

DELEGATED REPORT

Application No:	P/22/0295
Site Address:	Unit 1 Cyfarthfa Industrial Estate Merthyr Tydfil CF47 8PE
Development:	Construct rear extension to provide a two-storey workshop and cladding to front elevation
Case Officer:	Marlene Ferreira
Site Visit:	16 th November 2022
Application Expiry Date:	28th August 2023
Consultation reply date expired:	7th December 2022

APPLICATION SITE

The application site relates to a large industrial building (Unit 1) located at Cyfarthfa Industrial Estate. This building is one of four units located on the industrial site and has been sub-divided into two smaller units (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 1, as well as other units within this part of the site, is served by on-site parking provision, which benefits from a designated parking area at the front of the building with 25 parking spaces available. The unit is also served by a rear enclosed parking area accessed via an adopted highway. There is also an adopted highway to 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). 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) 20016-2031.

PROPOSED DEVELOPMENT

This application seeks planning permission to construct a two-storey extension and renovate the front elevation of the unit.

The extension is proposed to the rear of Unit 1b and would provide a workshop area at both ground and first floor. It would measure 23 metres wide and 10 metres deep with a 6.8 metre ridge height. The renovation works to the front elevation of the unit seeks to provide a new insulated metal cladding finish to the lower brickwork section of the premises.

Other alterations include the relocation of the existing air conditioning units and the provision of a wash bay area. The existing air condition units would be re-sited further east, on the rear of the premises, to allow for the construction of the extension. The wash bay area, would amount to a 3 x 3 metre concrete platform with tap, which would be located within the enclosed rear yard.

PLANNING HISTORY

The following planning history is relevant to this application site:

P/20/0275 – Erection mezzanine floor – Approved: 16th December 2020

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/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, 1no 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 and Highway	-	No objection.
Policy Officer	-	No objection.
Environmental Health Officer	-	No objection.
Natural Resources Wales (NRW)	-	No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 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

- The Future Wales – the National Plan 2040

This document 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 (Edition 11, February 2021)

Paragraph 3.14 refers to context appraisal and states that these *‘...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...’*

Paragraph 5.41 discusses economic development as *‘...the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses...’*

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...’*

- 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 EnW1: Nature Conservation and Ecosystem Resilience
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 extension 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, ecology, 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 states that at Cyfarthfa Industrial Estate (amongst other 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 however, 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 existing employment site and in this instance, the proposal would therefore comply with Policy EcW2.

The application site lies within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3 (Rivers). A Flood Consequent Assessment was therefore submitted in support of this application. Paragraph 3.1 of the FCA states that there is no detailed flood modelling available in this area, which has been acknowledged by NRW. Without detailed flood modelling and data it has been highlighted by NRW that it would be difficult to fully assess the risks and consequences of flooding, including whether the extension could result in a risk of flooding elsewhere. However, they also state that it would be too onerous, given the nature of the development, to request detailed flood modelling for the nature of this proposal. NRW have advised that the development would pose a low flood risk and the extension would not increase flood risk elsewhere. As such, they have not requested any further detailed assessment of this matter and have not raised an objection. The proposed development, in this instance, is therefore considered acceptable and would accord with LDP Policy EnW4.

Character and Appearance

The extension is proposed to the rear of an existing unit, where metal clad buildings of an industrial nature with roller shutter doors characterise the area. As such, the proposed extension would be of a similar scale, design and finishes to the surrounding built environment and would therefore appear fitting and appropriate within this context. The proposed metal clad finish to replace the red brickwork at the front of the unit would match the finishes of the existing unit and would therefore be acceptable. The works relating to the re-siting of the air conditioning units and the proposed wash bay area, are also considered acceptable. Thus, the proposed development would not have an adverse impact on the character and appearance of the area and would accord with LDP Policy SW11.

Residential Amenity

In respect of the impact on neighbouring properties, the nearest residential properties are located over 50 metres to the north of the application site, at a significantly higher ground level. Having considered that the proposed use of the extension, which seeks to provide a workshop in support of the existing business use and due to the distance from the closest neighbouring residents, the proposed development would not have an adverse impact upon the amenities of nearby residents. No objections have been received from surrounding occupiers. Whilst it is noted that the rear extension would adjoin the boundary of the

neighbouring unit, within an industrial context, this relationship would not have a detrimental impact. It should also be noted that no letters of objection have been received from occupiers of the surrounding industrial units. As such, the proposed development would not harm the residential amenities or have an adverse impact on neighbouring units. The proposal would therefore comply with LDP Policy SW11.

Ecology

The application site, as noted above, relates to an industrial building within an established industrial estate, as such, an ecological survey has not been requested. However, in line with the Environment (Wales) Act 2016 and Welsh Government Circular 'Securing Biodiversity Enhancements' the Council's Ecologist has requested that ecological enhancements be provided. This would involve the erection of a bat box, as high as possible on the western elevation of the building. Details of the bat box and its siting can be secured by condition. The proposed development would therefore comply with LDP Policy EnW1.

Parking and Highway Safety

In respect of parking provision and highway safety, there is a parking area to the front of the existing unit, access to which is served via the inner industrial estate road. Whilst part of the rear yard would be lost to accommodate the extension, there are no parking spaces currently provided within this area and as such, there would be no reduction in parking as a result of this development. Given the nature of the proposal, deliveries to the unit, as confirmed by the applicant, would not increase. It should also be noted that additional parking could also be provided on-street on the estate road, which is wide and although well used does not appear to be congested. The Head of Engineering and Highways has not highlighted highway safety concerns. The proposal would therefore accord with LDP Policy SW11.

CONCLUSION

The development, due to the reasons discussed above, is therefore considered acceptable and in compliance with relevant policies and guidance.

Finally, 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 no: 893.004A Proposed Ground Floor, received: 3rd July 2023;
- Drawing no: 893.005, Proposed First Floor, received: 3rd July 2023;
- Drawing no: 893.006, Proposed Elevations and Section, received: 3rd July 2023;
- Drawing no: 893.007, Proposed and Existing Front Elevation, received: 3rd July 2023;

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

3. The servicing, maintenance and repair of vehicles shall only be carried out within the unit as identified on drawing no's 893.004A and 893.005. No servicing, maintenance or repairs shall take place outside the unit.

Reason - To ensure that any noise emitted is not a source of nuisance to occupants in nearby properties, in accordance with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

4. The use of the extension, including deliveries to and from the unit, shall not take place outside the following times:

Monday to Friday: 08:00 - 18:00

Saturday: 09:00 - 15:00

and not at all on Sundays and Bank Holidays.

Reason - To ensure that any noise emitted/activities are not a source of nuisance to occupants in nearby properties, in accordance with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

5. **Prior to the beneficial use of the extension** hereby approved, details of a single bat box and its siting on the western elevation of the extension, shall be submitted to and approved in writing by the Local Planning Authority. The bat box shall be erected in accordance with the approved details prior to the extension being brought into use.

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

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

DATE: 21.07.2023

