park and would measure 21.8m wide by 14.8m deep and 7m high with a mono-pitched roof. It would be of a modern design incorporating large glazed features to its principal western and northern elevations. The external material finishes would comprise brickwork on the lower half of the elevations with vertical timber cladding used on the upper parts. The fenestration and glazed main entrance would utilise dark grey aluminium frames. The roof would be constructed using a profiled metal cladding and would incorporate five rows of solar panels.

Access into the site would be from the adjoining private car park along the existing highway network, which also serves the nearby leisure facilities. In the northern part of the site, a new car park would be provided, which would accommodate 10 parking spaces and 6 cycle spaces. An automatic sliding gate would be provided at the main vehicular entrance to the car park and a pedestrian/cycle gated entrance would be provided onto the

Taff Trail. To accommodate the development, part of the Taff Trail would need to be repositioned further east, to divert the pedestrian/cycle route around the development.

A bin store area would be proposed within the car park, comprising a timber fenced enclosure measuring 3.3m wide by 2.6m deep and 1.8m high.

Whilst a detailed landscaping scheme has not been provided, the submitted layout plans illustrate a hedgerow would be planted along the boundaries of the site, together with tree planting in key areas and adjacent to the proposed car park. A pond is also proposed in the northern part of the site, which would form part of a sustainable drainage scheme.

PLANNING HISTORY

P/15/0056 - Residential Development

Permission GRANTED on 29.4.2015

P/08/0100 - Section 73 planning application for the variation of condition 9 of planning permission P/06/0242 (relating to the clearance of vegetation).

Permission GRANTED on 12.06.2008

P/07/0240 - Erection of sports and leisure centre building, ten pin bowling, cinema and restaurant building and construction of associated site access, car parking and other site works.

Permission GRANTED on 15.06.2007

P/06/0633 - Erection of new building comprising ten pin bowling suite, 9 screen cinema and restaurant, and associated car parking and site infrastructure.

Permission GRANTED on 19.01.2007

P/06/0585 - Demolition of existing leisure centre, erection of new sports and leisure centre building with associated site access roads, service facilities, car parking and pedestrian routes, including site infrastructure for further commercial development.

Permission GRANTED on 22.12.2006

P/06/0242 - Development of new leisure centre, bowls club, hotel, backpackers hotel, cinema, 10 pin bowling complex, pub, restaurant and residential units.

Permission GRANTED on 21.08.2006

CONSULTATION

Engineering and Traffic

Group Leader	-	No objection subject to a condition relating to ground conditions.
Planning Division's Ecologist	-	No objection subject to a condition to secure a Landscape and Ecological Enhancement Plan.
Planning Division's Landscape Architect	-	No objection subject to a condition relating to the hard and soft landscaping details.
Rights of Way Division	-	No objection.
Environmental Health Manager	-	No response.
Welsh Water	-	No objection subject to a condition relating to a ground investigation to determine the position of nearby water mains.
Wales & West Utilities	-	No objection.
Sustrans	-	No objection subject to a condition to implement the works to the Taff Trail prior to commencement of the development to ensure the trail remains open to the public.

PUBLICITY

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

As a result of this publicity exercise, two letters of objection were received from the Merthyr Heritage Trust, which raised the following concerns:

- The development is unnecessary and would result in a loss of green space and would be built across a national cycle and active travel route.
- The development would have an impact on heritage assets, including the remnants of the old Ynysfach Loop Railway, the Rhydycar junction railway embankment and the setting of the three-arched Brunel Bridge.
- There would be a loss of a sizable habitat area, which includes grassland and nursery woodland.
- There would be an adverse effect of an active travel route with the development damaging the setting of a key route, impeding the convenient access to and from the Taff Trail, creating safety issues for pedestrians and cyclists and jeopardising the opportunity to create direct links between the town centre and the Abernant Merthyr Tunnel.
- There is no segregated pedestrian access through the car park to the development.
- The development would sterilise the existing car park for other future development that provides beneficial amenities/facilities for the Taff Trail.

