

DELEGATED REPORT

Application No:	P/22/0088
Site Address:	Unit C2 And C3 Triangle Business Park Pentrebach Merthyr Tydfil CF48 4TQ
Development:	External alterations to existing retail units including changes to shop fronts, erection of sprinkler tank and pump house and siting of air conditioning units
Case Officer:	Caroline Pulley
Site Visit:	14th April 2022
Application Expiry Date:	2nd June 2022
Consultation reply date expired:	5th May 2022

APPLICATION SITE

The application site relates to two retail units (Units C2 and C3) within the Triangle Business Park in Pentrebach. The end unit (Unit C3) is currently vacant but was recently occupied by Ruggers, a flooring/carpet store. Home Bargains, a general convenience store selling mostly non-food goods, occupies the adjacent unit (Unit C2). Being located in a small retail park, there are no residential properties within the immediate vicinity and there is a communal car park serving the units. A care home, Greenhill Manor, is located approximately 43 metres away, to the east. The nearest residential properties are located approximately 100 metres away, to the east.

PROPOSED DEVELOPMENT

This application seeks planning permission to carry out external alterations to the premises, which would include changes to the existing shop front openings, the erection of a sprinkler tank and pump house to the eastern elevation of unit C3 and the installation of air conditioning units to the rear elevation. The scheme also proposes to undertake changes to the rear entrance doors.

The key aspects of the proposed works are outlined below:

- The installation of a sprinkler tank, pump house and associated perimeter fencing along the eastern side elevation of unit C3. The circular sprinkler tank would be set back 10.8m from the principal elevation of the building. It would measure 6.1m in width, 6.1m in depth and 5.14m in height. The pump house would be sited to the front of the sprinkler tank and would measure 3m wide, 3.2m deep and 2.5m high. A 2.4m high palisade fence would enclose the pump house and sprinkler tank.

- Installation of two replacement shopfronts on the front elevation.
- The siting of a trolley corral (bay) on two parking bays at the front of the two units. The trolley corral would measure 3.137m wide, 4.013m deep and 2.4m high.
- Block up two rear service doors and install two new double service doors to rear elevation.
- Installation of a rear plant zone comprising 12 air condenser units surrounded by a 2m high, 17m wide, 1.6m deep enclosure.

PLANNING HISTORY

The following planning history is relevant to this application site:

P/21/0414 - Advertisement consent for the erection of 7 signs (fascia, totem, banner and window graphics) – Approved: 3rd February 2022

P/21/0393 – Installation of 8 condenser units to the side of the property, install new entrance doors, erect new cycle stands and other external alterations – Approved: 5th January 2022

P/17/0150 - Change of use of Unit C3 from retail (Use Class A1) to a flexible use for an indoor trampoline park (Use Class D2) and its reversion to an A1 retail use – Approved: 19th June 2017

P/14/0327 - Display of one non-illuminated fascia sign – Approved: 19th January 2015

P/14/0099 - Certificate of lawful use application to confirm the use of the existing floor space within Unit 3C can be used for any purpose within Use Class A1 – Approved: 3rd June 2014

P/11/0233 - Creation of a new shopfront including the removal of existing entrance canopy and erection of new canopy, installation of a new roller shutter door and fire exit – Approved: 13th August 2011

P/11/0218 - Variation of condition 2 of planning permission P/89/0610 to allow the use of 300 square metres of the overall floor space of units 2 and 3 for the sale of non-perishable food – Approved: 30th September 2011

P/11/0083 - Variation of condition 2 of planning permission P/89/0610 to allow the use of 30% of the floor space of unit 3C for the sale of non-perishable food – Approved – 8th July 2011

P/08/0325 - Installation of signage to building – Approved: 30th September 2008

P/07/0030 - Installation of external air conditioning equipment and associated secure cage – Approved: 12th March 2007

P/07/0025 - Installation of signage to building and erection of free standing signs – Approved 8th March 2007

P/89/0610 - Erection of 3 No. retail warehouses – Approved 29th January 1990

Letter Ref: MAB/DE – Amendment to Condition 2 of planning permission P/89/0610 – Approved – 10th May 1990

P/87/0134 - Development of site for industrial and commercial purposes (outline) – Approved – 16th June 1987

CONSULTATION

Head of Engineering: No objection.

