

DELEGATED REPORT

Application No: P/20/0060

Site Address: Willows House
Abercanaid Industrial Estate
Abercanaid
Merthyr Tydfil
CF48 1YF

Development: Erection of 9 No. storage units

Case Officer: Rebecca Owens

Site Visit:

Application Expiry Date: 29th April 2020

Consultation reply date expired: 27th March 2020

APPLICATION SITE

The application relates to an almost triangular parcel of land located within the settlement boundary and an established industrial estate which is allocated as a protected employment site. The site currently comprises of a residential dwelling with associated vehicular repair and MOT business. It is bound by a private highway to the east, and other industrial units to the north and west.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of nine storage units which would be comprised within two separate structures (four units in one and five in the other). The largest of these would be erected relatively centrally within the site adjacent to the existing structures housing the MOT and garage repair business. This building would be 9.14m in depth by 26.8m in depth and would have a mono-pitched roof with a ridge height of 4.5m. The other building would be sited to adjacent to the northern boundary and alongside an existing industrial unit within the adjoining land. This would be 9.15m in depth by 22.4m in length and would also have a mono-pitched roof with a ridge height of 4.5m. The units would have steel sheet elevations and roofs with roller shutter doors in their primary elevations.

PLANNING HISTORY

The relevant planning history is detailed below:

- P/06/0360 Extension and rebuilding of existing MOT testing station - Granted on 19th September 2006
- P/06/0181 Re-building and extension of garage unit to form M.O.T testing station. Refused on 1st June 2006 for the following reason:

"The proposed extension by virtue of its position and design does not integrate with the host building and is out of accord with the surrounding area".

P/00/0444 Single storey extension - Granted planning permission on 14th December 2000

P/97/0178 Retention of use of land and buildings as vehicular repair garage. Granted planning permission on 24th July 1997.

CONSULTATION

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

Engineering & Traffic Group Leader – No response

Planning Division's Policy Group – No objection

Environmental Health Manager - No objection subject to conditions

Natural Resources Wales - No objection subject to conditions.

Coal Authority - No objection subject to conditions

Wales and West Utilities - No objection

PUBLICITY

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

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

Local Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031 are relevant to the determination of this application:

- SW4: Settlement Boundaries
- SW6: Hoover Strategic Regeneration Area
- SW9: Planning Obligations
- SW11: Sustainable Design and Placemaking
- SW12: Improving the Transport Network
- EcW2: Protected Employment Sites
- EnW2: Internationally and Nationally Protected Sites and Species
- EnW4: Environmental Protection

National Policies

Planning Policy Wales (Edition 10, December 2018) is relevant to the determination of this planning application. The following paragraphs are identified as being of particular importance:

Paragraph 3.51 emphasises a preference for development on previously used/brownfield land.

Paragraphs 6.6.22 - 6.6.29 provide guidance on development and flood risk.

Paragraphs 6.9.18 - 6.9.21 refer to land contamination.

Paragraphs 6.9.23 - 6.9.28 relate to land instability.

These policies are supplemented by guidance contained in the following Technical Advice Notes:

- Technical Advice Note (TAN) 15: Development and flood risk.
- Technical Advice Note (TAN) 12: Design
- Technical Advice Note (TAN) 23: Economic Development

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary and relates to a residential dwelling with associated vehicular repair and MOT business. It is also located within an established industrial estate and is an allocated employment site protected by Policy EcW2 of the LDP. The principle of erecting storage units for storage, is therefore considered to be acceptable and would comply with Policies SW4 and EcW2. It is also noted that the application site lies within The Hoover Strategic Regeneration Area (HSRA) as identified by Policy SW6. This policy aims to facilitate a major mixed-use development. However, given the scale of the development proposed, it is not considered that this development would conflict with the aims of the HSRA.

Accordingly, the proposal is deemed to be acceptable in principle. However, it must also comply with other relevant policies and be assessed in terms of other material planning considerations.

Character and visual amenities

The proposal is for two large buildings which would provide individual storage units. Both would be sited with their smaller side elevations fronting towards the adjacent highway. One would be located centrally and positioned against the main built area (to the south) and the other against the adjoining industrial unit (along the northern boundary). The structures would thus be viewed against these existing industrial buildings which helps to reduce their overall prominence and visual impact. The simple design and material finishes of the storage units are also deemed to be acceptable and in keeping with other units within the area. In addition, given their siting within an existing industrial park where there are numerous other units of varying scales and appearance, it is not considered that the units would appear incongruous or harm the visual amenity of the area. As such they accord with policy SW11 of the LDP.

Residential amenity

There is only one residential property which would be affected by the development and that is the dwelling known as Willows House which is within the application site. This dwelling is sited within an established industrial park where there are numerous uses which would give rise to noise and disturbance, including the vehicular repair garage and MOT business which also runs from the site itself. Thus whilst the proposed units may create some additional impact in this respect, this would not be detrimental given the existing noise and disturbance that is already experienced. Furthermore, the units are not sited in a location that would give rise to an overbearing/overshadowing impact or loss of light to this dwelling. As such the proposal complies with policy SW11 of the LDP.

