

DELEGATED REPORT

Application No:	P/24/0141
Site Address:	Units 5 To 8 Phoenix Industrial Estate Goat Mill Road Dowlais CF48 3TD
Development:	Two storey front extension and extension to side of house crane and other external alterations
Case Officer:	Rebecca Owens
Site Visit:	1st July 2024
Application Expiry Date:	13th March 2025
Consultation reply date expired:	22nd July 2024

APPLICATION SITE

The application relates to a part of a large industrial building comprising of a number of separate units. The site is located in an established industrial park within the settlement boundary. It is bound by other units to the north and west, a highway to the east and a vegetated embankment to the south.

PROPOSED DEVELOPMENT

Full planning permission is sought for a two storey front extension and extension to side to house a crane and for other minor external alterations.

The proposed front extension would extend an existing two storey section of the existing building that features a shallow mono-pitched roof. The extension would create a glazed front projection of the same height and roof pitch that would be 3.3m in depth by 4.8m in width. The extension would provide a reception at ground floor level and contain a spiral staircase to the upper level.

The proposed side extension would be located off the south facing elevation of the building. This would be set in line with the rear elevation and would be 17.6m in depth, 10.4m in width and would have a pitched roof with a ridge height of 10.8m. The extension would feature a single roller shutter opening in its front elevation.

Other external alterations relate to changes to doors and fenestration and the insertion of roof lights.

PLANNING HISTORY

There is no recent planning history which needs to be considered when determining this application.

The plans also illustrate the installation of bird and bat boxes on the side extension.

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering and Highways	No objection
Planning Policy Officer	No objection
Planning Ecologist	No objection subject to conditions
Environmental Health Manager	No objection subject to conditions
Coal Authority	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, four site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

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

National Planning Policies

Planning Policy Wales (Edition 12, February 2024)

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW9 Planning Obligations
- SW10 Protecting and Improving Open Spaces
- 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
- EcW9 District Heating

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 2, Planning Obligations.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

Principle

The application site is located within the settlement boundary and as such the principle of development is considered to be acceptable subject to compliance with other relevant policies and material planning considerations.

It is noted that the site is also within an established industrial park which is a protected employment site under Policy EcW2 of the LDP. However, as the proposal comprises an extension to the existing use of the site, which falls within Use Class B, it would qualify as acceptable development and comply with this Policy.

Design and Visual Amenity

The proposed extensions and external alterations are generally considered to be of an acceptable design and scale which would neither appear as incongruous additions to the property or harm the character and visual amenities of the area.

It is recognised that the front extension would be a notable addition to the principal elevation. However, it would create a primary entrance/reception to the property and the glazed facades would soften its impact against the existing building. It is considered that despite being prominent, the design of this extension would ensure that it does not look discordant. Similarly, with respect to the side extension, it is noted that this would represent a large and tall addition which would exceed the height of the main roof. However, given that it is sited so far back into the site and is somewhat screened by the vegetation to the south, it is not considered that it would have such a harmful impact as to warrant the refusal of the application. As such the proposal is found to accord with Policy SW11 of the LDP.

Residential Amenity

The development relates to an existing industrial unit in an established industrial park. As such, the building is not in close proximity to any residential properties. Accordingly, there would be no harmful impact in this respect and no objections have been received following the publicity exercise.

Parking and Highway Safety

The front extension would not impact on existing parking or vehicular access arrangements. The side extension is proposed to the south of the building in an area which has the appearance of a working yard rather than a formalised area for parking. Whilst there were some work vehicles and employee cars parked in this area, there are also various storage containers and the main car park serving the site is located to the east of the building. It is recognised that the proposed extension may result in some loss of informal parking in this area. However, the main car park appears to be undersubscribed, with ample spaces available to meet the needs of this site and the adjacent units. As such it is considered that any displacement of vehicles could be accommodated in this area without any detriment to highway safety. On this basis the Head Engineering and Highways has not raised any objection to the proposal.

Land Stability

The application site is located within an area at high risk from past coal mining activities and as such the application has been supported by a Coal Mining Risk Assessment (CMRA). The CMRA has identified that there is a high risk to the development as a result of very shallow and shallow coal (and ironstone) workings but that there is only a low risk due to the presence of the on-site mine adit close to the extension and currently recorded beneath the existing building. It recommends that intrusive site investigation is undertaken and on the basis that this is secured by condition, the Coal Authority have not raised any objection to the proposed.

Ecology

The application has been supported by a Preliminary Roost Assessment (PRA) and a Green Infrastructure and Biodiversity Statement. The PRA found no evidence of roosting bats within or on the external parts of the building or on the external parts of the shed and also no evidence of nesting birds. In addition, the building was deemed to have negligible suitability to support roosting bats and the shed was found to have low suitability. As such the report recommends precautionary measures for bats and birds along with enhancements in the form of bat and bird boxes. As external lighting is proposed a condition requiring details of this would be necessary to ensure that there is no adverse impact. The above documents have been considered by the local planning authority's ecologist who is satisfied that the development would not have an adverse impact and that a net benefit to biodiversity can be achieved. As such he has not raised any objection subject to conditions to secure the above. The proposal is therefore comply with LDP Policy EnW1.

Conclusion

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:

Drawing Title: Proposed Floor Plans, Drawing Number: PL001, Received 12 June 2024

Drawing Title: Proposed Elevations/Site Plan, Drawing Number: PL002, Received 12 June 2024

Drawing Title: Proposed Site Plan, Drawing Number: PL002-2, Rev. 1, Amended Plan Received 4 February 2025

Preliminary Roost Assessment, produced by Acer Ecology, Revision 1 dated 20 November 2024, Received 22 November 2024

Green Infrastructure & Biodiversity Statement produced by Black Brick, dated 13 December 2024 Received 13 December 2024

Coal Mining Risk Assessment produced by Geo Investigate Limited, dated 15 January 2025, reference G24229 Received 16 January 2025

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

3. **No development shall take place** until a scheme of intrusive site investigations have been carried out on site to establish the risks posed to the development by past coal mining activity. The results of the site investigation shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first beneficial use of the development remedial measures shall be carried out in accordance with the approved details and retained in perpetuity and a signed statement or declaration (prepared by a suitably competent person) confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out.

4. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 3, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained for the period agreed in the remediation scheme.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out.

5. The materials to be used in the construction of the external surfaces of the side extension shall match those used in the existing building.

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.

6. **BEFORE** the extensions hereby approved are brought into beneficial use, bat and bird boxes shall be installed in accordance with and drawing number PL002-2 Rev 1. The bat and bird boxes box shall be retained in perpetuity thereafter.

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

7. **Prior to the installation of any external lighting**, a Lighting Scheme shall be submitted to and agreed in writing by the Local Planning Authority, which shall include:

- Details of the siting and types of all lighting to be used
- Drawings setting out light spillage and demonstrating dark corridors and dark zones to be maintained.

Lighting shall only be installed in accordance with the approved details and maintained as such thereafter.

Reason - To limit the impact on protected species and reduce light pollution in accordance with policies EnW2 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

INFORMATIVES

1. The developer is advised that any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
What is a permit and how to get one? - GOV.UK (www.gov.uk)

2. The developer is advised that in areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. In addition, the developer should be aware that wherever coal resources or coal mine features exist at shallow depth or at the surface there is the potential for mine gases to exist.

Where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

DATE: 07.02.2025