

PLANNING STATEMENT AND JUSTIFICATION REPORT WITH HERITAGE IMPACT STATEMENT & FLOOD RISK ASSESSMENT



PROVISION OF DWELLING (LIVE/WORK) TOGETHER WITH PARKING,
LANDSCAPING AND ECOLOGICAL ENHANCEMENTS

YARD SOUTH OF UNIT 7 EFI INDUSTRIAL ESTATE, BRECON ROAD, MERTHYR
TYDFIL, CF47 8RB

14TH JULY 2021



*Above: Aerial photograph of the
application site*

*Left; Scan of Drawing 07a showing a
3D illustration of the proposed dwelling*

Full Planning Permission
Town and Country Planning Act 1990
Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

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HAYSTON DEVELOPMENTS & PLANNING LTD is making an application on behalf of Mr Chris Marshall for the following planning permission:

- **Proposal:** Provision of dwelling (live/work) together with parking, landscaping and ecological enhancements
- **Site location:** Yard south of Unit 7 EFI Industrial Estate, Brecon Road, Merthyr Tydfil, CF47 8RB
- **Type of Planning Permission:** Full application
- **Relevant LDP 2020 Policies:** SW1, SW2, SW3, SW4, SW9, SW11, SW12, CW1, CW2, EnW1, EnW2, EnW3, EnW4 and EcW2.
- **Local Supplementary Planning Guidance (SPG):** 1 Affordable Housing (2012); 2 Planning Obligations (2012); 4 Sustainable Design (2013); and 5 Nature and Development (2015). The Cyfarthfa Conservation Area Appraisal (2009) is also relevant.
- **Relevant National Guidance:** Planning Policy Wales (PPW), Edition 11, February 2021. TAN's 2 – Planning and Affordable Housing (2006) 5 – Nature Conservation and Planning (2009); ; 11 – Noise (1997); 12 – Design (2016); 15 – Development and Flood Risk (2004); 18 – Transport (2007); 23 – Economic Development (201); and 24 – Historic Environment (2017)

1.0 INTRODUCTION

1.1 Please find enclosed the following supporting information:

- **Planning Statement and Justification** Report (this document)
- **Application Form and associated certificate of ownership**
- **Drawing 00a:** Expanded Location Plan at Scale 1:2500
- **Drawing 01b:** Location Plan and Block Plan at Scales 1:1250 and 1: 250?
- **Drawing 02b:** Site Plan at Scale 1:250
- **Drawing 03a:** Proposed Ground Floor Plan at Scale 1:50

- **Drawing 04:** Proposed First Floor Plan at Scale 1:50
- **Drawing 05a:** Proposed Elevations at Scale 1:100
- **Drawings 06a and 07a:** 3D Illustrations
- **Drawing 08a:** Topographical Survey Plan at scale 1:500
- **Drawing 09:** Site Plan showing existing yard/car park retained at Scale 1:250?
- **Drawings 10, 11 and 12:** Photo Sheets 1, 2 and 3
- **Appendix A:** Council Decision Letter dated 23 November 2018 and Appeal Decision letter dated 5 September 2019 (application reference P/18/0310) in respect of erection of 10 industrial units on the site.
- **Appendix B:** Council Decision Letter dated 7 March 2016 and Appeal Decision letter dated 23 November 2016 (application reference P/16/0010) in respect of mobile home on nearby site.
- **Appendix C:** Council Enforcement Investigation letter dated 25 March 2021
- **Appendix D:** Set of aerial photographs (source: getmapping.com)
- **Appendix E:** Tree Survey and Impact Assessment (March 2021, Elite Ecology)
- **Appendix F:** Traffic Assessment – latter dated 14th May 2021, Acstro Consultants)
- **Appendix G:** Preliminary Ecological Appraisal (June 2021, Elite Ecology)
- **Appropriate CIL Liability Forms**
- **Planning Fee** - £460.00 for a single dwelling

1.2 This application relates to a proposal for the provision of a dwelling on part of an open yard area which forms part of the EFI Industrial Estate, Brecon Road, Merthyr Tydfil. The applicant owns the land together with three industrial units on the estate. The applicant also occupies a mobile home which is sited on land located towards the northern edge of the estate. The mobile home was allowed on appeal in November 2016. There is also a small workshop building (3rd unit) from where the applicant operates a vehicle recovery business and a stable building.

1.3 The applicant wishes to make use of part of an area of vacant land situated towards the far south-eastern part of the industrial estate. The application involves the erection of a two-storey dwelling on the site which would be occupied as a live/work unit. Vehicular access would be taken through the existing industrial estate road.

1.4 The site, which forms part of the wider EFI Industrial Estate is shown in the adopted Local Plan for the area as a business use allocation. The site also forms part of a Conservation Area and there are other heritage assets in the vicinity, including the nearby Pont y Cafnau Bridge which is a Grade II* Listed Building and Scheduled Ancient Monument (SAM). The site is also bordered by a 'Site of Importance to Nature Conservation' (SINC).

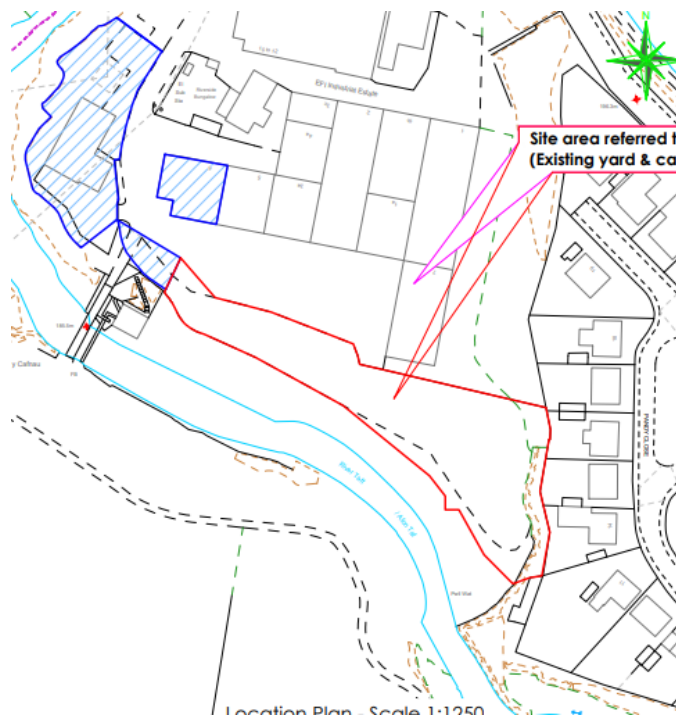
1.5 Whilst we acknowledge the proposal may be considered by the Council to be in conflict with the business use allocation policy, we believe there is merit in the provision of a live/work unit on the site. This part of the industrial estate has use as a yard with parking and open storage and its condition/appearance makes little contribution the Conservation Area. The proposal would make use of only a very small part of the estate and would have little if any impact upon the overall operation of the estate, with no significant impact upon the employment objectives of the LDP. There are also clear conservation area and ecological enhancements.

1.6 A previous development proposal for the erection of several industrial units on the land was dismissed at appeal in September 2019. This was submitted by a different applicant. This involved a much larger scale of development across the entire site and where the Inspector expressed serious concerns over the extensive visual impact of such a development, including impacts upon heritage assets, biodiversity and highway safety. The current application is materially different and is submitted by a different applicant who owns the site and several other parts of the industrial estate.

1.7 We submit the proposal has significant planning merit. It would represent a high-quality and sustainable development and given its attractive design together with other on-site enhancements, would result in a positive enhancement to this part of the Conservation Area.

2.0 LOCATION AND SITE DESCRIPTION

2.1 The application site relates to an area of vacant land situated on the southern side of the EFI Industrial Estate, which is located some 1.5 kms to the north of the centre of Merthyr Tydfil. It is a long-established industrial estate near Cyfarthfa Castle and Park.



Location Plan – Drawing Extract 01b

2.2 The site is broadly triangular in shape and measures approximately 0.335 ha. The majority of the site consists of a combination of disturbed ground with scalplings and rubble material and hardstand areas, with overgrown vegetation along its boundaries. The site is generally level and has historically been used for vehicle parking and open storage for industrial purposes.

2.3 The site is bound to the north by industrial units and a hardstand area, which is used as a car parking area and the storage of some shipping containers. There are various industrial uses on

site. To the east of the site is a sheer embankment and exposed rock face with residential properties above that form part of Pandy Close. Some photographs of the current use and appearance of the yard and site are provided below:



Hardstanding Areas and Storage on Application Site

2.4 Whilst the immediate area to the north is largely industrial in nature, there are two residential properties Riverside Bungalow and Aartel and mobile homes located around various parts of the industrial estate. One mobile home is occupied by the applicant, which is located within a strip of land with some outbuildings to the north of the estate just off the main vehicular access road into the estate. This mobile home was allowed on appeal in November 2016.



Photograph of Aartel Dwelling



Riverside Bungalow within Centre of Estate



Applicant's Caravan / Mobile Home – Won on Appeal

2.5 There are other mobile homes with yards on this estate as well, used for accommodation or welfare (as shown below).



2.6 To the west and south is a woodland area along a steep embankment which slopes down to the River Taf. To the west is the Pont Y Cafnau Bridge (being a Grade II Listed Building and Scheduled Ancient Monument (SAM) which provides a link across the watercourse to the Taff Trail. Below the bridge and set into the embankment of the River Taff are the remains of a former hydro-electric station.

2.7 The application site is located within the Cyfarthfa Conservation Area and is in close proximity to the Cyfarthfa Park and Gardens to the north (some 100 metres away). Within the vicinity are also archaeological remains of Blast Furnaces, which are SAMs, the nearest being within 15 metres of the site on the opposite side of the River Taf.

2.8 The site and industrial estate is reached via a long internal access road from the north, which joins the Brecon Road (A4054) close to its junction with the Gornos Road. The access road slopes down from the Brecon Road, running through an area of mature trees either side.