POLICY CONTEXT

The following policies are relevant to the determination of this application:

Planning Policy Wales, 10th Edition, December 2018:

Para 3.5 – 3.15 set out the importance of high quality design to ensure inclusive design, to promote environmental sustainability and ensure high environmental quality. Regard should also be given to the special characteristics of an area, community safety and to encourage sustainable forms of transport.

Para 3.48 encourages sites which are highly accessible to non-car modes and are suitable for travel intensive uses, such as offices, shopping, leisure, hospitals and housing of sufficient density to utilise their accessibility potential.

Para 3.51 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Para 4.1.43 – 4.1.55 set out the need to reduce the level and speed of traffic in new development, the provision of car parking and how this may be integrated into new development to minimise the reliance of cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

Para 4.3.18 – 4.3.21 requires a sequential approach to be taken when considering new sites for retail and other complementary uses. Preference should be to locate such developments within a retail and commercial centre, and then consideration should be given to edge of centre locations. Complementary uses amongst other things would include offices.

Para 5.4.1 – 5.4.4 defines economic development as the development of land and buildings for activities that generate sustainable long-term prosperity, jobs and income. Wherever possible planning authorities should encourage and support development, which generate economic prosperity and regeneration.

Para 6.1.5 – 6.1.9 sets out the Welsh Government's objective to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations. Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic asset and their contribution to the character of place.

Para 6.4.21 – 6.4.23 notes that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to any potential impacts on protected species which may result in disturbance or harm to the species or its habitat.

Technical Advice Notes (TAN):

- TAN 5, Nature Conservation and Planning, September 2009
- TAN 18, Transport, March 2007
- TAN 12, Design, March 2016

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

- SW4 - Settlement Boundaries
- SW11 - Sustainable Design and Placemaking
- SW12 - Improving the Transport Network
- CW1 - The Historic Environment
- EnW1 - Nature Conservation and Ecosystem Resilience
- EnW4 - Environmental Protection
- EnW5 - Landscape Protection

Supplementary Planning Guidance (SPG):

- SPG 4- Sustainable Design, July 2013
- SPG 5- Nature and Development, May 2015

Other material consideration:

- CSS Wales Parking Standards 2008
- Merthyr Tydfil Open Space Strategy – Action Plans, June 2016

PLANNING CONSIDERATIONS

Land use

The application site lies within the settlement boundary and the Primary Growth Area where new development is generally encouraged by policy SW4 of the LDP. It is acknowledged that the land originally formed part of the wider Merthyr Tydfil Leisure Village and that outline planning permission (P/15/0056) has previously been granted for the residential development of site. As such, the principle of developing the site has already been established. Furthermore, the use of the site to accommodate an office building would provide a complementary use to the nearby leisure facilities, food establishments and office developments within the vicinity. Furthermore, the site is situated in a sustainable location, close to the town centre, with direct access onto the Taff Trail and nearby bus/train stops within walking distance.

Design approach and landscaping

It has been illustrated in the Design and Access Statement that the design of the development has gone through various iterations in order to provide an appropriate response to the constraints of the site and to integrate the development with its surroundings. The layout of the development has not only been informed by the irregular shape of the site but also by the need to maintain a suitable buffer between the development and underground water mains and gas pipes.

The proposed office building would be located to the rear of the leisure centre in an area that is largely used for parking and is less exposed to the wider leisure park. To integrate the development, the building would be appropriately positioned where it can be clearly seen between the existing buildings and would present a focal point along the main approach to the site. The office would be orientated to present a key frontage toward the main car park, utilising large glazed areas on the western and northern elevations to create a sense of arrival. A series of large glazed windows would also be provided on the

eastern elevation to integrate the development with the adjacent Taff Trail and provide natural surveillance.

In terms of scale, the leisure centre and cinema complex are the most prominent buildings that define the leisure village and are complemented by a series of smaller buildings, typically single storey. Within this context, the proposed office building would be of an appropriate scale that reflects the character of the area. Additionally, the building with its low profile roof would minimise any potential overbearing impacts it may have on the Taff Trail. Indeed the building would be setback (4m-7.5m) from the diverted position of the trail so not to adversely dominate the pedestrian/cycle route.

