

DELEGATED REPORT

Application No:	P/23/0226
Site Address:	Land At Pant Industrial Estate Pant Merthyr Tydfil
Development:	Removal of conditions 11 and 13 and variation of conditions 2, 3, 5, 6 and 12 of planning permission P/20/0109
Case Officer:	Rebecca Owens
Site Visit:	11th October 2023
Application Expiry Date:	27th November 2023
Consultation reply date expired:	1st November 2023

APPLICATION SITE

The application site comprises a vacant plot of land within the north-eastern section of Pant Industrial Estate. The site has an area of approximately 0.5ha. It is rectangular in shape and is predominantly flat, although it is set down from the highway to the north by approximately 2m. Its boundaries are enclosed by palisade fencing. The site is bound by industrial units on both sides, the highway to the north and the side wall of another industrial unit to the rear. The nearest residential dwellings are approximately 67m to the north-east of the site and they are separated by two highways and an intervening row of industrial buildings.

PROPOSED DEVELOPMENT

Permission is sought to remove and vary conditions on planning permission P/20/0109 which granted planning permission for the erection of industrial units (Use Classes B1, B2, B8) and associated works.

It is sought to remove condition 11, which requires details of the CCTV cameras to be submitted to and approved in writing by the local planning authority. CCTV camera are no longer being provided as the developer considers that the perimeter wire mesh & palisade fencing along with the secure access gates would provide adequate security to the site.

It is also sought to remove condition 13, which prevents surface water and land drainage from connecting directly or indirectly with the public sewerage network. The developer has indicated that Welsh Water have accepted that surface water can be discharged in to the public sewerage system.

It is also proposed to vary conditions 2, 3, 5, 6 and 12 to correspond with the revisions listed on the amended plans and documents submitted as part of this application: These amendments are as follows:

- Electric Vehicle Charging Points (EVCP's) to be repositioned.
- Proposed external ground levels to middle third and rear third of site raised to better suit existing ground levels.
- FFL to units 8 to 14 revised to 325.000.
- FFL to units 3 to 7 raised by 250mm.
- Units 8 to 14 raised 750mm to better suit existing ground levels.
- Units 3 & 4 moved away from western boundary by circa 300mm.
- Horizontal trapezoidal cladding where previously proposed revised to be laid vertical to all units.
- Retaining walls & steps within site removed to correspond with newly raised ground levels.
- Canopies to units omitted.
- Sub-station repositioned from south-western boundary to north-eastern boundary located nearer to existing services.
- Repositioning of bin and bike stores (with one less bike store provided) and repositioning of parking spaces serving unit 5.
- The bike store to the front of unit 8 is now larger as a result of the above repositioning of these facilities and would be contained within a green roofed cycle shelter. The green roof cycle shelter to the front of unit 14 would also be larger than previously approved.
- Additional bollards provided.
- Secure personnel access gate added to south eastern corner of site.
- A reduction in the gross internal area of each unit.
- Revisions to planting.

PLANNING HISTORY

The relevant planning history is detailed below:

P/20/0109 Erection of industrial units (Use Classes B1, B2, B8) and associated works
Granted planning permission subject to conditions on 12 August 2020

CONSULTATION

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

Dwr Cymru Welsh Water	No objection to removal of condition 13 subject to new conditions
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PUBLICITY

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

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

Local Planning Policies

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

Policy SW4 – Settlement boundaries

Policy SW9 – Planning Obligations

Policy SW10 – Protecting and Improving Open Spaces

Policy SW11 – Sustainable design and Placemaking

Policy SW12 – Improving the Transport Network

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW2 – Internationally and Nationally Protected Sites and Species

Policy EnW4 – Environmental Protection

Policy EcW2 – Protecting Employment Sites

Policy EcW9 – District Heating

Supplementary Planning Guidance (SPG) Note No.2 – Planning Obligations

Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design

Supplementary Planning Guidance (SPG) Note No.5 – Nature and Development

PLANNING CONSIDERATIONS

This development has already been considered and found to be acceptable under the original planning application (Planning Ref: P/20/0109). This application seeks permission to remove and vary conditions on the subsequent planning decision notice. The implications of this on the relevant policies and material planning considerations must therefore be re-assessed to ensure that the development would still be acceptable with the alterations proposed.

