

DELEGATED REPORT

Application No:	P/21/0261
Site Address:	Land South Of Unit 7 Efi Industrial Estate Merthyr Tydfil CF47 8RB
Development:	Provision of dwelling (live/work) together with parking, landscaping and ecological enhancements
Case Officer:	David Cross
Site Visit:	30th July 2021
Application Expiry Date:	8th September 2021
Consultation reply date expired:	16th August 2021

APPLICATION SITE

This application relates to an area of vacant land located on the southern side of the Efi Industrial Estate. The site is broadly triangular in shape and measures approximately 0.31 of a hectare. The majority of the site consists of a combination of disturbed ground, rubble material and hardstanding with overgrown vegetation along parts of its boundaries.

The site is bound to the north by existing industrial units and a hardstanding area, which is currently used as a car park and for the placement of shipping containers. To the east of the site is a sheer embankment with residential properties above that form part of Pandy Close. To the west and south is a woodland area along a steep embankment, which slopes down to the River Taff. To the west is the Pont Y Cafnau Bridge, (Grade II Listed Building and Scheduled Ancient Monument) 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.

The application site is located within the Cyfarthfa Conservation Area and is in close proximity to Cyfarthfa Park and Gardens (approx. 100m) to the north. Within the vicinity are also archaeological remains of Blast Furnaces, which are Scheduled Ancient Monuments, the nearest being within 15m of the site on the opposite side of the River Taff.

PROPOSED DEVELOPMENT

Planning permission is sought for the construction of a new dwelling with associated parking, landscaping and ecological enhancements. The dwelling would be located in the eastern part of the site with the remaining areas to be used as a yard in conjunction with the residential property to create a live/work environment.

The dwelling would be two storeys and would measure 8.2m wide by 16.8m deep and 7.6m high with a pitched roof. The front aspect of the dwelling would have a westerly orientation with the main private garden area situated to the south of the building. The external finishes would comprise a combination of metal and timber cladding on the elevations with a seamed zinc roof. The windows and doors would be grey upvc. The western elevation of the building would utilise a natural stone that links to stone walls to be constructed on either side of the dwelling to enclose part of the garden area. The bedrooms would be provided on the ground floor level with the main living, kitchen and lounge areas provided at first floor. Large glazed windows with Juliet balconies would be provided on the gable end of the building to serve the habitable rooms.

The land to the south of the dwelling would form part of the private amenity space and would be grassed with tree and shrub planting proposed alongside the eastern embankment and a wildflower garden created in the southern corner. The submitted plans indicate that native trees and shrubs would be planted along the top of the embankment (south-west boundary) which forms part of the River Taff.

The existing access into the site from the industrial estate would be utilised with a parking and turning area provided adjacent to the dwelling. The remaining area in the western part of the site would be re-surfaced with stone chippings and used as yard.

PLANNING HISTORY

P/18/0310 - Erection of 10 light industrial units (use class B1) with associated access road and parking areas.

Permission REFUSED on 23.11.2018 for the following reasons:

1. The existing access leading to the site and its junction with Brecon Road is of a sub-standard design with inadequate visibility splays, turning radii, poor surfacing and lack of pedestrian segregation. The increased use of this road would exacerbate existing traffic hazards that impede on the free flow of traffic to the detriment of highway and pedestrian safety. As such, the proposed development is contrary to Policies BW12 and TB11 of the Merthyr Tydfil Local Development Plan 2006-2021.
2. The proposed development, by virtue of its location and layout, fails to preserve or enhance the character or appearance of the Cyfarthfa Conservation Area and would significantly harm the setting of the Pont Y Cafnau Bridge. Therefore the development runs contrary to Policy BW6 of the Merthyr Tydfil Local Development Plan 2006-2021.
3. Insufficient information has been provided to fully assess the impact of the proposed development on protected species (i.e. bats & otters), habitats or any other features of ecological interest within the Cwm Fechan Taff Site of Importance for Nature Conservation. As such the proposed development is contrary to Policy BW5 of the Merthyr Tydfil local Development Plan 2006-2021.

This application was subsequently appealed (ref: APP/U6925/A/19/3229505) and dismissed on 05.09.2019

P/17/0308 - Erection of 11 light industrial units (Use Class B1) with associated access road and parking areas.