While the leisure centre and cinema complex are of a modern appearance incorporating large curved roofs and utilise metal cladding and brickwork on the elevations, the smaller buildings within the vicinity vary greatly in their style and material finishes. The proposed office building would be of a modern design that is emphasised by the large glazed features and vaulted ceiling. Its appearance does not seek to match the existing styles present in the area. However, it would utilise materials finishes, such as brickwork and timber cladding that have been incorporated on other buildings (i.e. The Dragonfly and Orbit Centre) in the vicinity. As such, the design of the building is acceptable and would not appear out of context. Indeed the use of timber would appropriately complement the natural environment along the Taff Trail.

It is acknowledged that as a result of the publicity exercise, concerns have been raised that the development would result in the loss of a green space, which has been used to the benefit of other organised events and activities along the Taff Trail. It should be noted that there has always been an intention to develop the land in question as part of the wider Merthyr Tydfil Leisure Village, which was previously permitted for residential use (P/06/0242).

The application site is not highlighted in the council's Open Space Strategy as an area for future improvements. Instead the existing skate park and public open space adjacent (north) to the leisure centre is identified as an area for management and improvement, together with the semi-natural environment alongside the River Taff further north.

Although a detailed landscaping scheme has not been submitted at this stage, the proposal indicates a number of features would be introduced to the site that would improve the quality of the environment. A new hedgerow would be planted along the boundaries of the site to define the extent of the development. A pond would be provided in the northern part of the site and a small number of trees would be planted adjacent to the proposed car park and office building. These landscape features would not only improve the attractiveness of the area but would also provide additional interest along the Taff Trail that contribute to its 'green' environment. In this regard it is noted that the Planning Division's Landscape Architect has not raised any objection to the proposal.

Overall the design of the development is acceptable and would integrate well with the surrounding environments. It would not adversely impact on the character or appearance of the area and would not adversely impinge on the users of the Taff Trail. Therefore, the proposal complies with policy SW11 of the LDP.

Highway implications

The main access to the site is via a roundabout on the highway (A4102) to the north-west and then along a well established road that extends through the car park that serves the wider Merthyr Tydfil Leisure Village. This highway network is of an adequate design to accommodate two way traffic movements with a roundabout in the car park to further manage the traffic flows. Pedestrian segregation is also provided along the main sections of the highway, which links to a bus stop at the entrance to the leisure park. Elsewhere, the car park provides a shared surface environment for drivers and pedestrians. It is noted that the proposed office building would accommodate 16 full time members of staff travelling to and from the site. Additionally, it is understood that the business would attract a small number of visitors at any one time, typically by appointment. Given the relatively small scale nature of the business, it is considered that the existing highway network can adequately accommodate the potential traffic generated by the development, without giving rise to highway safety concerns or impinging on the free flow of traffic in the area. In this regard the Engineering and Traffic Group Leader has not raised any objection to the proposal.

The footprint of the proposed office building would directly impact on the Taff Trail (a legal Right of Way), which crosses the site in a north/south direction and forms part of a national pedestrian/cycle route. To accommodate the development, it is proposed the alignment of the Taff Trail be altered to extend around (east) of the development. This would result in a minor diversion to its current position but would maintain the existing northern and southern links. Any alteration to a legal Right of Way is a matter to be resolved outside of the planning process by the Planning Inspectorate. However, it is noted that the Rights of Way Division has not raised any objection to the development. Furthermore, advice has been provided by Sustrans on the design of the diverted trail. It is noted that it neatly sweeps to the rear of the development and would maintain a traffic free route clear of any conflict with vehicle movements. Sustrans has also noted that the diverted trail should be at least 3m wide with a 0.5m verge between the path and any vertical surface. This has been demonstrated on the submitted plans. The trail would largely retain its open feel, with a hedgerow planted along the boundaries of the development, which in part would help screen the car parking area and enhance the quality of the environment. It has been suggested by Sustrans that the diversion of the Taff Trail should be carried out prior to construction works commencing on site. This would enable the Taff Trail to remain open at all times and can be secured by means of a suitably worded condition.

It is acknowledged as part of the publicity exercise, that concerns have been raised that the development would impede the convenient access to and from the trail, creating safety issues for pedestrians and cyclists and jeopardising the opportunity to create links to the town centre and Abernant Merthyr Tunnel.

