

DELEGATED REPORT

Application No:	P/25/0062
Site Address:	Willow Works Abercanaid Industrial Estate Abercanaid Merthyr Tydfil CF48 1YF
Development:	New Storage Unit with Office
Case Officer:	Mr Gareth Davies
Site Visit:	14th March 2025
Application Expiry Date:	30th April 2025
Consultation reply date expired:	15th April 2025

APPLICATION SITE

The application site is comprised of 0.4 hectare of relatively flat land located towards the northern end of the Abercanaid Industrial Estate adjacent to the River Taff. The site is enclosed in its entirety by weld mesh fencing and is hard surfaced throughout. The site is occupied with shipping containers, mechanical plant and the operator's vans. The site currently operates as a groundwork contractors base.

PROPOSED DEVELOPMENT

The proposed development is the construction of a storage facility and office to support the applicant's groundwork business. The proposed development would be located within the site at its southwestern corner. The proposed building would have a footprint of 12m x 12.2m and would stand 5.5m high at the eaves and 6.6m at the ridge. The lower walls would be finished in grey through coloured rendered blockwork with the upper walls and roof in goosewing grey cladding. Windows would be constructed in white uPVC and roller shutter doors would be painted grey.

The application is supported with a Green Infrastructure Statement.

PLANNING HISTORY

P/18/0269 – Change of use from former dairy to a coach/bus depot, the manufacture of paving to include storage shed, an office and 1no. storage container and a self storage business comprising 30no. storage containers. – approved 30th October 2018

CONSULTATION

Head of Engineering and Highways – No objections subject to conditions

Environmental Health Manager – No response received

Rights of Way Officer – there's a claimed right of way outside but adjacent to the eastern boundary of the site which must be protected at all times.

Regeneration – no response received

Natural Resources Wales – Raise no objection to the proposed development subject to conditions requiring that any on site contamination can be adequately dealt with through the course of the development.

Mining Remediation Authority – confirm that the site falls within a low-risk area and that they have no specific comments to make. They also advise that their standing advice note is drawn to the attention of the applicant.

South Wales Fire & Rescue Service – offer no objection to the proposed development and offer their standing advice in respect of ensuring adequate water supplies for firefighting purposes and maintaining adequate access for emergency firefighting appliances.

Dwr Cymru Welsh Water – raise no objection to the proposed development subject to conditions relating to roof and yard drainage being included in any consent that might be issued.

Rights of Way Officer – no objection subject to there being no interference with the claimed right of way 110/117x

PUBLICITY

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

No representations were received as a result of this publicity exercise.

PLANNING POLICY

National Development Framework

Future Wales the National Plan 2040 (February 2021):

- Policy 1 – Where Wales will grow.
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking.
- Policy 8 – Flooding
- Policy 33 – National Growth Area – Cardiff Newport and the Valleys

National Planning Policies

Planning Policy Wales (Edition 12, February 2024):

- Placemaking in Action: Good Design Making Better Places Strategic Placemaking:
- Previously Developed Land Economic Infrastructure:
- Economic Development
- Recognising the Special Characteristics of Places
- Recognising the Environmental Qualities of Places

Technical Advice Notes (TANs)

TAN 12: Design (March 2016)

TAN 15: Development and Flood Risk (July 2004).

TAN 23: Economic Development (February 2014)

Local Planning Policies

The Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) (2016 – 2031).

- LDP Objective 4 Regeneration: To promote the suitable reuse of previously developed land and the continued regeneration of local communities

The following development plan policies would apply:-

- Policy SW4: Settlement Boundaries
- Policy SW11: Sustainable Design and Placemaking
- Policy EnW1: Nature Conservation and Ecosystem Resilience
- Policy EnW4: Environmental Protection
- Policy EcW2: Protecting Employment Site

PLANNING CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

The key determining factors relating to this proposal are, whether or not the proposed development is acceptable in principle, the visual impact of the proposals, the impact of the proposals on local amenity, impacts on ecology, flood risk and the highway network.

Principle of Development

The application site is located within the settlement limits and within a primary growth area where the majority of new development is generally encouraged and supported by LDP

Policy SW4. It is also within the Willows/Abercanaid Industrial Estate Protected Employment site as defined by LDP Policy EcW2.

The key local development plan policy in terms of the principle of the proposed development is EcW2 which aims to protect designated employment sites from inappropriate development. In this instance the proposal involves the construction of an office and storage facility (which would fall within Use Class B8) at an existing area of the estate already used in association with the applicant's groundwork business. Accordingly, the principle of development is acceptable and is compliant with the requirements of LDP Policy EcW2.

Visual Impact

The proposed development seeks permission to install a building of industrial scale and mass with industrial finishes on a local industrial estate. The proposal is appropriate in terms of local context in terms of scale, height, massing elevational treatments and finishes and the wider yard area is improved in terms of its overall layout and appearance. The new building integrates comfortably within its own curtilage and with adjacent properties. The nature of the wider site is such that issues relating to the public realm and historic environment do not arise. As such the proposed development is considered acceptable in terms of its visual impact and is compliant with the requirements of Local Development Plan Policy SW11.

Impact on Amenity

The proposed development would be located within a contractors yard on an established industrial estate. Several shabby shipping containers would be replaced with a new purpose-built facility and the effect on the visual amenity of the immediate surroundings would be positive. The nearest residential properties are located some distance away on the opposite bank of the River Taff and would be unaffected by the proposed development. In this regard it is acknowledged that there have no objections received from local residents. As such the proposed development is considered compliant with the requirements of Local Development Plan Policy SW11.