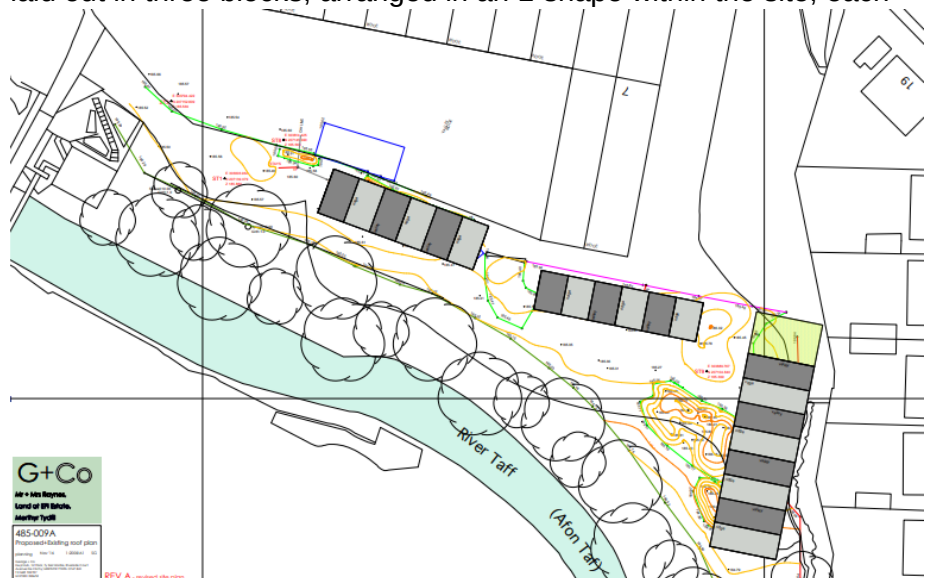
2.9 A right of way extends from Brecon Road through the industrial estate linking to the Taf Trail on the other side of the river from the site.

2.10 Finally, to the east of the site on a high level is a housing estate (Pandy Close) of mainly bungalows, which is directly adjacent to the application site.

3.0 PLANNING HISTORY AND BACKGROUND

3.1 In May 2004, planning permission was refused (reference P/04/0022) for the use of the site as an architectural salvage yard. The Council considered that the type of use proposed did not comply with the preferred uses set out within policy; that the proposal did not contribute to the preservation and enhancement of the character, appearance and setting of the historic buildings and heritage features of the area; and that the established mature tree cover could be affected.

3.2 In April 2018, an application for the erection of 11 light industrial units on the site (reference P/17/0308) was withdrawn. However, in 2018 a revised application (reference P/18/0310) was submitted for the erection of 10 light industrial units with an associated access road and parking areas. The development was laid out in three blocks, arranged in an L-shape within the site, each having a height of up to 9.3 metres, and were to be constructed in timber larch cladding to the elevations under profiled metal cladding for the roofs. An internal access road ran along the top of the embankment to the adjacent watercourse. The proposed Site Layout and Elevations are provided below:



Site Layout Plan – Application Reference P/18/0310



Example of Elevations/Design – Application Reference P/18/0310

3.3 The application was refused by the Council on 23 November 2018 and subsequently dismissed at appeal on 5 September 2019. Copies of the Council's Refusal Notice and Appeal Decision letter are attached at **Appendix A**.

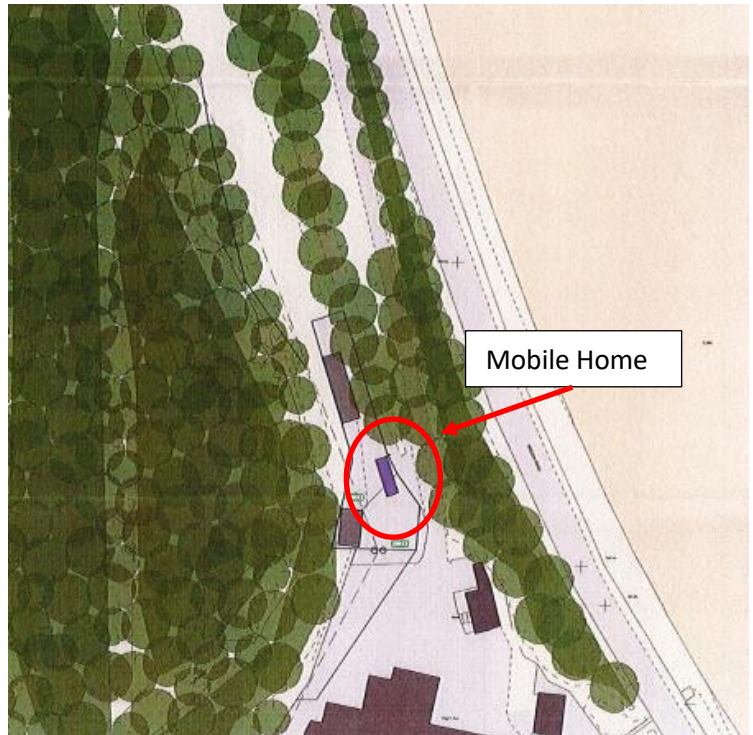
3.4 Given the location of the site within settlement limits and the type of development proposed, there was no objection in principle to proposed use of the site. Whilst the Council noted that there were merits in the design of the buildings, and that it would help screen the existing industrial estate, there was concern over the encroachment into this area of land which provides a natural buffer between the industrial estate and the embankment of the River Taf within the Conservation Area.

3.5 The Council cited three reasons for refusal of the application, which appear to reflect the intensification of the use of the site. The first reason for refusal related to the increased traffic movements along the access road onto the sub-standard road junction with the Brecon Road (A4054) where there is inadequate visibility. The second reason for refusal related to the location and layout of development in that it would fail to preserve or enhance the character or appearance of the Cyfarthfa Conservation Area and would significantly harm the setting of the Pont Y Carnau Bridge, a Listed Building and SAM. Particular reference was made to impacts on views of the bridge from the north. The third reason for refusal related to insufficient information to fully assess the proposal on protected species and the adjacent SINC. Particular note was made of the proximity of the development, including an internal access to the embankment and SINC and that additional screening was unlikely to be practical or effective.

3.6 These reasons for refusal were effectively upheld by the Inspector at the appeal.

3.7 In our view, whilst we note the details of this appeal scheme, the current application represents a very different and materially different proposal. For example, the current proposal simply involves the provision of a single live/work unit confined towards the far south-eastern part of the land. The proposal is very modest in size and scale and any encroachment within this vacant area of land would be insignificant and that its visual impact upon the character and setting of heritage assets would be much reduced and more acceptable.

3.8 The submitted Location Plan shows the extent of the application site and other land/buildings in the applicant's ownership. This includes two industrial buildings to the north-west of the site and a strip of land located further to the north and off the main access road to the estate. In November 2016, the applicant gained permission (reference P/16/0010), at appeal, for the stationing of a mobile home for residential purposes on this parcel of land. This site had planning permission for use as a storage compound (reference P/11/0263) which included a storage building located in the south-western corner, used in accordance with Class B8. There were also some stables. The Council's Refusal Notice and Appeal Decision Letter are attached at **Appendix B**.



Approved Mobile Home Site Plan – Application Reference P/16/0010

3.9 The mobile home is occupied by our client. Some photographs of the site are provided below:



Photos of Caravan (Mobile Home), Yard and Business Unit 3 (Vehicle Recovery)

3.10 Within their Delegated Report, Officers noted that the existing use of the site was considered to complement the character and nature of the industrial estate. Officers considered the location of the proposed mobile home within settlement limits was generally supported by the LDP and that the proposal would not adversely impact on the character of the area, the natural environment or give rise to highway safety concerns. Notwithstanding the substandard nature of the road junction and internal estate access road, Officers stated the following on traffic issues:

'It is considered that the proposed development would not result in a significant rise in traffic movements in the area to give cause for highway safety concerns either along the main access road or onto Brecon Road. It is acknowledged that the main access road has no pedestrian segregation or street lighting and is of poor condition in some areas. However, the access road is privately maintained and the Engineering and Highways Manager has raised no highway safety concerns.'

3.11 The main issue centred on whether the principle of introducing a residential use within the existing compound area and in close proximity to industrial units was considered compatible with the existing uses of the industrial estate. In particular, given the location of the site close to the access road, the proposed mobile home would represent a 'noise sensitive property' with the potential for unacceptable and elevated noise levels to the occupants of the development. Notwithstanding the submission of a Noise/Sound Survey, the Council refused the application on the grounds that the occupiers of the development would be subject to unacceptable levels of noise and disturbance.

3.12 However, the appointed Inspector disagreed and found the development to be acceptable. The Inspector noted that the Council's concerns were the basic incompatibility of residential use next to industrial uses and that the circumstances of the industrial uses could change in terms of the businesses and their operation, even noting there were no restrictive conditions.

3.13 The Inspector accepted the conclusions of the Noise/Sound Survey and at paragraph 11 stated that *'the evidence confirms that the effect on living conditions in this particular case is not so severe as to warrant a refusal of planning permission on these grounds.'* The Inspector also noted the observations of the occupier of Riverside Bungalow which sits within the centre of the industrial estate, who commented that site operations normally finished at 5pm and were untroubled by noise. The Inspector also considered that additional acoustic fencing was not required and that subject to including the use of acoustic ventilators in accordance with BS. 3632:2005 in the mobile home, this would provide appropriate noise attenuation.



Photograph of Riverside Bungalow

3.14 The overall conclusion of the Inspector was as follows:

‘The proposal would comply with LDP and national policy on noise impacts and would not prejudice the existing industrial operations nearby.’

3.15 This decision is considered highly relevant to the current proposal. Firstly, a new residential use was found to be acceptable on a site which had permission for Class B8 industrial storage use; secondly, that such a proposed use was found to be compatible with the adjacent industrial type uses (noting there were already two residential units located within the estate) and that any potential noise disturbance to the occupiers of the mobile home were acceptable; and thirdly, that the local highway network, in particular the main road junction, could accommodate the limited traffic generated by the development.

3.16 On 25 March 2021, the Council’s Enforcement Officer wrote to our client in respect of an alleged breach of planning control on the land. This is attached at **Appendix C**. The alleged breach was the use of the land as a scrap yard. In an email response dated 30 March 2021, on behalf of our client, we explained that the land has historically been used for parking and storage purposes in association with the adjacent industrial units.