Although the position of the Taff Trail would be realigned, this would be minor in nature and over a short distance. The pedestrian/cycle route along the trail would otherwise remain as existing. Whilst there are no physical barriers to prevent access onto the trail from the car park adjoining the site, it should be noted that there is currently no formal footpath to reinforce such a link. Indeed a more appropriate pedestrian/cycle link on to the Taff Trail is already provided in the northern part of the leisure park, where the trail crosses through an area of public open space. Furthermore, the Taff Trail would continue to provide a link to the town centre and the proposed development would unlikely scupper any potential future plans to create new links to the Abernant Merthyr Tunnel. In this respect, there is no proposal in the LDP to create a strategic pedestrian/cycle route through the adjoining car park.

With reference to the CSS Wales Parking Standards 2008, it is noted that new office developments with a floorspace of less than 1000m², in edge of town locations, are required to provide at least 1 parking space per 35m². The proposed office building with an internal space of 289m² should provide at least 9 parking spaces. In this instance, it is acknowledged that a total of 10 parking spaces would be accommodated within the proposed carpark, of which 1 would be reserved for disabled users. Additionally, the development would be situated adjacent to a large car park, which serves the wider Merthyr Tydfil Leisure Village and could accommodate any additional parking needs. It is also noted that the proposed office building would be in a sustainable location, within walking distance (approx. 600m) of the main train station and the new bus station (under construction) within the town centre. The development also makes provision for cycle stands within the site to support sustainable forms of travel given its location next to the Taff Trail. For the above reasons, the development is acceptable and complies with policies SW11 and SW12 of the LDP.

Ecological impacts

The proposed development would be situated in a part of the site that largely comprises an area of mown grass adjacent to a car park (to the west), with a steep embankment that forms part of an old bridge abutment to the east, which includes areas of long grass, scrub vegetation and trees that run alongside the River Taff beyond. It should be noted that the River Taff and its embankments are designated as a Site of Importance for Nature Conservation (SINC58 – Afon Taf).

It has been highlighted by the Planning Division's Ecologist that there are a number of protected species recorded within the vicinity of the site, namely European Otters, bats, birds, invertebrates and hedgehogs. The Planning Division's Ecologist considers the development would be a sufficient distance away from the Afon Taf SINC and would not give rise to any significant impacts. Nor would the development adversely impact on any resident otters. However, the development, including the re-alignment of the Taff Trail, would likely cause some disruption to the habitats on the embankment to the bridge abutment, which is suitable for reptiles and nesting birds. Furthermore, there is potential for the development to introduce additional lighting closer to the nearby trees and scrub vegetation, which may have an impact on some habitats and nocturnal species. To minimise these impacts, it is recommended by the Planning Division's Ecologist that a landscape and ecological enhancement plan be provided, which will include a reptile mitigation strategy to avoid any harm to reptiles during construction and to reinstate any disturbed land. It would also include details for the removal of any suitable bird nesting habitats outside of the bird-breeding season, as well as details of any external lighting and the provision of bat boxes. This can be secured by a suitable worded condition.

Whilst the full details of the proposed landscaping scheme have not been provided at this stage, it is noted on the submitted plans that a fairly substantial hedgerow would be planted along the perimeter of the development. A pond would also be provided in the northern part of the site to support a sustainable drainage system, together with a number of trees. It is considered that the landscaping scheme would provide opportunities to enhance the habitat environment in the area and would greatly improve the ecological value of the site. Therefore, the proposal complies with policy EnW1 of the LDP.

Heritage impacts

The application site lies within a Landscape of Outstanding Historic Interest, which extends across the main settlement of Merthyr Tydfil and the surrounding open countryside/common land. To the south of the site (approx. 0.27km) is the Rhydycar Skew Bridge (Grade II listed building), which crosses the former Glamorganshire Canal. To the north-west (approx. 0.5km) is Rhydycar Canal Bridge (Grade II listed building) and to the north (approx. 0.33km) is the Town Centre Conservation Area, which also contains a number of Grade II listed buildings.