Application withdrawn on 23.04.2018

P/04/0022 - Change of use to architectural salvage yard.

Permission REFUSED on 25.05.2004 for the following reasons:

1. The proposal conflicts with Policy BH1 of the Merthyr Tydfil Borough Local Plan which militates against proposals which do not contribute to the preservation and enhancement of the character, appearance and setting of the historic buildings and heritage features of the area.
2. The site lies within the Cyfarthfa Heritage Area and has an established mature tree cover which could be affected by the proposal.
3. The proposed application site is located within an Industrial Estate having recognised B1, B2 and B8 Use Classes. The use as an Architectural Salvage Yard 'sui generis' in a class of its own and therefore does not comply with the official uses as specified.

Whilst the following application does not specifically relate to this proposed site, the issues of access and highway safety for the industrial estate are deemed to be material in the determination of this application:

P/95/0587 - Development of light industrial unit (Outline).

REFUSED permission on 29.03.1996 for the following reasons:

1. The access road leading to the application site from Brecon Road is below standard and any increased volume of business traffic to serve the proposed factory unit would be detrimental to highway safety.
2. The proposed development would be detrimental to the overall objectives of the development of the Cyfarthfa Heritage Area and in particular to the criteria in Policy BH1 of the deposit version of the Borough Local Plan.

This application was subsequently DISMISSED at appeal (Ref APP/U6925/A/96/509905) on 06.01.1997.

CONSULTATION

Head of Engineering	-	<u>Objection:</u> The development would exacerbate highway safety concerns within the industrial estate and at the junction with the A4054 (Brecon Road).
Planning Division's Policy Officer	-	The proposed development does not satisfy the requirements of Policy EcW2 of the LDP.
Planning Division's Ecologist	-	A number of concerns have been raised in respect of the quality of the ecological report, which fails to provide sufficient information to properly assess the impacts of the development or identify appropriate mitigation/enhancement measures.
Environmental Health Manager	-	No objection subject to conditions relating to contaminated land and remediation.
Natural Resources Wales	-	<u>Objection:</u> The PEA contains inaccurate and insufficient information, particularly in relation to protected species
Cadw	-	The potential impact on the surrounding historic assets has not been fully considered to enable a balanced decision to be taken.
Welsh Water	-	No objection subject to a condition relating to surface water and land drainage.

PUBLICITY

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

In response to this publicity exercise 1 letter of objection has been received, which raises the following concerns:

- There are concerns with the vagueness of the proposal in terms of what work is being proposed at the site. There are concerns that the majority of the site would be used as a scrap yard.
- It has been highlighted that the applicant has already been using the site to crush cars and other metal in the late evening. The use of machinery on the site has also caused unacceptable levels of noise and disturbance. Additionally, fires have been lit within the site to burn various materials, resulting in toxic smells and black smoke, which has had an effect on the neighbouring properties.
- The steep embankment below Pandy Close has been eroded.

The local ward councillors were informed of the concerns raised and did not wish to 'call-in' the application to be presented to the planning committee.

POLICY CONTEXT

National planning 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:

Para 3.5 – 3.15 set out the importance of high quality design to ensure inclusive design, to promote environmental sustainability and ensure high environmental quality. Regard should also be given to the special characteristics of an area, community safety and to encourage sustainable forms of transport.

Para 3.55 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Para 4.1.43 – 4.1.56 set out the need to reduce the level and speed of traffic in new development, the provision of car parking and how this may be integrated into new development to minimise the reliance on cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

Para 5.4.15 notes that whilst employment and residential uses can be compatible, planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses, to ensure that both residential amenity and economic development opportunities are not unduly compromised.

Para 6.1.6 sets out the Welsh Governments objectives for the historic environment to protect world heritage sites, conserve archaeological remains, safeguard historic buildings, preserve and enhance conservation areas, as well as preserve and protect historic parks and landscapes in Wales.

Para 6.1.10 highlights the general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.

Para 6.1.14 notes that there should be a general presumption in favour of the preservation and enhancement of the character or appearance of the conservation areas or their setting.

Para 6.4.21 – 6.4.23 note that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to any potential impacts on protected species which may result in disturbance or harm to the species or its habitat.