Removal of condition 11

The approved scheme included the installation of CCTV cameras and as such condition 11 was attached to the planning permission to ensure that details of these CCTV were first submitted to and approved in writing by the local planning authority. However, the developer no longer considers CCTV cameras to be necessary as the perimeter wire mesh & palisade fencing along with the secure access gates are deemed to provide adequate security to the site. The removal of the CCTV would result in a lesser impact and would not alter the acceptability of the proposal based on the relevant policies and

material planning considerations of the original application. As such no objection is raised to the removal of this condition.

Removal of condition 13

Condition 13 prevents surface water and land drainage from connecting directly or indirectly with the public sewerage network. The developer has indicated that Welsh Water have accepted that surface water can be discharged into the public sewerage system and as such is seeking to remove this condition. Welsh Water have confirmed that they have an in-principle agreement on the basis that surface water would discharge to the public surface water sewer crossing the site at a maximum attenuated discharge rate of 5l/s and, would be subject to SAB approval. However, they have indicated that this agreement did not extend to Land drainage and as such they have suggested that the condition to be replaced by two alternative conditions. One would control the surface water flows connecting with the public surface water sewer and the other would continue to prevent land drainage run-off connecting with the public sewerage system. Thus whilst this condition can be removed it will be replaced with the alternative conditions requested by Welsh Water.

Variation of conditions

Amended plans have been submitted with this application illustrating a number of relatively minor alterations to the originally approved scheme and permission is therefore sought to vary condition 2 which lists the approved drawings and documents to include these amended versions and also to vary other conditions which include reference to the amended plans submitted. The principle of the development has already been established to the impact of these changes on the main material planning considerations must now be assessed. These were:

- The impact of the development on the character and appearance of the area;
- Highway safety and car parking considerations;
- Ecological Issues; and
- The impact on neighbouring properties.

It is acknowledged that the proposed amendments would result in changes to the appearance of the unit and minor alterations to the levels and layout of the site. In terms of the units themselves, the installation of the cladding vertically rather than horizontally would only represent a minor change to their overall design and similarly, the omission of the small entrance canopies would not significantly impact on their appearance. The level changes and other amendments to the layout have also been considered individually and cumulatively and again it is not considered that these would have any adverse impact. The proposed development is still deemed to be of an acceptable design and would not adversely impact on the character of the area. Therefore, the proposal would still comply with policy SW11 of the LDP.

The proposed alterations do not impact on the proposed service road, turning facilities or indeed the access into the site and visibility splays. Whilst there is a minor alteration to the position of the car parking spaces serving unit 5, these would still be acceptable and would not result in any additional harm. Furthermore, it is noted that alterations are proposed to the position of some of the Electric Vehicle Charging Points. However, the same number are proposed and their relocation would not impact parking provision within the site. It is also proposed to relocate bike stores (with one less provided). However, this change is deemed to minor with the bike stores remaining fully accessible and of an

adequate number to serve the development. As such the amended proposal not have any implications on parking or highway safety and would remain acceptable in this respect.

The amendments would not have any additional impact on ecology or protected species and do not impact on the onsite enhancements measures proposed (which include the siting of two bat boxes and four bird boxes). In addition, the planting schedule remains suitable. As such, the proposal complies with policy EnW1 of the LDP.

With respect to the effect on neighbouring properties, the amendments would not have any significant impact. The closest residential properties are located approximately 65m north-east of the site and the proposed alterations are relatively minor in nature and scale. As such there would be no additional harm from this scheme and the proposal would continue to be acceptable in terms of residential amenity.