Although much of the Taff Trail provides a green corridor through the main settlement of Merthyr Tydfil, the proposed development would be set within an urbanised context where it would be seen in close relation to a number of modern buildings of varying styles that form part of the Merthyr Tydfil Leisure Village. As such the development would have a negligible impact on the landscape qualities of the area. Furthermore, the development would have no impact on the setting of the nearby listed buildings given the separation distances and that it would largely be screened by the existing buildings and trees.

As a result of the publicity exercise, concerns were raised by the Merthyr Heritage Trust of the potential impacts on undesignated historic assets within the vicinity of the site, such as the Rhydycar junction railway embankment. Additionally, it was highlighted that the Taff Trail follows the curve of the Ynysfach Loop railway line.

It was noted during the site visit that the steep embankment to the east of the site covers the remains of an old bridge abutment, which is largely hidden from the application site. The abutment is mainly visible from the informal tracks that run alongside the River Taff. Notwithstanding this, the development would not directly impact on the embankment or the abutment. The development would involve the re-alignment of the Taff Trail closer to the embankment (east) by approx. 9m at the widest point. Whilst there is no information provided to demonstrate that the Taff Trail follows the exact alignment of the original Ynysfach Loop railway line, it would nonetheless maintain a similar curvature that enables some appreciation of the historical reference. As such, the development would not have a significant impact on any historic assets within the vicinity of the site. Therefore, the proposal complies with policy CW1 of the LDP.

CONCLUSIONS

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.

For the above reasons, the proposed development is acceptable and complies with the relevant LDP policies. Accordingly, 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 No. L(-2)01 P2 (Proposed Layout), received 20.01.2020
- Drawing No. L(-1)03 P2 (Proposed Site Layout), received 20.01.2020
- Drawing No. L(-1)05 P2 (Landscaping Design), received 20.01.2020

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

3. **Prior to the construction of the office building** hereby approved, details/samples of the materials to be used in the construction of the external surfaces of the office building 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 compliments 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.

4. **No development shall commence** until the 700mm and 800mm public strategic watermain crossing the site have been accurately located and a detailed method statement and risk assessment for the protection of the structural condition of the watermain has been submitted to and approved in writing by the local planning authority. The approved protection measures shall be implemented in full before any development commences on site and shall be retained at all times for the duration of the approved operations including any restoration works.

Reason - To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety and to accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **Before any works commence on site**, construction details of the proposed pedestrian/cycle path, as illustrated on Drawing No L(-1)03 P2, shall be submitted to and approved in writing by the local planning authority. The pedestrian/cycle path shall be fully implemented in accordance with the approved details prior to the commencement of any construction works relating to the office building.

Reason - To ensure the Taff Trail is appropriately diverted in the interests of pedestrian and cyclist safety, in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. **Prior to works commencing on site**, details of the permeable pavements to be used for the surfacing of the car park, as illustrated on Drawing No. L(-2)01 P2, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason - In the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. **Prior to the occupation of the office building** details of the cycle parking, as illustrated on Drawing No. L(-2)01 P2, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the cycle stands shall be made available prior to the occupation of the office building.

Reason - To ensure adequately cycle facilities are provided, to support sustainable forms of transport and in the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. **Prior to the occupation of the office building** hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment and gates to be erected shall be submitted to and approved by the local planning authority. The boundary treatment and gates shall be erected in accordance with the approved details.

Reason - To ensure that the new development will be visually attractive in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. **Prior to any works commencing on site** an Ecological Enhancement Plan shall be submitted to and approved by in writing by the local planning authority. The plan shall include the following details:

- A Reptile Mitigation Strategy.
- A lighting strategy to avoid impacts on nocturnal species.
- Measures to avoid nesting birds and details for the provision of a bird box on the southern elevation of the office building.
- Details for the provision of a bat box on the eastern elevation of the office building.

The development shall be completed in accordance with the approved details

Reason - To protect and enhance the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

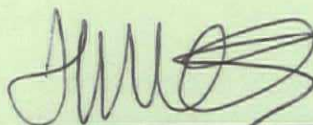
10. **No development or site clearance shall take place** until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; 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 in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED

A handwritten signature in dark ink, appearing to be 'J. M. O.', written over a horizontal line.

Head of Town Planning

DATE:

18/5/20