Para 6.6.22 states that planning authorities should adopt a precautionary approach

Technical Advice Notes (TAN):

- TAN 5 Nature Conservation and Planning, September 2009
- TAN 11 Noise, October 1997
- TAN 12 Design, March 2016
- TAN 15 Development and Flood Risk, July 2004
- TAN 18 Transport March 2007
- TAN 24 The Historic Environment, May 2017

Local planning policy

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

- Policy SW4 - Settlement Boundaries
- Policy SW9 - Planning Obligations
- Policy SW11 - Sustainable Design and Placemaking
- Policy SW12 - Improving the Transport Network
- Policy CW1 - Historic Environment
- Policy CW2 - Cyfarthfa Heritage Area
- Policy EnW1 - Nature Conservation and Ecosystem Resilience
- Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species.
- Policy EnW4 - Environmental Protection
- Policy EcW2 - Protecting Employment Sites

Supplementary Planning Guidance (SPG):

- SPG 2 Planning Obligations, March 2012
- SPG 4 Sustainable Design, July 2013
- SPG 5 Nature and Development, May 2015

PLANNING CONSIDERATIONS

Land use principle

The application site is located within the settlement boundaries and primary growth area, where the majority of new development is generally supported in principle by policy SW4 of the LDP. Although the proposal primarily relates to the construction of a new dwelling on land immediately adjacent to the well-established Efi Industrial Estate, it also includes the use of part of the site as a yard to create a live/work environment. However, no details have been provided on the business use and how it relates to the residential use. Nor is there any justification to demonstrate that the dwelling is necessary as part of the business use.

Whilst the site appears to already form part of the industrial estate, by virtue of its open environment and the hard-core surface material that is present, it is noted that planning permission has not been granted previously to utilise the land for any industrial purposes. Indeed, it can be seen from aerial photographs that at various times the site has been used for the parking of vehicles, siting of storage containers and waste material, which has then subsequently been cleared up. In addition to this, it is evident that over time the

existing vegetation alongside the embankment of the River Taff has been removed to create a larger plateau, which has incrementally eroded the natural buffer between the industrial estate and the River Taff.

In order to protect the employment function of the County Borough's business and employment sites, which includes the Efi Industrial Estate, Policy EcW2 of the LDP identifies the appropriate forms of development that may be permitted. Development would be acceptable in principle if:

- It relates to proposals within Use Classes B1(b), B1(c), B2 and 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.

Whilst it is proposed that a portion of the site would be used as a yard, the proposed dwelling would not fall within the specified class B uses considered appropriate. It would not provide an ancillary or complementary service to the wider industrial estate and would not provide an appropriate waste management facility. As such, the proposed development would run contrary to policy EcW2 of the LDP.

Indeed, the siting of a dwelling immediately adjacent to the industrial estate, (which is unfettered in terms of the industrial use and hours of operation) would likely lead to a conflict where noisy operations impact on the residential amenity or complaints from future residents may impact on the operations of the businesses. It is acknowledged that there are existing residential properties within the industrial estate and that a mobile home was previously granted permission at appeal. However, in this case, the development has the potential to be affected by a number of industrial units that front towards the site, with a large service yard area and storage containers adjacent to its boundaries. As such, the proposed residential use is not deemed to be compatible in close proximity to the industrial estate.

Design and heritage

The proposed development would essentially constitute an extension to the Efi Industrial Estate (certainly in terms of the proposed yard) with the entire proposal being located within the Cyfarthfa Conservation Area and in close proximity to the Pont Y Cafnau Bridge, being a Listed Building (LB) and Scheduled Ancient Monument (SAM). To the south of the site, there are archaeological remains of Blast Furnaces, which are also SAMs. However, those closest to the site (on the opposite side of the River Taff) are underground remains and the intervening woodland area limits the views of the development site.

Policy CW1 of the LDP notes that 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 environmental assets. The development also lies within the Cyfarthfa Heritage Area as defined by policy CW2, which seeks to support the development of a heritage based visitor attraction to complement the offer of Cyfarthfa Castle and Park.