Environmental Health Manager: No objection.

Welsh Water: No objection but recommend that a drainage strategy for the site be conditioned.

Welsh Government
Highway's Division: No response.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, a letter was sent to the adjoining unit and two site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

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

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TAN to this application is as follows:-

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Local Policy

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

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW4 – Environmental Protection

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed works would be acceptable in respect of their impact upon the character and appearance of the building and the wider area. The impact of the development upon residential amenity and ecology are also primary considerations.

Character and Appearance

The new shop fronts are considered acceptable, since they would be of a similar height, scale and design to the shop fronts which they would replace. The proposed trolley corral would also be of an acceptable siting and design and does not raise any significant concerns.

The proposed condenser units are of a standard size and appearance and would be sited within an enclosed compound within the service yard at the rear of the building. These units, although 12 in total, would remain largely screened when viewing the premises from the surrounding area, since the high mature hedgerow would help to obscure the units. The condenser units would therefore be discretely sited and would not appear out of context with the appearance of the existing service yard at the rear of these retail units. Similarly, the infilling of the two rear entrance doors, would have a negligible impact on the appearance of the premises. These works would therefore not be deemed harmful to the character or appearance of the existing premises or wider area and would therefore accord with LDP Policy SW11.

While there were originally some concerns over the visual impact of the sprinkler tank proposed along the eastern elevation, as a result of discussions with the agent, the tank has been reduced to an acceptable height. Additionally, the amended plans now illustrate the sprinkler tank being set further back from the front elevation of the building. This is welcomed as, in this location, the tank would not be highly visible as it be screened by vegetation when viewed from the A4060 which runs parallel to the eastern boundary of the site.

Having regard to the above, the proposed development would have an acceptable impact on the visual amenities of the surrounding area and is considered acceptable in this regard.

Residential Amenity

Given the nature of the proposed works and the distance away from residential properties, the proposed works would not have any adverse impact upon the amenities of nearby occupiers. It is also noted that the Council's Environmental Health Manager has not raised

any objection to this application. As such, the proposed development would accord with LDP Policies SW11 and EnW4.

Highway safety and parking

The use of the two units would remain unchanged by this proposal. Nonetheless, it should be acknowledged that as a result of the siting of the trolley corral proposed by this scheme, two parking bays would be lost at the front of the building. Whilst this is acknowledged, the Council's Head of Engineering has not raised a highway objection to the scheme. As such, the application is acceptable in terms of its impact on off-road parking and highway safety.

Ecology

In respect of ecology, the Council's Ecologist has concluded that survey work would not be required in respect of this proposal. However, in accordance with the Environmental Wales Act (2016) and Welsh Government Circular 'Securing Biodiversity Enhancements' (2019), the Council's Ecologist has requested that a bat box is installed. In this instance, given that the proposal would not have a detrimental impact upon protected species and relates to only small scale alterations to the external fabric of the building, it would not be reasonable to impose a condition to require the installation of a bat box.

Drainage

Comments received from Welsh Water highlight that the proposed development does not intend to connect to the public sewer network. As such, as the sewerage undertaker, Welsh Water have no further comments to make on this application. However, they recommend that a drainage strategy for the site to be appropriately conditioned. While this is acknowledged, given the nature of the proposed development, this condition is not considered necessary.

CONCLUSION

The proposed development, due to the reasons discussed above, is therefore considered acceptable and in compliance with the relevant policies and guidance.

Finally, the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following CONDITIONS

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:

Proposed Elevations Drawing no. 112 Rev D received on 31.05.22

Drawing no. A1.PH.C.14227.02 Rev P2 received on 31.05.22

Drawing no. A1.PH.C.14227.01 Rev P2 received on 31.05.22

Proposed Site Plan Rev B received on 31.05.22

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

3. Prior to the instillation of the new shop fronts and construction of the sprinkler tank hereby approved, details of the external materials proposed for the shop fronts and the finishing colour proposed for the construction of the external surface of the tank shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The developer's attention is drawn to a restrictive condition attached to the permission for this retail park. Condition 2 of planning permission P/89/0610 states:

'This permission relates to NON FOOD retail only and is restricted within the Classes specified in Condition 6 of the outline consent No. 87/0134 granted for the estate as a whole'.

2. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

3. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

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

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

1/6/22