3.17 We have produced at **Appendix D** a set of aerial photographs showing the past use of the site over the period from 1999 to 2017. These show that whilst the site was extensively used for storage purposes in 1999, the extent of this use has significantly decreased over the years with little use being made of the site by 2010. However, it is clear that the site has been used for industrial storage purposes in the past which would be an appropriate use on an industrial estate. The past use of the site is also illustrated in the following aerial photograph:



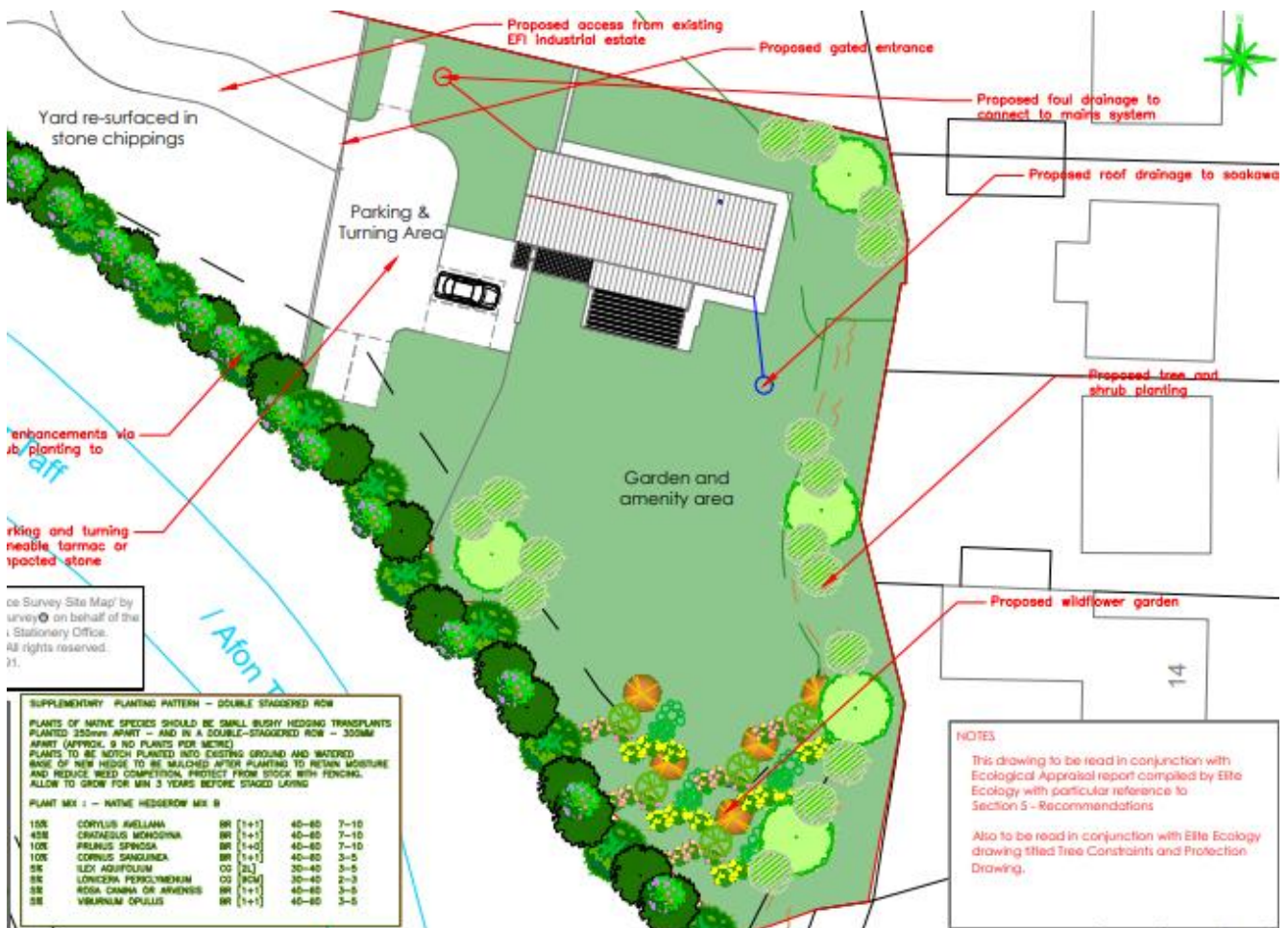
Application site with historical use of storage and car parking (Aerial Photograph taken in 1999)

3.18 Our client has recently cleared up the yard with some temporary skips remaining to remove material (see existing site photographs). The site is now largely cleared of vehicles, equipment and open storage it was clarified that the land was not being used as a scrap yard. This can be evidenced by a visit to the site. There is not considered to be any breach of planning control.

4.0 PROPOSAL

4.1 The application involves the provision of a two-storey dwelling, in the form of a live/work unit, to be sited on some vacant land located on the southern edge of the industrial estate. It is noted that the applicant currently occupies the mobile home on another part of the wider estate but wishes to retain this for family members or associated workers (security).

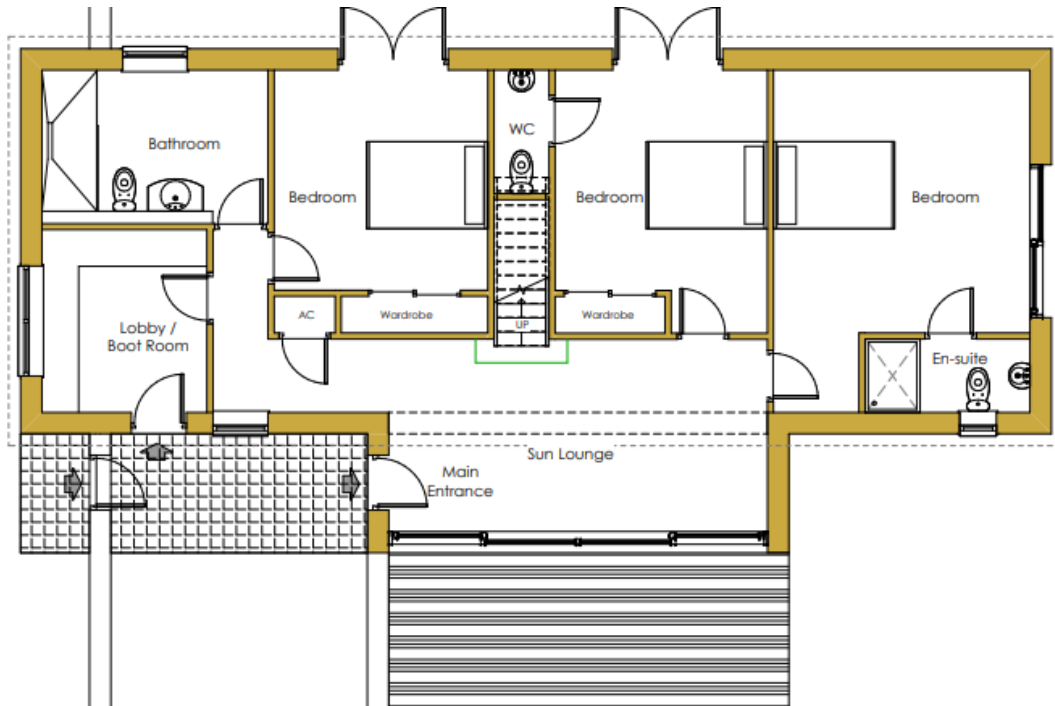
4.2 The proposed development would be sited towards the far south-eastern part of this area of land, with the dwellings in Pandy Close situated on elevated ground to the immediate east of the site.



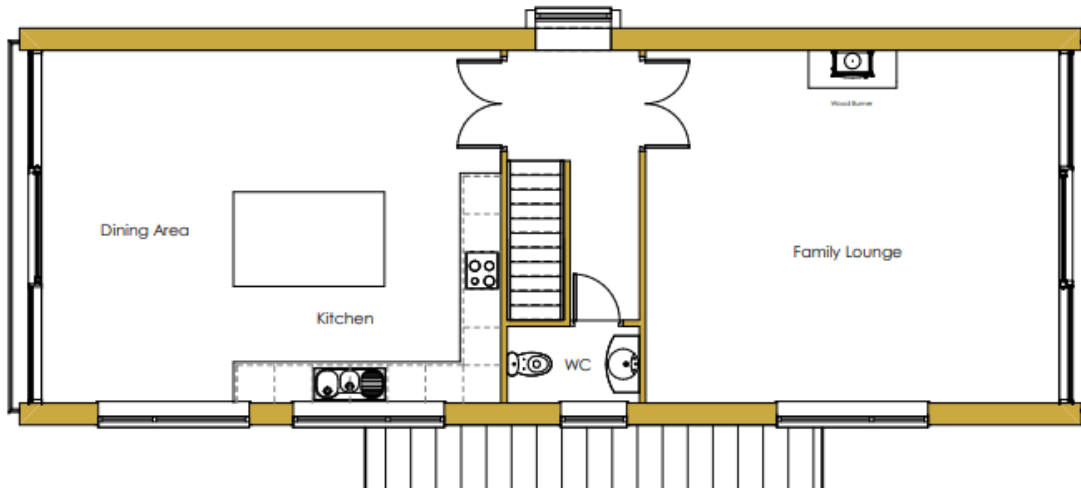
Proposed Site Plan – Drawing Extract 02b

4.3 The proposed dwelling would be two-storey in form with a GIA of 193.15 sqm. The dwelling would have a north-south orientation with the interior arranged with the bedroom accommodation on the ground floor and the living accommodation on the first floor. The ground floor accommodation would comprise 3 double bedrooms, bathroom, lobby/boot room and a sun lounge

area with access out to a projecting terrace area. There would be a centrally positioned staircase with the first living accommodation being open plan with the kitchen/dining area and lounge area being located at either end of the building.



Proposed Ground Floor Plan – Drawing Extract 03a



Proposed First Floor Plan – Drawing Extract 04

4.4 The proposed building would be of a modern contemporary design, partly to reflect its location adjacent to the industrial estate but having regard to its setting which forms part of a Conservation Area. The building would have a height to eaves and ridge level of 5 metres and 7.5 metres respectively.

4.5 The external materials would be varied. The walls would be constructed in a mixture of local stone, composite metal sheeting (grey) and timber or composite cladding with a vertical emphasis. The roof would be in seam zinc (grey). The fenestration would be in grey uPVC with rainwater

goods in grey uPVC or aluminium. The design would feature a set of patio doors on the southern elevation with access onto the decking and garden area, and glazing to the first floor gable end elevations, together with alluvium and glass balconies. There would a single-storey projection on its southern elevation.



Proposed Elevations – Drawing Extract 05a

4.6 Use would be made of the existing access through the adjacent industrial estate, via a gated access on its fenced southern boundary. A parking and turning area would be formed on the western side of the plot which would be constructed in permeable tarmac or crushed compacted stone.

4.7 The proposed dwelling sited towards the northern part of the plot with a 2.5 metre high stone wall erected along the western side of the dwelling to provide a degree of privacy to the dwelling.

4.8 The plot would generally be laid to lawn together with native shrub and tree planting and the creation of a wildflower garden towards the far south-eastern part of the garden.

4.9 As part of the application, it is proposed to resurface the adjacent large yard area in stone chippings together with native and shrub planting along the entire southern boundary of the site. This planting would form part of a comprehensive landscaping and ecological enhancement scheme for the development, set out within the submitted Ecological Appraisal Report. Bat boxes are also proposed on the elevations of the building.

4.10 In terms of infrastructure, the development would have direct connection into mains foul drainage system with rainwater directed to soakaways.