It is noted in the Cyfarthfa Conservation Area Character Appraisal that the network of watercourses, including the River Taf, form an important feature to its character, which are often set within woodland environments. The Pont Y Cafnau Bridge is thought to be the oldest iron railway bridge in the world and the adjacent hydroelectric station provides for an interesting feature in the landscape, which displays industrial exploitation of the river. A key characteristic of the conservation area, which abuts the southern and western parts of the Efi Industrial estate, is the convergence of the Cwm Taf and Taf Fechan into the River Taff. These watercourses are set within a natural woodland environment with steep embankments on either side. The boundaries of the conservation area were positioned close to the built area of the Efi Industrial Estate in order to provide a buffer and preserve the natural environment along the watercourse, which also provides a setting to the Pont Y Cafnau Bridge. It is evident that the industrial use so close to the boundaries of the conservation area has progressively eroded the special qualities of the conservation area, through incremental encroachment towards the embankments.

The proposed dwelling would be located in the north-east corner of site, on the widest part of the plateau away from the embankment to the River Taff. The building would be situated to the rear of the adjoining industrial unit and would be close to the steep embankment that separates the industrial estate from Pandy Close to the east. The dwelling would generally be discreetly located alongside the industrial estate where there would be restricted views of the dwelling. The existing trees and vegetation to the south would also help to screen the development from the wider surroundings. The dwelling and the associated residential curtilage would be located approximately 110m away from the Pont Y Cafnau Bridge. Taking into account this separation distance and the degree of inter-visibility, with some limited vegetation screening, the dwelling may not have a significant impact on the setting of the LB/SAM.

The dwelling would be setback from the embankment to the River Taff, where it would be less visible from the adjacent woodland environment. It is acknowledged that the private garden area would extend to the top of the embankment. However, if the area was appropriately landscaped, it would present a more pleasing environment that would be a marked improvement to the current condition of the site. Given that the built development would not significantly encroach on to the woodland area, the impact on the character of the conservation area would be minimised.

The use of the land in the western part of the site as an undefined yard would be situated directly opposite the Pont Y Cafnau Bridge, where its close proximity has the potential to significantly impact on its setting. Indeed, it is noted that the vegetation, including some trees between the bridge and the site, have been incrementally cleared over the recent years. This has already had some effect on the setting of the bridge by exposing its environment and making it more vulnerable to the industrial estate.

It has been highlighted by Cadw that the Heritage Impact Assessment does not fully assess the impact of the proposed development on the designated historic assets. Instead, it relies on quoting sections from appeal decisions relating to previous applications for different forms of developments on the site. Whilst these decisions are useful in the assessment of the application, Cadw has stated that they do not provide a clear assessment of the scale of the adverse impact the development would have on the setting of the designated historic assets. Accordingly, Cadw has concluded that the application is inadequately documented to enable a balanced decision to be taken. In this regard, Cadw has noted that an assessment of the impact of the proposed development on the setting of designated historic assets should be prepared by a competent and

qualified historic environment expert, in accordance with the methodology outlined in the Welsh Government's best-practice guidance 'Setting of Historic Assets in Wales (2017)'.

The dwelling has been designed with the living accommodation on the first floor level resulting in a high proportion of glazing introduced on the upper part of the front gable end, which overlooks the proposed yard area. A sun lounge would also be provided on the southern aspect of the building that opens out on to the main private garden area. Whilst the design of the dwelling clearly does not reflect that of the industrial units, both in terms of its scale and appearance, metal cladding is proposed on the elevations and roof to better integrate the building with its surroundings.

The submitted plans indicate the western part of the site would continue to be used as a yard and car park. However, no details have been provided to indicate how the yard would be used or what might be stored in there. At the time of the site visit, it appeared that a number of large vehicles, trailers, scrap material and vehicle parts within steel containers were being stored on site. The use of this part of the site has resulted in some trees and vegetation being removed, which has consequently eroded the natural buffer to the River Taff. The existing fencing that has been erected in effect helps to define the extent of the industrial estate and can help to minimise the potential encroachment towards the embankment of the River Taff, albeit, the intention was most likely to create a secure compound.

It is acknowledged that there are two existing residential properties within or adjacent to the industrial estate, being Riverside Bungalow at the centre of the estate and the applicant's static home in the northern part of the estate. The presence of Riverside Bungalow at the centre of an industrial estate is an uncommon occurrence and it is not clear what led to this particular circumstance. In respect of the applicant's static home, its siting adjacent to the industrial estate was not supported by the Council and concerns were highlighted in respect of its incompatibility with the industrial estate. The introduction of a further residential property that is scattered within the industrial estate has the effect of altering the general character of the area by changing the way that the land is used and how it interacts with its surroundings. For instance, the domestic use of residential land, associated activities and the general coming and goings in close proximity to the harsh context of the industrial estate. The environment surrounding the site, does not generally lend itself to be a suitable condition for a family home where you may have heavy goods vehicles and articulated lorries manoeuvring outside the property, as well as forklift trucks loading/off-loading goods. The location of the site away from the other residential properties also fails to provide a safe and cohesive residential environment.

