

DELEGATED REPORT

Application No: P/20/0275

Site Address: Unit 1B
Cyfarthfa Industrial Estate
Merthyr Tydfil
CF47 8PE

Development: Erect mezzanine floor

Case Officer: Marlene Ferreira

Site Visit: 17th November 2020

Application Expiry Date: 31st December 2020

Consultation reply date expired: 2nd December 2020

APPLICATION SITE

The application site relates to a large industrial building, Unit 1b, located at Cyfarthfa Industrial Estate. This unit is one of four units located on the industrial site and has been sub-divided into two, Unit 1a and Unit 1b. Unit 1a (sub-divided into 3 parts) is used for bike storage at the front and rear sections of the building (B8 use class) and as a car sales showroom in the central section (sui generis use). Unit 1b is used as a motorcycle/quad bike/scooter, including parts and accessories, sales showroom with ancillary workshop to the rear (sui generis use).

Unit 1b and other units within this part of the site are served by on-site parking provision. Unit 1 itself benefits from a designated parking area at the front of the building which provides 25 parking spaces. The unit is also served by a rear enclosed parking area accessed via an adopted highway which runs along the rear of this unit and others along this row. There is also an adopted highway which runs along the front of these units, where unrestricted on-street parking is provided.

To the south, southwest and west of the site there are other (small scale) industrial buildings. To the northwest, elevated and beyond the mature landscaped boundary, there are detached residential properties (located along Pandy Close), and to the east, beyond a grass verge and Cyfarthfa Road, are terraced residential properties (located along Williamstown).

The unit lies within the settlement boundary – Primary Growth Area. It also lies within a Protected Employment Site, within the Cyfarthfa Ironworks and Infrastructure Archaeologically Sensitive Area, is part of the Cyfarthfa Heritage Area, and is located within a C2 Flood Zone, as noted within the Merthyr Tydfil Replacement Local Development Plan (LDP) 2006-2021.

PROPOSED DEVELOPMENT

This application seeks planning permission to construct a mezzanine floor within Unit 1b.

The mezzanine floor would provide 620 square metres of additional floor space to display/store/sell the motorcycles/quad bikes/scooters and would therefore be used as supplementary floor area in support of the existing sui generis use. This area would be accessed via a central staircase at ground floor, as well as two additional staircases to the front and rear of the western side of the mezzanine level. There are no external alterations proposed as a result of this development.

PLANNING HISTORY

The following planning history is relevant to this application site:

P/18/0250 - Removal of condition 4 of planning permission P/17/0238 to allow the display of vehicles for sale on the front forecourt of the building – Approved: 2nd October 2018

P/17/0238 – Change of use to indoor car sales – Approved: 24th October 2017

P/17/0072 – Application to discharge condition 5 of planning permission P/16/0316 – Approved: 28th March 2017

P/16/0316 – Subdivide unit to provide a vehicle repair garage with associated works to include the installation of two roller shutters, lay tarmac courtyard, access and parking provision (change of use from light industrial/ storage to B2 use class) – Approved: 25th November 2016

P/15/0026 – Advertisement consent for the erection of 1 no. illuminated fascia sign, 1 no. illuminated wall mounted sign and 1 no. non illuminated free standing sign – Approved: 25th March 2015

P/14/0348 - Change of use to motorcycle/quad bike/scooter and parts and accessories sales, with associated servicing. The erection of barrier and bollards and the installation of security lights and cameras – Approved: 25th March 2015

P/12/0118 – Demolition of existing boiler houses and storage areas, re-surfacing and existing of existing rear yard area and erection of palisade fencing and sliding gates – Approved: 3rd July 2012.

P/81/0468 – Erection of 2no. 1715m² and 2no. 420m² factory units (phase II) – Approved: 12th August 1981.

P/81/0143 – Erection of factory units – Approved: 1st April 1981.

CONSULTATION

Head of Engineering

No objection.

Planning Division's Policy Team

No objection.

Environmental Health Officer

No response.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, nearby occupiers were consulted and two site notices have been displayed in the immediate vicinity. No letters of representation have been received as a result of this publicity exercise.

POLICY CONTEXT

National Planning Policy

- Planning Policy Wales (Edition 10, December 2018)

Paragraph 5.4.2 discusses economic land uses and states that these '*...include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to planning policy...*'

Paragraph 6.1.5 refers to the historic environment and states that '*...the planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations. The historic environment is a finite, non-renewable and shared resource and a vital and integral part of the historical and cultural identity of Wales. It contributes to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life. The historic environment can only be maintained as a resource for future generations if the individual historic assets are protected and conserved...*'

- TAN's (Technical Advice Notes)

TAN 15: Development and Flood Risk (2004)

Paragraph 3.4 and 3.5 state that '*...the planning authority will need to be satisfied that a proposal is justified and that the consequences of flooding are acceptable. Where the risks of, and consequences of, flooding cannot be managed to an acceptable level then developing in these areas shall be avoided irrespective of justification under section 6. Developers will need to provide information to demonstrate that their proposal satisfies the tests contained in the TAN...the Environment Agency should assist the planning authority in coming to their decision by providing expert advice on the flooding consequences assessment and the acceptability of the flooding consequences in terms of the risks to people and property. The Environment Agency should make available data and expertise to assist developers in undertaking flood consequences assessment and, where appropriate, advise on any necessary mitigation measures...*'

TAN 23: Economic Development (2014)

Paragraph 1.1.1 states that economic development '*...includes any form of development that generates wealth, jobs and income. In producing development plans or determining planning applications local planning authorities need to bear in mind that traditional business use, classes B1-B8, only account for part of the activity in the economy. It is*

important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations...'

