

DELEGATED REPORT

Application No: P/23/0167

Site Address: 7 - 9 Harlan Business Park
Goat Mill Road
Dowlais
Merthyr Tydfil
CF48 3TE

Development: Proposed extension to workshop

Case Officer: Kate Glover

Site Visit: 6th July 2023

Application Expiry Date: 8th August 2025

Consultation reply date expired: 27th July 2023

APPLICATION SITE

The application relates to a unit that is located within an established industrial estate and is occupied by a business which repairs and replaces vehicle tyres. The gable end of the building faces towards Goat Mill Road, with the principal elevation facing over a parking area and the estate road which provides vehicular access to the building. Directly to the rear of the building, is an area of tarmacked land which is bound on its southwest side by a road which serves another area of the larger industrial estate.

The application site lies within the settlement boundary as designated within the Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031.

PROPOSED DEVELOPMENT

Full planning permission is sought to enlarge the workshop area of the business by constructing an extension along the rear (southwest) elevation. The proposed extension would be lean-to in design and measure approximately 31m long, 2.56m deep, 4.51m to eaves level and 5.07m to ridge height, with the proposed external materials being box profile walls and a metal sheeting roof which would match the materials used on the existing building.

PLANNING HISTORY

The relevant planning history is summarised below:

P/08/0267 - Erection of nine industrial units
Granted 30 Jan 2009

CONSULTATION

Head of Engineering and Highways:	No objections.
Planning Ecology Officer:	No objections.
The Coal Authority:	No objections, subject to conditions.
Environmental Health Manager:	No objections.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining properties and a site notice was 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) (Future Wales) 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 (LDP) are relevant to the determination of this application:

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

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

- Note 4, Sustainable Design
- Note 5, Nature and Development

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary and will support an existing commercial enterprise on the Industrial Estate, as such the principle of development is acceptable and meets the requirements of LDP Policies SW4 and EcW2.

The Coal Authority notes the application site falls within the defined Development High Risk Area which identifies that the site is located in an area at high risk from past coal mining activities, specifically, in an area where historic unrecorded coal mining is likely to have taken place at shallow depth, with voids and broken ground associated with such workings posing a risk to ground stability and public safety.

The Coal Authority (CA) notes that whilst the applicant has been advised to submit a Coal Mining Risk Assessment (CMRA) in support of the application, a CMRA has not been forthcoming. The CA advise that a CMRA would likely recommend further intrusive investigation works are carried out to identify historic coal mining activities and, in this instance, a pre-commencement condition can be used to secure the appropriate surveys and set out any remedial/mitigatory measures which may be required to ensure the safety and stability of the development. Given that the CA have not raised any objection to the proposal and advise that a pre-commencement condition is acceptable, the proposal meets the requirements of LDP Policy EnW4.

Turning to the visual impact of the development, the proposed extension would be a modest addition to the existing building and with the proposed external materials to match the existing building, the development would not result in an adverse impact on the character and appearance of the building or the wider area. As such, the proposal is found to accord with LDP Policy SW11.

The Head of Engineering and Highways (HEH) notes that development would not impact on the highway network and no highway safety concerns have been raised. The proposal, therefore, meets the requirements of LDP Policy SW11.

The Planning Authority's Ecologist is satisfied that no ecological survey work is required in relation to the proposed development. As noted in chapter 6 of Planning Policy Wales (edition 12), applications should be supported by Green Infrastructure Statements (GIS). Given the nature of development and that the land to be developed is currently an area of hardstanding, a GIS would not be deemed a reasonable requirement in this instance. Notwithstanding this, proposed ecological enhancement can be secured via a suitably worded condition and the development would contribute to the wider green infrastructure objectives. Accordingly, the proposed development would comply with LDP Policy EnW1.

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 plan:

Proposed Plans, Received on 29 June 2023

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

3. **No development shall take place** until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. 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. The approved remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out, in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Development Plan (2016-2031).

4. Prior to the occupation of the development, or it being taken into beneficial use, 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, in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Development Plan (2016-2031).

5. The materials to be used in the construction of the external surface of the rear extension shall match those used on 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 Development Plan (2016-2031).

6. **BEFORE WORKS COMMENCE ON SITE** a scheme for biodiversity enhancement, including a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with

INFORMATIVES

1. Ground Investigations and groundworks - Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority/Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority/Mining Remediation Authority permission and further guidance can be obtained from: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property .
2. Requirement for Incidental Coal Agreements - If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Coal Authority/Mining Remediation Authority. Further information regarding Incidental Coal Agreements can be found at: www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements.
3. Shallow coal seams - In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.
4. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence. All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

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

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

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

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

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of

the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

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

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 05.08.2025