For the above reasons, the proposed development would have an unacceptable impact on the character of the industrial estate and would have the potential to significantly impact on the setting of the Pont Y Cafnau Bridge. Although the landscaping scheme would improve the current condition of parts of the site, the development would nonetheless encroach closer to the embankment of the River Taff, placing additional pressures on the existing trees and vegetation, which would further undermine the quality of the Cyfarthfa Conservation Area. Accordingly, the proposal would run contrary to policies SW11, CW1 and CW2 of the LDP.

Amenities

The proposed dwelling would be positioned approximately 9m away from the steep embankment to the east of the site, which supports the elevated rear garden boundaries of the existing properties along Pandy Close. Taking into account the scale of the proposed dwelling and the significant difference in the level between the site and Pandy Close, the development would not give rise to any overbearing impacts or a loss of privacy.

Concerns have been raised by local residents about the vagueness of the use of the proposed yard. It has been highlighted that the site has recently been used as a scrap yard with the crushing of metal and vehicles taking place. Although there appeared to be no machinery during the site visit that might be used for the crushing of vehicles, it was noted that there was scrap material stored in various places, which included vehicle parts. There were also a number of storage containers within the site full of vehicle parts. It seems reasonable to conclude that some form of unauthorised vehicle scrap business has been taking place. The site also appears to be used for the storage of trailers, lorries and a caravan. Without further information provided as part of the application, it can only be assumed that the proposed yard is intended to be used for storage and the breaking down of vehicles into parts or something similar.

Whilst the existing units within the wider estate can accommodate industrial uses that may include noisy operations with unrestricted hours, such operations are all generally contained within the buildings. As such, this significantly reduces the potential impact the industrial estate may have on the neighbouring residential properties. In this instance, the proposed yard, which may include the scrapping of vehicles, has the potential to be a source of noise and disturbance to the residents, given the open nature of the site.

It has been highlighted by the local residents that fires have been created within the site, which has resulted in toxic smells and black smoke effecting their amenities. This is a matter that would normally be dealt with by Environmental Health.

It has been pointed out that the embankment below the rear gardens of Pandy Close has been eroded with earth material having been removed resulting in a sheer rock face being left exposed. The submitted plans do not illustrate any proposed works to this embankment. However, the landscaping scheme suggests some tree and shrub planting could be introduced along the bottom of the embankment.

Although, the proposed dwelling would not adversely impinge on the amenities of the neighbouring residential properties, there are concerns that the use of the proposed yard may give rise to an unacceptable level of noise and disturbance in the area. Therefore, the proposal runs contrary to policies SW11 and EnW4 of the LDP.

Highway safety

The only means of vehicular access to the industrial estate is off Brecon Road and down a steep sloping access road into the estate. The junction with Brecon Road is extremely substandard both in terms of its turning radii and driver visibility. Vehicles approaching from the south along Brecon Road cannot easily turn left into the estate, without crossing lanes and obstructing on-coming traffic along the main road and/or by crossing both sides of the junction into the estate, in order to achieve a suitable turning radius.

The ability for drivers to see oncoming traffic approaching the junction, when either entering or exiting the estate, is severely limited due to the acute bend in the road. This already has the potential to impact on the free flow of traffic along Brecon Road, especially in instances when large vehicles may need to pass each other at the junction. Furthermore, driver visibility at the junction when exiting the estate is significantly reduced in both directions by the existing boundary walls and vegetation, which limits the visibility splays to only a few metres. Consequently, vehicles already have to encroach into the main flow of traffic along Brecon Road in order to be able to see oncoming traffic with limited reaction times, which already creates traffic hazards. The existing highway safety concerns are compounded by the fact that there are no pedestrian footways at the junction into or within the industrial estate. In this regard, it is noted that both pedestrians and cyclists often cross the main highway and pass through the estate in order to cross the Pont Y Cafnau Bridge and gain access to the Taff Trail.