4.11 There is plenty of space within the site for refuse/recycling bin storage and secure cycle storage if required.

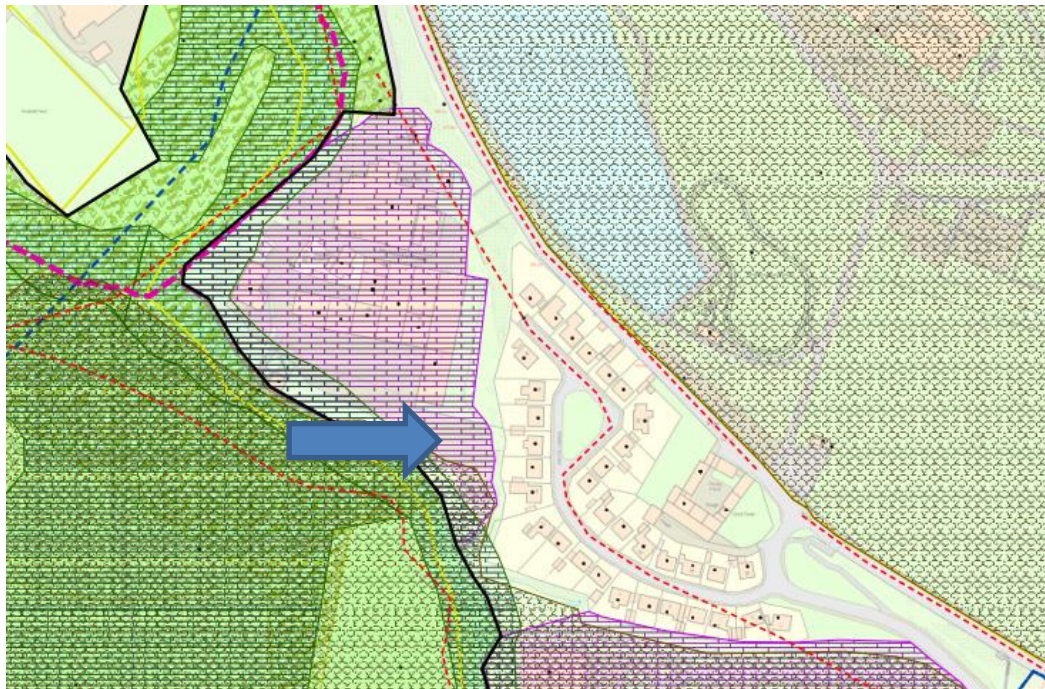
5.0 PLANNING POLICY BACKGROUND

5.1 The principle policy background comprises the Merthyr Tydfil Replacement Local Development Plan 2016 – 2031, adopted on 29 January 2020, together with PPW Edition 11 February 2021 and associated local and national policy guidance.

5.2 Relevant legislation requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

5.3 The application site is subject to the following planning policy constraints/opportunities:

- Within Settlement Limits – Policy SW4
- Protected Employment Site (EFI Industrial Estate) – Policy EcW2
- Urban Character Area (Cyfarthfa: Park and Ironworks) – Policy UCA5
- Cyfarthfa Heritage Area – Policy CW2
- Archaeologically Sensitive Area (Cyfarthfa Ironworks and Infrastructure) – Policy CW1



Adopted LDP 2020 Inset Policy Map

5.4 in addition to the River Taff to the immediate west of the site, much of the open and wooded land to the west and north-west of the site is designated Open Space and areas of SINCE. The bridge located to the north-west of the site is a Grade II* Listed Building and SAM.

5.5 The most relevant LDP Policies are listed below:

- SW1 – Provision of New Homes
- SW2 – Provision of Affordable Housing
- SW3 – Sustainably Distributing New Homes

- SW4 – Settlement boundaries
- SW9 – Planning Obligations
- SW11 – Sustainable Design and Placemaking
- SW12 – Improving the Transport Network
- CW1 – Historic Environment
- CW2 – Cyfarthfa Heritage Area
- 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
- EnW4 – Environmental Protection
- EcW2 – Protecting Employment Sites

6.0 POLICY ASSESSMENT AND MERITS

Principle of development

6.1 The application site lies within settlement limits and the Primary Growth Area, where the majority of new development is generally supported. **Policy SW4** relates to settlement boundaries and states that to encourage development within urban areas, the Council will support the re-use of previously developed land, and to protect and support the functioning of the rural economy and the countryside. Therefore, settlement boundaries are defined which includes Merthyr Tydfil as one of two Primary Growth Areas.

6.2 The supporting text explains that containing development within the urban area promotes sustainably located development which can assimilate with existing services and facilities and also encourages the re-use of previously developed land in accordance with Planning Policy Wales.

6.3 The application site is considered to comprise previously developed land and is sustainably located within easy reach of local facilities, services and public transport options. The site is within easy reach of the town centre, with bus stops nearby, and occupiers of the development could make use of the nearby Taf Trail with access via a footbridge over the river.

6.4 The application site is located on an existing employment site, known as the EFI Industrial Estate, where **Policy EcW2** seeks to protect employment sites. The policy states the following (where considered relevant):

‘At Pengarnddu, Pant Industrial Estate, Goatmill Road, EFI Industrial Estate, Cyfarthfa Industrial Estate, Triangle Business Park, Merthyr Tydfil Industrial Park, The Willows/ Abercanaid Industrial Estate, and at allocated employment sites, development will be permitted if:-

- It is within Use Classes B1(b), B1(c), B2 or B8; or*
- It provides an ancillary facility or service that supports the primary employment use, or*
- It is an acceptable complementary commercial service outside class B uses, or*
- It is an appropriate waste management facility compatible with existing industrial and commercial activities.*

Development proposals for uses other than those stipulated and that would result in the loss of employment land / premises at the above sites will only be permitted where it can be demonstrated that the proposal would not lead to an unacceptable change in the nature of the employment site and where the existing use is inappropriate or the land / premises are surplus to the requirements of the employment market.'

6.5 Accordingly, the Plan seeks to protect existing office, employment and industrial warehousing land (B1, B2 and B8 uses) to ensure their continued role and function in providing accessible sources of employment, and encourages the intensification and refurbishment of sites and premises which are under used, vacant or in decline.

6.6 The application proposal would involve the introduction of a residential use on part of the industrial estate and would therefore be in conflict with this policy. However, as explained in the supporting text, the policy does allow for the development of ancillary services or facilities that support the primary employment use of the site. The supporting text at paragraph 6.7.18 explains the following:

'These are generally small-scale commercial activities outside of the B-class uses which provide a service to local employees or users of the existing employment site. These could include for example, small snack bars, cafés, local shops or trade uses, training centres, day nurseries or fitness gyms. As complementary uses should support the users of the industrial estate or business park, the scale and number of similar complementary uses will also be relevant.'

6.7 Paragraph 6.7.21 and 22 also set out those situations where uses others than those specified may be acceptable. They state the following:

'Development proposals at existing or allocated sites for uses other than those specified that result in the loss of employment land or premises will only be permitted where it can be demonstrated that the proposal would not lead to an unacceptable change in the nature of the employment site. This requires that alternative uses do not undermine or have an unacceptable effect on the employment sites characteristics in terms of its role and function. Such uses could include for example, children's soft play, activity centres, fitness/sports centres or retail units, where the intended customer base is further afield than the users of the existing employment site. Alternative uses will also need to satisfy other relevant policies of the Plan and ensure there are no unacceptable conflicts with existing users.'

'Proposals for alternative uses will also need to demonstrate that either the existing use is inappropriate, in terms of unacceptable impacts on amenity or the environment, or that the land or premises are surplus to the requirements of the employment market.'

6.8 The application proposal is being presented on the basis of a 'live/work' unit which could reasonably argued to be a complimentary use on the industrial estate. It has already been noted that there are other residential units and residential caravans located within the industrial estate, together with a relatively new mobile home provided on some commercial land a short distance to the north of the estate. Whilst the proposed use is not one of those listed in the supporting text, the list should not be seen to be exhaustive.

6.9 We do not consider the proposal would lead to an unacceptable change in the nature of the employment site, or that it would undermine or have an unacceptable effect on the employment sites characteristics in terms of its role and function. We present the following important considerations in support of the proposal:

- The application site relates to some vacant land which has historically been used for low-key open storage use and for the parking of vehicles.
- The site is separated from the main industrial estate by metal fencing and therefore somewhat divorced from the main use of the site, which is occupied by purpose-built industrial units and associated hardstanding.
- The proposal would not involve the change of use or loss of an industrial building.
- The proposal takes up a very small part of the land which is within the applicant's ownership, being confined towards the far south-eastern part of the land. The rest of the land would still be available for industrial development.
- It is difficult to see how such a proposal would have an unacceptable effect on the overall employment site's characteristics in terms of role and function. With the exception of required vehicular access through the estate, there would be no other direct effect upon the wider industrial estate.
- The use and occupation of the proposed development could, if so required by the Council, be tied to the employment use of the industrial units which are within the ownership/control of the applicant.

6.10 The existing use of the site, given its condition and appearance, could be argued to materially detract from local amenity and the environment in general. This is largely down to its historical use and the fact that it falls within a designated employment site. The proposal, through making more effective use of a previously developed/brownfield site, would achieve a welcome visual improvement to its appearance and the contribution it makes to the Conservation Area.

6.11 Having reviewed the planning history relating to the site, and the refusal of applications for an alternative use of the site as an architectural salvage yard or for light industrial units, it is difficult to see how the whole of the site could be suitably developed for commercial purposes in accordance with the site allocation policy. The existing vehicular access arrangements onto the Brecon Road and its location within a Conservation Area and proximity to a SAM, are constraints to any development of the site of any significant size and scale. Therefore, its complete development in accordance with employment policy is unlikely to materialise.

6.12 The current proposal seeks to make use of a small part of the land in the applicant's ownership. It offers an opportunity to make effective use of the south-eastern part of the parcel of land, with a high-quality and sustainable form of development. Some improvements are also proposed to the appearance of the undeveloped part of the site together with landscaping and biodiversity enhancements. It is clear the Conservation Area will clearly be enhanced in this area.

6.13 Therefore, any ‘technical’ objections which may apply to the proposal as a result of Policy EcW2 would be outweighed by the significant benefits brought about by the proposal. We do not consider that having regard to the particular circumstances of this case, the proposal would seriously impact upon the overall strategic employment policies of the LDP.

Housing

6.14 **Policy SW1** sets out the provision of new housing over the Plan period. It states that to sustainably grow the population, 2,250 homes are required, but to ensure these are delivered, the policy includes an additional flexibility allowance of 25%, giving an overall provision for 2,821 homes. This flexibility also reflects the focus of the strategy on using brownfield sites.