Local Planning Policies

- Merthyr Tydfil Replacement Local Development Plan 2016-2031

Policy SW4: Settlement Boundaries
Policy SW11: Sustainable Design and Placemaking
Policy CW1: The Historic Environment
Policy CW2: Cyfarthfa Heritage Area
Policy EnW4: Environmental Protection
Policy EcW2: Protected Employment Sites

PLANNING CONSIDERATIONS

The issues to consider in the assessment of this application relate to whether the proposed mezzanine floor would be acceptable in principle in this location, and whether it would be acceptable with regards to its impact upon the character and appearance of the area, residential amenity, parking provision and highway safety.

Principle of Development

The application site lies within the settlement boundary – Primary Growth Area. Policy SW4 states that development in this location is acceptable provided it complies with other relevant policies and material planning considerations.

The premises is located within Cyfarthfa Industrial Estate, a Protected Employment Site, and as such LDP Policy EcW2 is relevant to the consideration of the application. This policy specifically states that, 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. It should be noted that the existing use, motorcycle/quad bikes/scooter sales and associated workshop (*sui generis*), was granted in 2014 under planning permission P/14/0348. At that time, the application was considered under the Merthyr Tydfil Local Development Plan 2006 -2021 where Cyfarthfa Industrial Estate was not a protected employment site. However, under the replacement LDP, adopted on 29th January 2020, the site is protected by LDP Policy EcW2. The proposed development would not introduce a new use into the building, but instead, seeks to provide a continuation and expansion of the current use. Thus, no employment floorspace would be lost as a result of this proposal. It is therefore considered that the proposal would not lead to an unacceptable change in the nature of the employment site and in this instance, the proposal would therefore comply with Policy EcW2.

The application also site lies entirely within a C2 Flood Zone and within 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial food outlines of the River Taff as confirmed in the Development Advice Maps. TAN 15 points out that the proposed

development is classed as 'less vulnerable development'. Natural Resources Wales (NRW) have been consulted on the application and have stated that this proposal would result in the creation of a mezzanine floor within the existing building and it would therefore be above any potential flood levels at this location. NRW have concluded that due to the scale of the development and in the absence of a flood consequent assessment, the proposal could be acceptable, subject to the developer being made aware of the potential flood risk to the existing building. As such a copy of NRW's comments has been sent to the agent for their consideration. NRW has therefore not raised an objection to this proposal which is deemed acceptable and justified in this location in accordance with LDP Policy EnW4.

Character and Appearance

The unit lies within an established industrial estate where large scale buildings with small 'shopfronts' and large roller shutter doors characterise the area. Whilst it is noted that the application site lies within Cyfarthfa Ironworks and Infrastructure Archaeologically Sensitive Area and is also part of the Cyfarthfa Heritage Area, the proposal would be entirely contained within the building and would not involve any alterations/additions which would affect the external appearance of the building or any surrounding heritage assets. As such, the proposed development would comply with LDP Policies SW11, CW1 and CW2.

Residential Amenity

The proposed development has been considered with regards to its impact upon the amenities of nearest residential occupiers. The unit is located within an established industrial site, however there are residential properties located to the northwest and to the east of the application site.

In terms of the relationship between the application site and nearby residential properties, it should be noted that the closest property to the east of the site (Williamstown), is located approximately 36 metres from Unit 1b. A main highway and landscaped buffer are also located between the application site and the properties to the east. The closest dwelling to the northwest (Pandy Close) is located at a significantly higher level and approximately 48 metres away from the development site. A landscaped area provides a buffer that runs between the adopted highway (at the rear of the application site) and these properties. Thus, given the nature of the use of the proposed mezzanine (which seeks to provide additional display/store/sale area for motorbikes/quads/scooters, etc) combined with the distance from these residential properties and the fact that no objections have been received, the proposed development would not be any more harmful than the existing use and would therefore comply with LDP Policy SW11.

Parking Provision and Highway Safety

The site is served by adequate car parking and turning areas to the front and rear of the unit. Additional unrestricted parking provision is also available along the front and rear highways. The Head of Engineering has therefore not raised any objections to this proposal, which would therefore comply with LDP Policy SW11.

CONCLUSION

The proposal is an acceptable and justified form of development in this location, which would not adversely impact upon the character of the wider area, nor would it generate a detrimental impact upon the privacy or amenities of nearby occupiers. The parking provision is also acceptable and would not have an adverse impact on highway or pedestrian safety. As such, the proposed development would comply with the relevant LDP Policies.

Finally, I have considered 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"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision 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:

- Drawing no: 649.002, received: 5th November 2020;
- Drawing no: 649.003, received: 5th November 2020;
- Drawing no: 649.004, received: 5th November 2020;

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

3. The mezzanine floor hereby permitted shall only be used for the display, storage and sale of motorcycles/quadbikes/scooters in association with Marsh Mx at Unit 1b, Cyfarthfa Industrial Estate and for no other purpose.

Reason - To protect the employment site from unacceptable development, to prevent an adverse impact upon residential amenity and in the interest of highway safety, in accordance with Policies EcW2 and SW11 of the Merthyr Tydfil Local Development Plan.

INFORMATIVES

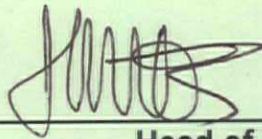
1. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used.

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.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Works to any trees, hedgerows and other suitable nesting bird habitat which are to be removed or pruned as part of the proposal should only be carried out outside the bird breeding season. The bird breeding season typically extends between March to August inclusive.

If any vegetation removal or site clearance works are scheduled to commence in the bird nesting season it is advised that the advice from an Ecologist is sought. Any active nests will need to be protected until the young have fledged.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

16/12/20