The condition of the existing access within the estate is generally in a poor condition, with a number of large and deep potholes, particularly along the western part of the estate. There are also a number of pinch points and blind corners, when passing through the estate to the application site, which impose restrictions on traffic movements and driver visibility, especially for larger commercial vehicles.

Material to the considerations of this application is an appeal decision (APP/U6925/A/96/509905) to a previous application (P/95/0587) for a single light industrial unit within the Efi Industrial estate. In respect of highway matters, the Inspector noted that the junction onto Brecon Road was extremely substandard and that any additional traffic generated by the proposal would add to an already totally unacceptable situation. The Inspector concluded that the development would be unacceptably harmful to the free flow and safety of traffic using Brecon Road, and to the safety and convenience of vehicles and pedestrians using the access to the industrial estate. The highway safety concerns were again highlighted in a more recent appeal decision (APP/U6925/A/19/3229505) where it was acknowledged that the junction on to Brecon Road was significantly substandard.

A letter prepared by Acstro has been submitted in support of the application, which considers the potential highway implications of the development. It is assumed in the letter that the site already has permission to be used as a yard i.e. a builders yard to store plant and materials or a similar use. On this basis, it is assumed that this type of use might generate 3 or 4 visits per day, resulting in 6 to 8 vehicle movements. The letter then considers the proposed live/work unit would essentially remove this potential traffic, as it is suggested that the applicant would live in the property and given that he already resides at the site, there would be an overall reduction in the traffic movements. It is concluded in the letter that 'on balance' the proposed development would have a positive impact in terms of reducing traffic generation and reducing the potential for pedestrian/vehicle conflict.

At present, the site has no permission to be used as a builder's yard or for any other similar storage yard. Historically, part of the site has been used incidentally by the existing units for parking or for the siting of storage containers on an ad hoc basis for a temporary period. As such, there is no traffic generation associated with the site. Therefore, the proposed development would not only create traffic associated with the dwelling but also in association with the proposed yard, particularly if the yard involves the employment of staff. Furthermore, it should be noted that the proposed dwelling is not sought as a replacement for the applicant's existing residence. As such, there would be an increase in the number of residential properties located within the industrial estate.

The existing access serving the site is considered to be of such a poor standard that its use by an additional residential property with a yard business, would give rise to significant highway safety concerns and that the conclusions reached in past appeal decisions by the Planning Inspector remains pertinent. In this regard, it is acknowledged that the Head of Engineering has raised an objection to the development on highway safety grounds. Therefore, the development runs contrary to policy SW11 of the LDP.

Ecological impact

The majority of the land within the application site comprises an area of hardstanding or disturbed grounds with little or no features of ecological interest. However, the adjoining woodland environment, vegetation along the embankment and the River Taff form part of the Cwm Fechan Taff Site of Importance for Nature Conservation (SINC). A Preliminary Ecological Appraisal has been submitted in support of the application.

It has been identified in the PEA that the site has potential roosting features for bats around the existing trees and in the rock face along the eastern boundary. It is acknowledged that there is artificial light from the industrial estate, which could impact the site. Nonetheless, the report recommends that further survey work is undertaken. The report also notes moderate potential to impact on birds and hedgehogs. As part of the mitigation measures, it is proposed that a number of trees be planted along the top of the embankment to the River Taff. Any vegetation clearance would avoid the hibernation period for hedgehogs. Additionally, enhancements are proposed with the creation of a wildflower garden in the southern corner.

It has been highlighted by the Planning Division's Ecologist that there are a number of issues with the submitted PEA, which fail to provide an appropriate assessment of the site and its surroundings, in order to reach an informed decision of the potential impacts of the development. The issues relate to, but are not limited to, the inaccuracies with the biodiversity data within the report and there is no mention of otters or marsh fritillary butterfly. There is conflicting advice where the report considers the site is not suitable for dormice, due to the absence of habitats, but then it states that there is scattered trees and dense scrub suitable for hedgehogs. Such habitats are potentially suitable for dormice. It has been noted by the Planning Division's Ecologist that the report does not adequately interpret the results and explore the impacts of the development on species and habitats. For example, there is no consideration of otter.