6.15 **Policy SW2** sets out the provision of some 253 affordable dwellings over the Plan period, but the Plan recognises that the need is far greater across the Council area. Some two thirds would be within the Primary Growth Area. One of the highest areas of need is within the Cyfarthfa Ward. Having regard to **Policy SW9** on Planning Obligations, this indicates the levels of affordable housing that can be provided through the planning system. It indicates that this should be 10% for housing developments in the Primary Growth Areas, which would include the application site. In addition to the policy requiring on-site provision for developments involving 10 homes or more, it also requires a financial contribution on sites of between 5-9 homes. Therefore, given that the current proposal would only involve a single dwelling (live / work), we believe that no such contributions are required in this case.

6.16 **Policy SW3** sets out the distribution of new housing across the Borough, with new homes being concentrated within the main settlement of Merthyr Tydfil. These allocations account for some 1578 of the total of 2196 allocated dwellings. These are alongside a windfall contribution of 625 dwellings across the Plan period.

6.17 Therefore, in terms of the overall housing strategy set out within the LDP, the proposal would comply and would contribute to the housing needs of the Borough.

Layout, Sustainable Design and Construction

6.18 **Policy SW11** states development must contribute to the creation of attractive and sustainable places through high-quality, sustainable and inclusive design. The various criteria set out under the policy are addressed below.

6.19 The proposal would fully comply with Policy SW11 in that it would create a sustainable place through high-quality design, with careful consideration being given to the design details and appearance of the development. We have also had regard to the Council’s SPG on Sustainable Design.

6.20 The proposal would be appropriate to its local context in terms of layout, scale, height, massing, elevational treatment, materials and detailing. The immediate built context of the site are the adjacent industrial units to the north and the housing located on elevated ground to the east. The scale of the proposal would be modest and being two-storey in form, would reflect that of the surrounding buildings.

6.21 The proposed building has been designed to reflect the historic character of the area with a simple roof profile, and a mixture of external materials of local stone, composite metal sheeting (grey) and timber or composite cladding with a vertical emphasis. Its appearance would blend in with the adjacent woodland. The development would also help to partly screen the adjacent industrial buildings and parking/storage area. The proposal would represent a high-quality and sustainable development.

6.22 The contemporary design approach is considered to be appropriate for the site and its location. In respect of the previous appeal scheme for industrial units, which were of timber clad construction with profiled metal sheeting for the roofs. Whilst Officers considered there were merits in the design of that particular proposal, their main concern related to the intensity of that development and encroachment into the Conservation Area and that it would erode its character along the River Taf.

6.23 We acknowledge the application site forms part of a larger parcel of land which forms a visual buffer between the industrial estate and the embankment of the River Taf. However, the site comprises previously developed land and has historically been used for open storage industrial purposes. The current proposal is materially different from this previous appeal scheme, being of a much reduced scale, being of a different form, and being confined to a much smaller area of the land. It is located on the widest part of the land. We submit that any encroachment into this area would be far more limited and would make a positive contribution to the landscape, character and appearance of the area.

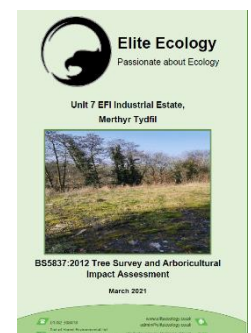
6.24 Unlike the appeal scheme, the current proposal would be set further away from the embankment thereby avoiding any potential issues in respect of land stability and impact on trees.

6.25 The proposal would integrate effectively with adjacent spaces and the historic environment and would create a good quality townscape. Given the layout of the proposal, a spacious development would be achieved with a large garden/amenity area provided to serve the development together with a satisfactory outlook and levels of daylight and sunlight, although partly affected by the nearby trees.

6.26 The proposal would incorporate a good standard of landscape design. In addition to removing a large part of the existing hardstand area and being replaced with a lawn, additional tree and shrub planting is included together with a wildflower garden. This would help assimilate the development into its immediate surroundings in addition to providing biodiversity enhancements.

6.27 The proposal would contribute to the provision of green infrastructure, including open space in accordance with the Council's standards, and ensures that such infrastructure is accessible and connected. The majority of the land within the application site comprises an area of hardstand or disturbed ground with n natural features of any significance. However, the site adjoins the River Taff which is set within a wooded area with trees bordering the edge of development site.

6.28 The application is accompanied by a Tree Survey and Impact Assessment, attached at **Appendix E**. In total the survey recorded one group of trees located on the steeply sloping embankment of the River Taf. These were a mixture of native and



non-native broadleaf and specimens, young to mature, and where the overall conclusion was thought to be good. A minority of trees were dead or showing decline.

6.29 The Report notes there exists no clear boundary on the southern side of the site, and no clear separation between the site and the natural habitat beyond which forms part of a protected conservation area. With no clear boundary in place past activities has led to material, in places, being pushed to the slope edge and partially falling down it. A portion of the RPA's of the group of trees here has been covered and thus altered the surface levels.

6.30 The main findings of the Report are as follows:

- The current proposals fall outside of any root protection areas and do not pose any risk to the trees existing upon the river embankment.
- The lack of a clear boundary is currently allowing aggregate and surface material to be pushed over and upon the current RPA which has the potential to cause detriment. It is recommended that designers should strive to not impact or effect ground levels around or within the RPA areas of retained trees. It is important that the existing ground level around any trees to be retained remains the same.
- There is no conflict between the canopies of the subject trees and the proposals with no post development pressure.
- All trees can be retained with no removals necessary.
- There are no foreseeable amenity or area impacts.
- There are no plans to route services or utilities through the RPAs of any of the retained trees.

6.31 The Report makes a number of recommendations. For example, it is recommended that a permanent barrier/ fence line be erected along the line of the RPA shown in the tree constraints drawing. It is also recommended that this include a solid retaining barrier such as kerb stones or similar material to retain any surface material/ aggregate. It is recommended that all aggregate material currently existing within the proposed RPA is carefully removed with an excavator, using the method statement provided. These measures can be secured through an appropriately worded condition.

6.32 The Report offers a range of protection measures that should be put in place prior to any works being started as well as construction methodologies that should be adopted. These measures will prevent accidental damage and other adverse effects on retained trees. The report includes a comprehensive AMS.

6.33 The proposed Site Layout shows the proposed building to be set well back from the woodland edge, with its front elevation having separation distance of some 17 metres at its nearest point, increasing to 25 metres at its eastern end. Whilst part of the proposed car parking area would be sited close to the woodland edge, this would be on an existing hardstand area and would have a permeable surface. One of the significant benefits of the proposals is that a large area of existing hardstand would be removed and replaced by a lawn and landscaping. Any services would be confined to the northern part of the site.

6.34 The proposal would incorporate resource efficient/adaptable buildings and layouts using sustainable design and construction techniques. The proposal would minimise the demand for energy and utilise renewable energy resources. The proposal would represent a high-quality development, with the use of modern and energy efficient external materials, together with the use of energy efficient appliances. The proposed building would be predominantly south-facing with the design including areas of glazing to increase passive solar gain to the main areas of habitable accommodation.

6.35 The proposal incorporates sustainable drainage systems, appropriate and proportionate to the type and scale of development proposed. Permeable surfaces would be used where appropriate together with soakaways.

6.36 The proposal would provide and protect relevant utility services and infrastructure without causing any unacceptable environmental impacts. Existing services available in the locality would be used.

6.37 It is considered the proposal would at least maintain if not improve ground and surface water quality. With the removal of areas of existing hardstand the proposal is likely to improve surface water quality and on-site drainage. We are not aware of any ground water issues associated with the site.

6.38 There would be sufficient space available on site to provide adequate facilities for waste collection and recycling.

6.39 The proposal would create a healthy and active living environment and reduce the opportunity for crime and anti-social behaviour. The proposal would be a private development with limited public access. Appropriate boundary treatments would add to security.

Neighbouring Amenity

6.40 **Policy SW11** states that new development will be required to not result in an unacceptable impact on local amenity, loss of light or privacy, or visual impact.

6.41 The application site and the wider industrial estate lie adjacent to a number of elevated residential properties to the east, which form part of Pandy Close. It appears that part of the embankment that abuts the neighbouring rear garden boundaries has been excavated, with some of the rock face being left exposed. The rock face is several metres high such that these neighbouring dwellings are some 4-5 metres above the level of the site.

6.42 The proposed building would be positioned such that its eastern end elevation would be sited with a separation distance of some 10 metres away from the rear boundary of these properties. However, given the significant difference in levels, the presence of some trees/vegetation and boundary fencing to the rear gardens, any potential visual impact would be limited.

6.43 The design of the building places the main living accommodation at first floor level, with full height glazing to the end gable elevations. However, again, given the physical relationship between

the site and these neighbouring properties, there would be no material overlooking or loss of privacy.

6.44 It is noted that in respect of the previous appeal application for light industrial units, the relationship and impact were considered to be acceptable. The appeal scheme included a row of industrial units along and closer to the rear boundaries of these properties and having a greater overall height, than that proposed in the current scheme. There would be less overall impact together with a more compatible use being proposed on the site.

6.45 The proposal would not appear visually intrusive or result in a loss of privacy to the occupiers of these neighbouring properties.

Access, Traffic and Highway Safety

6.46 **Policy SW11** states that new development will be required to allow access for the widest range of people possible, and demonstrate that any traffic movements will not have an unacceptable impact on local amenity or highway safety and satisfy the Council's parking standards.

6.47 **Policy SW12** seeks to improve the traffic network. The policy states that development that encourages a model shift towards sustainable transport will be supported, including the enhancement of pedestrian, cycle, rail and bus facilities. Development proposals will be expected to demonstrate how they reduce the need to travel and encourage the use of sustainable transport.

6.48 The planning application involves the construction of a live/work unit on part of an existing yard adjacent to the EFI Industrial Estate. The applicant currently resides in a mobile home located towards northern end of the industrial estate.

6.49 The existing access onto Brecon Road is sub-standard in terms of its alignment and visibility. The acute angle means that entry and exit movements are difficult especially for large vehicles. There is also a right turn lane on Brecon Road at this point, which is for vehicles turning onto Gurnos Road. Vehicles entering the site access must cross this turning lane when entering from the north. Vehicles entering from the south must move out into the turning lane to do so. Similarly, vehicles exiting the site to proceed in a southerly direction face a challenging manoeuvre. The main difficulty would appear to relate to the use of the junction by larger commercial vehicles and vans.