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 be carried out in accordance with the following approved plans and documents:

Drawing no. 19070 (05) 102 Rev D Proposed Site Plan received on 02.10.2023

Drawing no. 19070 (05) 201 Rev B Unit 1 - Floor plans and elevations received on 02.10.2023

Drawing no. 19070 (05) 201 Rev B Unit 2 - Floor plans and Elevations received on 02.10.2023

Drawing no. 19070 (05) 202 Rev D Units 3 & 4 - Floor plans and elevations received on 02.10.2023

Drawing no. 19070 (05) 203 Rev C Units 5, 6 & 7 Floor plans and elevations received on 02.10.2023

Drawing no. 19070 (05) 204 Rev B Units 8-14 Floor plans and elevations received on 02.10.2023

Drawing no. 1970 (05) 104 Rev C Proposed Site Sections received on 02.10.2023

Drawing no. 305056-020 Rev C03 Proposed External Levels Layout received on 02.10.2023

Drawing no. 305056-021 Rev C03 Proposed External Levels Layout Sheet 02 received on 02.10.2023

Drawing no. 305056-C-170 Rev C01 Proposed Section 278 Scope of Works received on 02.10.2023

Drawing no. 305056-045 Proposed Road Construction Details Sheet 01 received on 03.06.2020

Drawing no. 305056-046 Proposed Road Construction Details Sheet 02 received on 03.06.2020

Drawing no. 305056-040 Proposed Drainage Construction Details Sheet 01 received on 03.06.2020

Drawing no. 305056-041 Proposed Drainage Construction Details Sheet 02 received on 03.06.2020

Drawing no. 305056-042 Proposed Drainage Construction Details Sheet 03 received on 03.06.2020

Drawing no. 305056-043 Proposed Drainage Construction Details Sheet 04 received on 03.06.2020

Drawing no. 305056-004 Rev A Post Development Surface Water Runoff received on 03.06.2020

Drawing no. 305056-031 Rev B Existing Underground Drainage Remediation Works Layout received on 03.10.2023

Drawing no. CA 2020-44 Rev C Landscape Overall Proposals received on 02.10.2023

Drawing no. CA 2020-46 Rev B Landscape Planting Details received on 02.10.2023

MKR: Pant Industrial Estate: Planting Schedule received on 02.10.2023

Drawing no. CA 2020-43 Rev A Landscape Existing and Overlay received on 02.10.2023

Drawing no. CA 2020-45 Rev B Tree Section Rain Garden received on 02.10.2023

Drawing no. 305056-032 Rev C05 Proposed Underground Drainage Layout received on 02.10.2023

Drawing no. 5055-HAH-00-SW-DR-E-60-0101 Rev C01 Site Wide Landlord Electrical Services received on 02.10.2023

Ecological Assessment Issue 1VD received on 05.08.2020

Planting Methodology and Aftercare Landscape Ecology Management Plan LEMP Rev 25 August 2023 received on 02.10.2023

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

2. **Prior to the occupation of any unit hereby approved**, the 2.5m by 40m vision splays shall be provided in accordance with the details shown on drawing 1970 (05) 102 Rev D and shall thereafter be maintained free of any obstruction exceeding 0.9m in height.

Reason - In the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

3. No unit shall be occupied until space has been laid out within the site in accordance with drawing no 1970 (05) 102 Rev D for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available for the parking of vehicles/such purposes in perpetuity.

Reason - In the interests of highway safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. All planting, seeding or turfing comprised in the approved details of landscaping (as illustrated on drawing numbers CA 2020-44 Rev C, CA 2020-46 Rev B, CA 2020-45 Rev B, 1970 (05) 102 Rev D and within the MKR planting schedule) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **Prior to the occupation of the buildings** hereby approved, details of the sub station, bin storage and bicycle storage facilities as illustrated on drawing no 1970 (05) 102 Rev D and CA 2020-44 Rev C, shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details prior to the occupation of the buildings.

Reason - In the interests of visual amenity and support sustainable forms of transport and to accord with Policies SW11 and SW12 of the Merthyr Tydfil Local Development Plan.

6. Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 5l/s.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

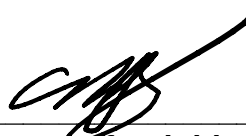
7. No land drainage run-off shall be allowed to connect (either directly or indirectly) into the public sewerage system at any time.

Reason - To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System.

INFORMATIVES

1. This permission shall be read in conjunction with the approved details and conditions of planning permission P/20/0109

RECOMMENDATION ENDORSED




Director of Neighbourhood Services

DATE: 06.11.2023