The report considers the site to be of negligible value to invertebrates due to clearance works undertaken prior to the survey work, leading to no suitable habitat mosaics on site. However, it also states that the rock face has a high potential for protected species for nesting birds, bats and a number of invertebrates, which can use this area for basking and making a home in.

The PEA advises that further bat transect surveys should be undertaken to assess the site's year-round usage by the local bat population. It is proposed that one transect would be undertaken in the autumn, spring and summer periods. It has been advised by the Planning Division's Ecologist that only 1 transect per visit would imply low habitat suitability for bats, but this is not explained in the report. In addition to a transect survey, automated/static bat detectors should be used and that the data would be collected on 5 consecutive nights per season. Nonetheless, given the high potential for the rock face to support roosting bats, a bat activity survey should be undertaken. The number of surveys would be dictated by the suitability of the habitats. This survey works should normally be

undertaken prior to the determination of the application to properly inform the assessment of the potential impact of the development on protected species.

It is recommended in the report that a 10m buffer zone be provided between the SINC and the site. The extent of this buffer zone has not been illustrated on any plans. Given that the boundary to the SINC borders the application site, this essentially means that the buffer zone would encroach into the proposed yard and the access/parking area. As such, there is a clear conflict between the proposed mitigation measures and the proposed development.

It has been identified by the Planning Division's Ecologist that the photos of the site, included in the PEA, illustrate parts of the site have been cleared of vegetation. However, it can still be seen in some of the photos that there are suitable habitats for reptiles that have not been mapped or addressed in the report.

As outlined above, there are a number of deficiencies with the PEA, which fail to provide an appropriate assessment of the potential impacts of the development. In this regard, it is noted that Natural Resources Wales (NRW) has raised concerns that the PEA contains inaccurate and insufficient information, particularly in relation to protected species. On this basis, NRW has raised an objection to the proposed development. Therefore, the proposal fails to comply with policies EnW1 and EnW3 of the LDP.

Flood risk

The application site is largely located within a Zone B flood risk area and essentially straddles the edge of a Zone C2 flood risk area, which broadly follows the alignment of the River Taff. A Flood Risk Assessment has been submitted in support of the application, which acknowledges that the proposal constitutes a highly vulnerable form of development given that it includes a residential use. However, given that the site lies outside of the C2 flood zone, the report considers the development to be acceptable. In the event of a flood, it is proposed that the means of escape would be through the industrial estate to the main highway to the north.

It has been noted by Natural Resources Wales (NRW) that the proposed built development would lie outside of the C2 flood zone. As such, it has been advised that the development could be acceptable, subject to the developer being made aware of the potential flood risks. It is also recommended that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development.

Therefore, the proposal complies with policy EnW4 of the LDP and the objectives of TAN15, which seek to direct development away from areas at high risk to flooding.

CONCLUSIONS

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

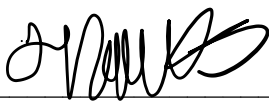
principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

For the above reasons, the proposed development is unacceptable and fails to meet the requirements of policies BW5, BW7, BW12 and TB11 of the LDP. Accordingly, the following recommendation is made:

RECOMMENDATION: BE REFUSED for the following REASONS:

1. The proposed development would result in the loss of employment land that is allocated for business use, which would lead to an unacceptable change in the nature of the employment site, contrary to Policy EcW2 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.
2. The proposed development, by virtue of its location and layout, would be at odds with the wider character of the Efi Industrial Estate, 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 Cafnau Bridge. Therefore, the development runs contrary to Policies SW11, CW1 and CW2 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.
3. The existing access leading to the site and its junction with Brecon Road is of a sub-standard design with inadequate visibility splays, turning radii, poor surfacing and lack of pedestrian segregation. The increased use of this road would exacerbate existing traffic hazards that impede on the free flow of traffic to the detriment of highway and pedestrian safety. As such, the proposed development is contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.
4. Insufficient information has been provided to fully assess the impact of the proposed development on protected species (including bats & otters), habitats or any other features of ecological interest within the application site and the Cwm Fechan Taff Site of Importance for Nature Conservation. As such, the proposed development is contrary to Policies EnW1 and EnW3 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.
5. The proposed development, which includes an industrial yard, has the potential to give rise to unacceptable levels of noise and disturbance to the detriment of the amenities of the neighbouring residential properties along Pandy Close. Therefore, the development runs contrary to Policy SW11, of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

16/11/21