6.50 The application is accompanied by a Traffic Statement by Acstro which is attached at **Appendix F**. The overall findings are as follows:



'The application site is accessed via the EFI Industrial Estate and its junction with Brecon Road. The site is a yard suitable for use as, for example, a builder's yard for the storage of plant and material (or other similar uses). This type of use will undoubtedly generate traffic movements and it is likely that the majority of those would be vans and lorries. It is reasonable to assume that this type of use might generate some 3 or 4 visits per day that result in 6 to 8 vehicle movements.'

The change of use of the site from the existing to a live-work unit will result in the removal of the traffic that can currently be generated by the yard. Given that your client already lives at the industrial estate, the proposed live-work unit would not generate any new traffic movements.

The proposed development will therefore bring about a reduction in the volume of traffic using the EFI Industrial Estate access and its junction with Brecon Road. This junction is sub-standard due to its acute angle and restricted visibility. The reduction in traffic brought about by this development will therefore deliver significant benefit in terms of reducing the use of this sub-standard junction. Furthermore, the EFI Industrial Estate access road has no segregated pedestrian facilities but is a well-used connection from Cyfartha area to the Taff Trail. The reduction in traffic brought about by the development will improve conditions for those pedestrians that use this route.

On balance therefore it is clear that the proposed development will have a positive impacts in terms of reducing traffic generation and reducing the potential for pedestrian-vehicle conflict.'

6.51 We note that one of the main reasons for refusal of the previous appeal application for the erection of light industrial units on the site related to traffic generation and highway safety. However, this development would have generated a significant amount of additional traffic using the substandard junction with the Brecon Road, together with the use of lorries and vans.

6.52 Reference was also made to an appeal decision in 1996 (application reference P/95/0587) for the erection of a single light industrial unit within another part of the industrial estate. The Inspector concluded that the additional traffic generated was unacceptable for highway safety reasons. Again, this related to an industrial unit.

6.53 However, we submit that the current application proposal is materially different to these previous schemes for additional industrial development on the industrial estate. Further, as previously highlighted, there were no objections raised on highway safety grounds in respect of the appeal proposal for the provision of a single mobile home on land located close to the estate access road. Given the scale and nature of the current proposal, a similar conclusion can be reached.

6.54 The proposed site layout shows the provision of adequate space for the parking and turning of vehicles in accordance with Council standards, together with ample space within the plot for refuse and recycling storage.

6.55 Therefore, the proposal is considered to be acceptable in traffic, parking and highway safety terms.

Nature Conservation and Biodiversity

6.56 **Policy EnW1** sets out the Plan's nature conservation and ecosystem resilience requirements that will need to be taken into account alongside this policy when preparing development proposals. The policy states that, in particular, proposals will be required to maintain and enhance biodiversity interests, unless it can be demonstrated that the need for the development clearly outweighs the biodiversity interests of the site; and the impacts of the development can be satisfactorily mitigated and acceptably managed through future management regimes.

6.57 **Policy EnW2** sets out the considerations where development is likely to have an adverse effect either directly or indirectly on the conservation value of an internationally or nationally designated site, and where development is likely to affect protected species. Amongst other things, it states that where appropriate, avoidance, minimisation, mitigation, compensation and enhancement measures are provided.

6.58 **Policy EnW3** states that development which is likely to have an adverse impact on SINCs, RIGS, LNRs or Priority Habitats and Species will be required to demonstrate that every effort has been made to avoid and mitigate any adverse impacts and that the need for the development outweighs the nature conservation or geological value.

6.59 The application is accompanied by an Ecological Appraisal which is provided at **Appendix G**. The Preliminary Ecological Appraisal dated March 2021 revealed numerous habitats on site, including dense scrub, rock face, scattered broadleaf trees and bare ground. However, its ecological value would have been significantly affected by past and recent site activities and clearance.

6.60 No habitats of conservation concern were located on the site itself and therefore the proposed scheme of works would not impact upon any rare or valuable habitats.

6.61 No designated sites were revealed from an Ecological Data Set provided were located on the site or directly adjacent the site. Therefore, the proposed development will not have any impact on designated sites as the works are due to remain within the site boundary. However, according to the Officers Delegated Report in respect of the previous appeal scheme, it makes reference to the adjoining woodland environment and vegetation along the embankment and the River Taf form part of Cwm Fechan Taff SINC and it was noted that bats were known to use the river corridor and adjacent areas as foraging routes and that there was some evidence of otter activity nearby.

6.62 The development is not located within the SINC but adjacent to it. However, it is consider that impact would be limited and would not be harmful to the woodland. This is confirmed by the Ecological Appraisal (see Appendix G) which states "*the proposed scheme of works will not impact upon any rare or valuable habitats*" - as shown below from the Executive Summary:



No designated sites revealed from the ecological data set provided by SEWBRcC were located on the site. However, the site is bordered by a Site of Importance to Nature Conservation (SINC). Due to this, a 10m buffer zone between the designated site and the development site is necessary. This will be best comprised of trees, scrub and wildflowers.

No habitats of conservation concern were located on the site itself. Therefore, the proposed scheme of works will not impact upon any rare or valuable habitats.

6.63 The site was found to contain the potential to support protected and/or rare species. This could include bats using trees and the rock face, although there is a lot of artificial lighting around the site, birds and hedgehogs. Therefore, a number of recommendations are made for the site together with the acknowledged need to achieve net biodiversity gains as part of the development of the site. The Report makes the following recommendations:

- Additional tree planting of varied type which would support various birds and insects. The use of various trees is recommended.
- For hedgehogs, small gaps should be left within any boundary fencing (if used) to allow for commuting and for precautionary measures to be put in place during construction.
- There should be an artificial lighting plan in order to avoid features of interest for the local bat populations, such as scattered trees, woodland and waterways. It also recommends the creation of light barriers, with the use of vegetation, and dark corridors where practical.

6.64 The Report recommends site enhancements post-development (see Section 5.4: Site Enhancements). A number of enhancements are included which include the incorporation of wildflower planting, together with associated 'bug hotel' and 'bumblebee box', additional garden tree planting and the incorporation of midi bat boxes on the elevations of the proposed building. In addition, a line of tree and shrub planting is proposed along the southern edge of the embankment to the River Taff with the Site Plan indicating an appropriate planting mix. Low level external lighting can be used in the development and such details can be conditioned accordingly.

6.65 Therefore, although the site itself is of low ecological value, the proposed development includes various biodiversity enhancements considered proportionate to the location, scale and nature of the development. This is a significant benefit of the scheme and should be welcomed.

Environmental Protection

6.67 **Policy EnW4** contains key environmental protection considerations. The policy states that development proposals will be required to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment. Impacts can include pollution of land, surface water, ground water and the air; land contamination; land stability; noise, vibration, dust and light pollution; and any other identified risk to public health and safety. Where impacts are identified the Council will require applicants to demonstrate that appropriate measures have been incorporated to reduce or minimise the impact identified to the lowest possible level.

6.68 One of the planning issues will relate to the compatibility of the proposed development and use given its location on an industrial estate. In particular, the potential impact of noise from the adjacent industrial units and associated activities upon the living environment of the occupiers of the development.

6.69 In addition to advice provided in PPW, TAN 11 states the following:

“Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of

noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night”.

6.70 The application site is located on land to the south-east of the main industrial estate. The nearest industrial unit is Unit 7 with an associated yard to the west of this unit. The proposed development is put forward on the basis of a ‘live/work’ unit with the applicant to occupy the development and to be used in association with the operation of two industrial units on the estate.

6.71 Earlier in this Statement, reference has been made to an appeal decision in respect of the stationing of a mobile home on some land to the north of the industrial estate. This was also accompanied by a Noise Report/Survey submitted in order to provide objective evidence on the concerns raised by the Council and Inspector in respect of previous appeals. Whilst the Council’s Environmental Health Officer had accepted the results and the Survey had been correctly undertaken, the Council’s concerns were the basic incompatibility of residential use next to industrial uses. However, for the reasons set out in the appeal decision, the Inspector concluded that the proposed residential development was acceptable in that location and that subject to the incorporation of acoustic ventilators for the windows, the relationship was acceptable.

6.72 The Inspector makes reference to the fact that the existing industrial estate is well established and general industrial uses are permitted and operated thereon. Further, the Noise Report established that the results of the noise survey indicated that the industrial and commercial noise as measured was well below the relevant British Standard and WHO thresholds.

6.73 The current proposal relates to a different site in relation to the industrial estate and for a different type of development, in the form of a permanent ‘live/work’ unit rather than a mobile home. The current proposal relates to a more ‘isolated’ part of the estate away further away from the main industrial buildings and just as importantly, the main access road into the estate. There would be far less potential noise and disturbance to the occupiers of the currently proposed development.

6.74 The proposed ‘live/work’ unit has been sited and oriented with its principle elevation and rooms facing away from the industrial estate together with its garden area further to the south and being partly screened by a stone wall. In our view, this would limit any impacts arising from the adjacent industrial estate units and yard.

6.75 Therefore, for these reasons, the proposed development is considered to be compatible with the adjacent industrial estate.

Infrastructure/CIL

6.76 The Borough Council introduced its CIL in April 2014 and which came into effect on 2 June 2014. As the proposal relates to residential development, CIL would apply which is stated at a rate of £25/sqm for the Merthyr Tydfil Charging Zone. The CIL becomes chargeable upon commencement of development and the applicant is aware of the requirements. Appropriate CIL Liability Forms are enclosed with the application.

7.0 FLOOD RISK ASSESSMENT

7.1 **Policy EnW4** states that with regard to flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN 15. No highly vulnerable development will be permitted within Development Advice Map (DAM) Zone C2. Development will only be permitted in areas at risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in TAN 15.

7.2 In addition to PPW and TAN15, we have regard to the Welsh Assembly Government Development Advice Maps (DAM). These maps show the degree of flood risk which is to be applied to development sites for the planning process and thus establish the suitability of the site for development. A copy of the relevant DAM extract for the application site area is provided below:



7.3 The application site is largely located within a Zone B flood risk and essentially straddles the edge of the Zone C2 flood risk area, which broadly follows the alignment of the River Taff. **Whilst the proposal would constitute a ‘highly vulnerable’ development it is located outside of the Zone C2 flood zone and can therefore be acceptable in this location.**

7.4 The Taff River is set several metres below the level of the adjacent embankments and that the bank between the site and River Taff rates from high at the point of source to very low at the top of the bank.

7.5 The proposed development would not involve any increased area on the site. Indeed, the proposal already relates to a previously developed site and the amount of hard standing would actually be reduced with the creation of garden and newly landscaped areas. It should be noted that the site is outside the area of flooding.

7.6 In terms of surface water run-off, sustainable drainage systems would be incorporated into the scheme. Drainage can therefore be appropriately controlled.