Ecology

A Green Infrastructure Statement accompanies the planning application. The statement confirms that no green infrastructure has been removed to facilitate the development and that there would be no loss of existing habitat or foraging features for local wildlife. Given that the site has a history of industrial use this is unremarkable. The new built development will be located as far away from green infrastructure beyond the site boundary as can be achieved. Given the circumstances it is extremely unlikely that any existing features will be damaged through the course of the redevelopment of the site. In order to deliver net biodiversity benefit, the developer is proposing the installation of bird and bat boxes. The Council's ecologist has commented that the developer should also provide details for the management of the proposed enhancements – the agent has subsequently revised the Green Infrastructure Statement and confirmed that the developer will take on the long term responsibility for the maintenance of bird and bat boxes proposed. Therefore, the proposal is considered compliant with the requirements of Policy EnW1 of the Local Development Plan.

Flood Risk

Natural Resources Wales (NRW) have confirmed that the site lies entirely within Zone C2 of the Development Advice Map (DAM) as contained in TAN 15 Development & Flood Risk. Additionally, the Flood Map for Planning identifies the application site to be at risk of flooding and falls within Flood Zone 2 and 3 (rivers). NRW go on to indicate that the proposal could be considered acceptable subject to the developer being made aware of the potential flood risks and advised to install flood proofing measures as part of the development. The applicant has been made aware of the issues referred to and as such there would be no reason to resist the proposed development on flooding grounds. Therefore, the proposal complies with LDP Policy EnW4.

Highways

the Head of Engineering and Highways has reviewed the submitted information and has not raise any highway safety concerns. The proposal would make provision for a more organised parking layout rather than current haphazard arrangement. The proposal would also provide sufficient parking to support the needs of the business. No provision is made for cycle parking, and the site is well provided for in terms of its proximity to active travel options. Given the circumstances no objections are raised in respect of highway requirements and the proposal complies with the requirements of Local Development Plan policies SW11 and SW12.

Contamination

Natural Resources Wales (NRW) has expressed some concern that the application site, which was formally a part of the Unigate Dairy, has some potential to be contaminated as a result of that past use. The concern is that in the process of redeveloping the site there is potential mobilise or disturb contaminated land which could pose a threat to controlled waters and human health. However, NRW go on to advise that the level of risk is such that the issue can be dealt with by the imposition of appropriately worded conditions to secure a scheme involving further intrusive investigation, monitoring and mitigations measures to minimise any risks. Therefore the proposal complies with LDP Policy EnW4.

CONCLUSION

The proposal involves a redevelopment of an industrial site on a designated industrial estate as an issue of principle the proposed development is considered acceptable. The proposals will result in an improvement in the visual appearance of the area, delivers net biodiversity benefit, and is acceptable in terms of its impact on the local highway network. Further, issues relating to flooding and contamination can be adequately managed through the application of appropriate planning conditions. As such a positive 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 plan drawing no. WW-03 received 20th March 2025

Site plan and sections drawing no. WW-04 received 20th March 2025

Proposed elevations drawing no. WW-05 received 5th March 2025

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

3. Prior to the commencement of works on site details of all external finishes to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - 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.

4. No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site has been submitted to and approved in writing by the Local Planning Authority: -

i) a preliminary risk assessment that has identified,

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

ii) a site investigation scheme based on i) to provide information for a detailed assessment of the risk to all receptors that may be affected including those off site.

iii) the results of the investigation and the detailed risk assessment referred to in ii) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) a verification report providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be conducted in accordance with the approved details.

Reason - To ensure that the risks associated with contamination have been fully considered prior to the commencement of works as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long term monitoring are implemented to prevent unacceptable risks from contamination and to

accord with the requirements of Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. Prior to the occupation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring conducted in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long term monitoring and maintenance plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan. The long term monitoring and maintenance plan shall be conducted in accordance with the approved details.

Reason - To ensure that the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to minimise risk to both future operators of the land and neighbouring land are minimised, together with those to controlled waters, property and ecology systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, and to accord with the requirements of Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

6. Prior to the operation of the development a long term monitoring plan for land contamination shall be submitted to and approved in writing by the Local Planning Authority. The long term monitoring plan shall include: -

- details of the methods and triggers for action to be undertaken
- timescales for long term monitoring and curtailment mechanisms, e.g. a scheme of monitoring for three years unless the monitoring report indicates that subsequent monitoring is not required.
- timescales for the submission of monitoring reports to the Local Planning Authority e.g. annually
- details of any necessary contingency and remedial actions and timescales for actions
- details confirming the contingency and remedial actions have been conducted.

The monitoring plan shall be conducted in accordance with the approved details and within the agreed timescales.

Reason - To ensure necessary monitoring measures are approved to manage any potential adverse impacts of the development on public health and water quality, and to accord with the requirements of Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be conducted as approved.

Reason - To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land and to ensure that the development can be conducted safely without unacceptable risks, and to accord with the requirements of Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. The proposed parking area, as illustrated on the Proposed Plan (Dwg No. WW-03) shall be constructed prior to the development being brought into beneficial use and shall remain available for such purposes at all times thereafter.

Reason - To ensure that adequate parking facilities are provided within the curtilage of the site, in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. The turning area as illustrated on the Proposed Plan (Dwg No. WW-03) shall be kept clear of any obstructions and shall remain available for the turning of vehicles at all times thereafter.

Reason - To ensure that adequate turning facilities are provided within the curtilage of the site, in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

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DATE: 11.04.2025