7.7 In terms of justifying the development, TAN15 states that new developments should be directed away from Zone C and towards suitable land in zone A or otherwise zone B. Developments within Zones C1 and C2 will only be permitted if determined by the Planning Authority to be justified in that location. The site lies outside these more critical zones.

7.8 The development would have no adverse effect as regards flooding on the neighbouring properties or the surrounding area.

7.9 Whilst the site lies outside of the more critical flood zones C1 and C2, the applicant is aware of the possible risk of flooding and in accordance with TAN15, it is considered appropriate to mitigate any possible consequences of flooding. These measures could include the incorporation of flood resistance/reliance measures into the design of the building; consideration being given to location of appliances and sockets; the preparation of an evacuation route and for this to be displayed on site; and for the applicant to sign up to NRW flood warning service ((0345 988 1188) <http://naturalresourceswales.gov.uk/flooding-and-water/floodline-warnings>).

7.10 In respect of the previous appeal scheme, a Flood Consequence Report (FCR) was submitted with that application. This document provides useful background information to the current proposal, albeit for a different development. In respect of that application proposal, we note that NRW reported that due to the topography of the area, that the built development (less vulnerable) would be located outside of the fluvial flood outlines of the River Taff. As such, NRW considered that the risks to the development was acceptable and raised no objection to that proposal.

7.11 The suggested evacuation route which was included as part of the previous scheme could be used for the current development. In addition, were the site to flood, occupants would have the option of relocating to the first floor of the building which is where the main living accommodation is proposed to be located.

7.12 The nearest point of ground higher than the 1 in 1000 year storm event is located at Cyfarthfa Road, Merthyr Tydfil/A4054 In the event of an extreme flood event the occupants should leave the property at the nearest safe exit and head east on the Estate Road towards the junction with Cyfarthfa Road/A4054 Turn Left onto Cyfarthfa Road/A4054 and proceed to higher ground. This is a walking time of some 2 minutes.

7.13 This Flood Risk Assessment is provided as support for the planning application for the construction of a single live/work unit on part of the land which is within the applicant's ownership. Having regard to all available data the FRA demonstrates the following:

- The development site is located outside of the 1% (1 in 100 year) and the 0.1% (1 in a 1000 year) annual probability fluvial flood outlines of the River Taff, a designated main river
- The development is classed as a highly vulnerable development, but which can still be acceptable on the site. The site lies outside of Flood Zone C1 or C2.

- There is no increase in the surface water run-off from the development site due to the compact nature of the existing site.
- The development will have no adverse effects on the neighbouring properties, surrounding area or natural heritage.
- The applicant is aware of the consequences of potential flooding at the development site and the development will be planned accordingly.

7.14 The proposed development therefore meets the requirements of the TAN15 Justification test and the proposal is acceptable in flood risk terms.

8.0 HERITAGE IMPACT ASSESSMENT

8.1 The Statement draws on the guidance on the statutory requirement to prepare a Heritage Impact Statement in association with developments which would impact upon heritage assets. The guidance is complementary to the Historic Environment (Wales) Act 2016 and is underpinned by the modern conservation philosophy of CADW's *Conservation Principles for the Sustainable Management of the Historic Environment in Wales (2011)*.

8.2 TAN 24 at paragraph 1.15 states the following:

'Heritage impact assessment is a structured process that enables the significance of a heritage asset to be taken into account when considering proposals for change. Heritage impact assessments should be proportionate both to the significance of the heritage asset and the degree of change proposed and should include sufficient information to enable both the significance of the asset and the impact of change to be understood.'

8.3 The legislative and policy context includes the following:

- Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Historic Environment (Wales) Act 2016
- Technical Advice Note 24 (The Historic Environment) 2017 including annex 1 (Historic Impact Assessment in Wales) and 6 (Setting of Historic Assets in Wales)
- Planning Policy Wales Edition 11 (February 2021), Section 6 (Distinctive and Natural Places)
- Merthyr Tydfil County Borough Local Development Plan (January 2020)
- Conservation Principles for the Sustainable Management of the Historic Environment in Wales', CADW, 2010.
- Council's Cyfarthfa Conservation Area Appraisal (2009)

8.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

8.5 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states:

'In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

8.6 **Policy CW1** states the following:

'The integrity of our historic environment assets will be conserved and enhanced.'

Development proposals will only be permitted where it can be demonstrated they would preserve or enhance the architectural quality, character or the historic or cultural importance of our designated historic environment assets.

Development affecting undesignated historic environment assets including, Locally Listed Buildings or structures, Landscapes of Outstanding Historic Interest in Wales, Urban Character Areas and Archaeologically Sensitive Areas should have regard to their special character and archaeological importance.'

8.7 **Policy CW2** states the following:

'The Cyfarthfa Heritage Area is identified on the proposals map to support the development of a heritage based visitor attraction to complement the offer of Cyfarthfa Castle and Park.'

8.8 A material policy document is Technical Advice Note 24 (The Historic Environment) 2017. Paragraphs 1.23 to 1.29 deals with the setting of heritage assets. Paragraph 1.25 states the following:

'The setting of an historic asset includes the surroundings in which it is understood, experienced, and appreciated embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Setting is not a historic asset in its own right but has value derived from how different elements may contribute to the significance of a historic asset.'

8.9 Paragraphs 1.26 and 1.27 set out some of the factors that should be taken into account in the assessment of impacts upon setting. These include the significance of the asset and the contribution the setting makes to that significance; the prominence of the historic asset; the expected lifespan of the proposed development; and the inter-visibility with other historic and natural features.

8.10 Section 4 deals with archaeological remains, and on the importance of these, paragraph .4.2 states the following:

‘The conservation of archaeological remains is a material consideration in determining a planning application. When considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains (see Annex A). In cases involving less significant archaeological remains, local planning authorities will need to weigh the relative importance of the archaeological remains and their settings against other factors, including the need for the proposed development.’

8.11 Section 6 deals with conservation areas. Paragraphs 6. 2 and 6.6 state the following:

‘Conservation area designation provides the basis for policies designed to preserve or enhance all the aspects of character or appearance that defines an area’s special interest: this might include the pattern of settlement and the organisation of space and routes as well as the style and type of building, and the use of materials and detail.’

‘Local development plans may include locally specific policies for the protection or enhancement of conservation areas. In such circumstances, the local development plan should make clear that development proposals will be judged against their effect on the character or appearance of a conservation area as identified in the appraisal and management document.’

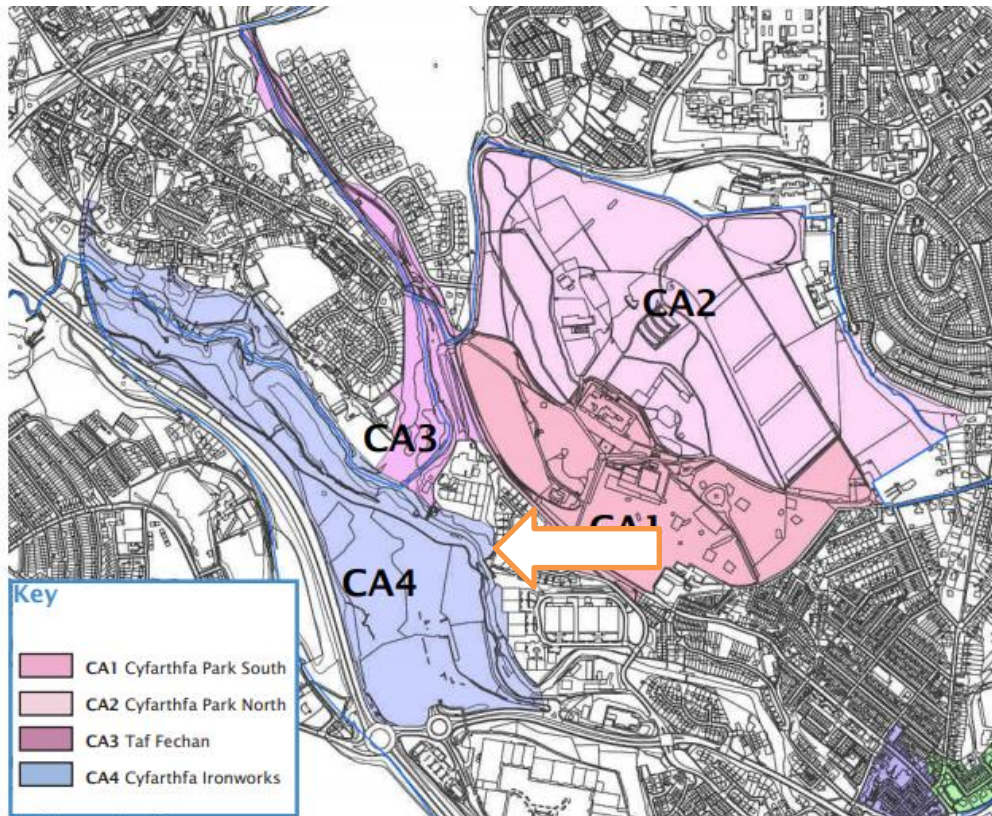
8.12 The Conservation Area covers an extensive area. It is divided into four character areas, with the application site lying within Character Area 4 – Cyfartha Ironworks. Character Area 3 – Taf Fechan is located to the immediate north-west of the industrial estate. The Conservation Area Appraisal document refers to the EFI Industrial Estate being established in the 1980s on land to the north of the former Ironworks site. The Taff Trail was also developed through the Ironworks site and up the Taf Fawr valley to the Cefn Viaduct by the Groundwork Trust in the 1990s, improving it as a recreational route. The Conservation Area stretches to include sections of the rivers Taf Fawr and Taf Fechan which runs from the Brecon Beacons National Park through steep sided and wooded valleys

8.13 The Character Area largely consists of the expanses to the west of the River Taf. This includes the western part of the former Ironworks which contains a number of historic features, with much it comprising wasteland. The River Taf flows along the eastern flank of the Conservation Area with the Appraisal document notes this makes a large contribution in terms of its setting and function. The Appraisal describes the condition of the Conservation Area as follows:

‘The general condition of the Cyfarthfa Conservation Area is an area of contention. On one hand, the Area is in good condition, given the continually developing landscape, the general state of retained buildings and its continuing function as a tourist attraction. However, the area has lost a number of significant buildings and features over time by means of natural deterioration or by deliberate demolition or removal. This lack of appreciation for some buildings has changed the landscape of the Conservation Area permanently, and in comparing it to its condition 100 years ago, there is a significant change.’

In its present condition, the remaining buildings of the Conservation Area are maintained well, offering a positive aura in terms of character.'

8.14 The location of the application site in relation to the Conservation Area is shown on the following Inset Map taken from the Conservation Area Appraisal (2009) document:



8.15 One of the key issues arising from the proposal is the impact of the proposal on heritage assets. The main heritage features which would potentially be affected by any development of this area of land were set out as part of the Officers Delegated Report and the Appeal Decision in respect of the previous proposal for the development of light industrial units across the entire stretch of land adjacent to the industrial estate. We therefore quote from paragraphs 8 and 9 of the appeal decision:

'8. Pont y Cafnu bridge is a nationally important SAM and Grade II listed building. Grade II* listed buildings are particularly important buildings of more than special interest. It is believed to be the first iron bridge in the world with an unusual 3 tier design and construction. The bridge as a SAM and listed building is of high significance and has high evidential, historic and aesthetic value. The important role of the Gurnos tramway in the development of Cyfartha Ironworks and the bridge as part of that tramway is noted. The setting of a historic asset includes the surroundings in which it is understood, experienced and appreciated embracing present and past relationships to the surrounding landscape. Setting is not a historic asset in its own right but has value derived from how the different elements may contribute to the significance of a historic asset. The setting contributes to its significance and should be retained.'*

'9. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Conservation Area is very large reflecting the important inter-relationships between the industrial landscape of the ironworks and its linkages to sources of raw materials and the Castle and parkland developed by the Crawshay family. The Conservation Area appraisal sets out the background, historical development and key views. It states that the Conservation Area has a high historic significance as a lasting symbol of the growth of Merthyr Tydfil and its industrial past. It is divided into four character areas and the site is within the Cyfarthfa Ironworks and Taf Fawr Valley character area, which has a high aesthetic value.'



Pont-y-Cafnau



Cyfarthfa Ironworks Furnaces

8.16 We have had regard to the conclusions reached by the Inspector in respect of the appeal scheme. However, we would stress that the current proposal is significantly and materially different to this appeal scheme in many respects. For example, the proposal is for the provision of a single 'live/work' unit rather than a development for 10 light industrial units, and which is to be confined to the far south-eastern part of the land and therefore much further away from the Grade II* Listed Building and SAM.

8.17 The layout, scale, form and design and appearance of the current proposal are very different and it is submitted that it has a much reduced impact upon these heritage assets. The form and design of the proposed development seeks to be respectful of its setting, with the industrial estate to the north and the woodland river setting to the south. The proposal would satisfactorily integrate into its immediate setting.

8.18 The Conservation Area Appraisal document highlights that Cyfarthfa offers a number of key views and vistas which form part of the area's character. Many of these are focused on the Park and Castle located towards the northern part of the Conservation Area. However, it makes reference to within the Ironworks site, closer to the River Taf, a magnificent vista may be captured of the Ironworks furnace bank which offer an overbearing frontage. This SAM in itself may be appreciated with a minimal setting in order to appreciate its sheer size. There are views from along the Taf Trail and along the Taf River and of the woodland along the river to the south-west of the application site.

8.19 There would be few if any clear views of the proposed development from along the Taf Trail or from further afield across the former Ironworks to the west. The proposal is very modest in scale and would be screened by the area of woodland which follows the river. Any potential views would be during the months of leaf fall but even here, the proposed development would be read within the context of the existing industrial estate buildings and the housing on higher ground to the east of the site. The development would not be visually intrusive in its wider surroundings.

8.20 Reference was made to the role of this strip of vacant land in its value as acting an important buffer zone between the industrial estate and the Conservation Area. We submit this strip of land, given its current condition and use, makes little contribution to the quality and setting of the Conservation Area. Indeed, it is considered to detract from its setting. It comprises an extensive area of hardstanding which has been used for vehicle parking and open storage. It has an industrial use with a close association with the adjacent industrial estate.

8.21 The Appraisal document makes reference to a Management Plan and expresses potential for the enhancement of the Conservation Area. We submit that the proposal would at least respect and protect those elements which are special about the Conservation Area, and would both improve or remove totally any negative elements.

8.22 The proposal would involve the loss of some of this hardstanding which together with additional landscaping and planting, would only represent a welcome visual enhancement. For the remainder of the land to the north-west, it is also proposed to resurface and improve the environmental quality of this area, with additional planting along the entire length of the top of the river embankment.

8.23 At paragraph 10 of the appeal decision, the Inspector made reference to the design of that development, noting the proposal was to be constructed in Larch cladding in order to attempt to blend with the nearby trees and assist the assimilation of the proposed buildings into the landscape. However, in view of the layout of the scheme and the proximity of the internal access road to the edge of the embankment and canopies of the trees, the Inspector was not convinced that the required works would not affect existing trees, thereby reducing the screening effect.

8.24 This is not an issue in respect of the current proposal. The current proposal is of a much reduced scale and would only occupy a small part of the land. The development would be sited well away from the woodland belt and embankment edge. The undesirable features of the previous appeal scheme are not present in the current proposal.

8.25 At paragraph 11 of the appeal decision, the Inspector highlighted the importance of the site to the setting of the bridge and as part of the Conservation Area, and the importance of the connections between parts of the Conservation Area, including the steep wooded valleys. The Inspector concluded that the appeal scheme would erode that buffer to the detriment of the conservation Area and setting of the SAM (the Grade II* Listed bridge). Particular reference was made to the loss of some of the existing woodland screening. At paragraph 15, the inspector stressed that this previous appeal scheme should be assessed on its own merits.

8.26 The current application proposal is located towards the far south-eastern part of this strip of vacant land. The development site is located at least 100 meters away from the SAM and which is

substantially screened from view by the surrounding trees and other vegetation. In our view, there would be little if any visual association between the proposed development and this SAM and therefore no harmful impact upon its setting. Further, its setting is more influenced by the presence of the units on the adjacent industrial estate, which includes Unit 6 which is located a short distance to the immediate north of the SAM.

8.27 The openness of the north-western part of the land would be retained with no development being proposed in this area. The development would simply be seen within the immediate context of Unit 7 of the industrial estate and the housing estate at Pandy Close rather than that of the SAM. Its open and historic setting would be retained.

8.28 The Council and the Inspector have made reference to the importance of the river valley setting and its wooded appearance to the Conservation Area. The river valley and woodland would not be affected by the development and would be retained. This is one of the key differences with the current proposal.

8.29 In respect of the Cyfarthfa Ironworks SAM, at paragraph 12 the Inspector concluded the following:

‘12. Part of the Cyfarthfa Ironworks SAM is close to the bridge on the opposite side of the river and vegetation along both banks do screen the proposal. Cadw judged the impact to be slight on the basis of the screening vegetation. However, the concerns regarding the loss of vegetation would increase the potential impact on this nationally important historic asset. The impact would remain less than that on the bridge SAM.’

8.30 Officers stated the following:

‘To the south of the site there are the archaeological remains of Blast Furnaces which are also SAMs. However, those closest to the site (on the opposite side of the River Taf) are underground remains and the intervening woodland area limits the views of the development site.’

8.31 In the case of the current proposal, the reduced scale and extent of development in conjunction with the retained trees and woodland (the Inspector expressed concerns in respect of the likely loss of vegetation in respect of the appeal scheme) any potential views of the current development would be extremely limited.

‘13. I have viewed the proposal from the grounds of Cyfarthfa Castle and do not consider that there would be any significant impact on the identified important views as a result of the proposal.’

8.32 In view of the scale and nature of the current development, the same conclusions can be reached in respect of the current proposal.

8.33 The site is in Cyfarthfa Conservation Area but it has a close visual association with the existing industrial estate. Wider views of the site are screened by trees and topography. The same applies to nearby listed buildings and scheduled ancient monuments. The assessment is that the impact on the character and appearance of the Conservation Area and on the settings of designated

heritage assets would be negligible. The statutory and policy tests for the impact on heritage assets would be met.

8.33 Therefore, given the scale, form and nature of the development involved, the proposal is considered to be acceptable in heritage impact terms, causing no harm and indeed can be argued as an enhancement.

9.0 CONCLUSIONS

9.1 This application relates to the provision of a 'live/work' unit on part of a vacant parcel of land which forms part of the EFI Industrial Estate. The proposal is considered to have significant planning merit.

9.2 The proposal represents a sustainable form of development which makes beneficial use of some previously developed land (brownfield).

9.3 A key fall-back position is that the site has an industrial use, having largely been used for parking of vehicles and open storage purposes. It has an unkempt appearance and could be argued to detract from the character and appearance of the Conservation Area and adjacent SINCE.

9.4 The site lies within settlement limits within an identified Growth Area and is therefore development acceptable in principle.

9.5 As part of the LDP the site forms part of a business use allocation. Policies seek to retain such sites in business/industrial use. However, we believe the supporting text to the policy allows for some flexibility in its application. There are existing residential properties on the estate and we have presented material factors as to why the proposed development can be acceptable on this particular part of the estate, without seriously affecting the operation of the estate, or seriously prejudicing the overall employment policies of the Plan.

9.6 Any potential conflict with the business use allocation policy would be insignificant and that this would be more than outweighed by the social, economic and environmental benefits of the development.

9.7 The scale, form and design of the proposal is considered to be acceptable for the site and location and which would not only represent a welcome visual enhancement to the appearance of the site, but also make a positive contribution to the local townscape. The proposal would represent a high-quality and sustainable form of development.

9.8 The proposal would preserve and enhance the character and appearance of the Cyfarthfa Conservation Area and would not harm the setting the nearby Pont Y Cafnau Bridge, which is a Grade II* Listed Building and SAM. Whilst there would be some encroachment into the buffer zone between the industrial estate and River Taf, this encroachment would be very negligible and the proposal would have full regard to its immediate setting.

9.9 The current proposal is materially different to the recent developments for the provision of industrial units on the wider site. We believe that given the different scale and form of development

now proposed, and the supporting information provided, that it has fully addressed the various issues raised in these previous appeal applications.

9.10 Given the modest scale and form of development proposed, we believe the proposal to be acceptable in traffic and highway safety terms.

9.11 We believe the proposed development would acceptably co-exist with the adjacent industrial estate uses and activities, as there is residential use interspersed within the site.

9.12 The proposal is considered to be acceptable in terms of potential impact upon nearby trees, flood risk and the nature conservation interests of the site and locality. The adjacent SINC is not affected and significant biodiversity enhancements are proposed post development in accordance with national and local policy.

9.13 The proposal is therefore considered to be acceptable and to comply with the relevant policies of the Local Development Plan for the area. Given these considerations it is respectfully requested that planning permission be granted for the development as set out in this submission.

If any further information is required or alternative options/solutions need to be discussed, please do not hesitate to contact Hayston Developments & Planning Ltd.

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RTPI

mediation of space · making of place

APPENDICES