Highway safety

The adjacent highway serving the application site is privately maintained and the proposal would involve relocating the existing entrance gates by just over 5m to the south east. The relocated access is deemed to be acceptable in terms of highway safety. There is also considered to be adequate space within the site to allow vehicles to manoeuvre and leave in a forward gear. As such no objections are raised in this respect.

Given the proposed storage use of the unit, there is little requirement for parking. Nevertheless, there is sufficient space in front of the units and elsewhere within this part of the site to load and unload storage material. As such, the proposal complies with policy SW11 of the LDP.

Land stability

The Coal Authority has confirmed that the application site is located within a defined Development High Risk Area and as such in the site and surrounding area there are coal mining features and hazards. The Coal Authority records indicate that the site is within an area of thick coal seams which outcrop within and to the north of the site that may have been historically worked by illicit means at shallow depths beneath the site. A Coal Mining Risk Assessment (CMRA) has been provided which indicates that there is currently a risk to the proposed development from past coal mining activity and therefore recommends a scheme of intrusive site investigations to establish the exact ground conditions. From this suitable remedial measures can be designed. The Coal Authority is satisfied with the CMRA and has not objected to the application on the basis that a condition is included on any planning permission granted which requires site investigation to be undertaken prior to works commencing on site.

Flood risk

Natural Resources Wales (NRW) has stated that their Flood Risk Map confirms the site to be entirely within Zone C2 of the Development Advice Map (DAM) contained within TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Taff, a designated main river. Section 6 of TAN15 outlines four tests which must be met in order to justify development within a Zone C. It is considered that the proposed development complies with the first three tests for the following reasons:

- i. and ii. Its location is necessary to assist the local authority regeneration initiative relating to the former Hoover site (Policy SW6) and being within a protected employment site (Policy EcW2) it would sustain the employment of the existing settlement.

iii. It concurs with the aims of PPW and also meets the definition of previously developed land.

In terms of the final test, a Flood Consequence Assessment (FCA) has been produced by the applicant to demonstrate that the potential consequences of a flooding event have been considered for the proposed development and can be managed to an acceptable level. In this respect, NRW have reviewed the FCA and note that it shows that the risk and consequence of flooding could be managed to an acceptable level providing the contents of the FCA is adhered to. This can be done through condition.

Land contamination

NRW have indicated that the site is adjacent to a former gasworks site and thus consider that there may be unidentified areas of contamination within the site that could pose a risk to controlled waters. Thus while they have not objected to the development they have requested a condition be attached to any planning permission relating to potential contamination.

Conclusion

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 Title: Proposed Site Layout, Drawing Number: 2 of 4, Received on 4 March 2020.
- Drawing Title: Proposed Elevations (Amended) Drawing Number: 4 of 4, Received on 4 March 2020.
- FCA for Storage Units at Abercanaid Industrial Estate prepared by Wallingford HydroSolutions Ltd. Version 1. Reference WHS1729. Dated December 2019. Received on 4 March 2020.
- Coal Mining Risk Assessment: Land at Willows House, Abercanaid prepared by Blanford Consulting. Report No. BC/MB/10.19.01. Received on 4 March 2020.

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

3. Prior to the construction of the buildings, hereby approved, samples/details of the materials to be used in the construction of the external surfaces of the buildings shall be submitted to and approved in writing by the local planning authority. 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. If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to an approved in writing by the Local Planning Authority. This remediation strategy shall be carried out as approved.

Reason - In the interest of health and safety and environmental amenity and so as to accord with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **No development shall take place** until intrusive site investigations have been carried out to establish the exact situation in respect of coal mining legacy features. The results of the site investigations 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. Remedial works shall be carried out in accordance with the approved details.

Reason - The site may have coal mining legacy features and as such, in the interests of safety, remedial measures may need to be carried out.

INFORMATIVES

1. The Developer is advised to check and confirm the positions of all boundaries **BEFORE** construction works commence.

Any discrepancies or problems of interpretation of boundary lines shall be resolved amongst all interested parties **BEFORE** works commence.

Failure to comply with this information could lead to civil action being brought against the developer by aggrieved parties.

2. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. They must be given

reasonable time to advise as to whether the works should be carried out and, if so, the method to be used.

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.

3. The application site is within Natural Resources Wales (NRW) flood warning area for Merthyr Tydfil (River Taff). NRW recommend that the owners/occupiers sign up to the NRW Flood Warning Service.

NRW also recommends the applicant to consider the further insurability of the development and advises that they should review the Association of British Insurers published paper 'Climate Adaption: Guidance on Insurance Issues for New Developments' to help ensure any properties are as flood proof as possible and insurable.

4. Wales and West Utilities has pipes in the area. Their apparatus may be affected and at risk from the development. As such they require the developer to contact them directly to discuss their requirements in detail before any works commence on site. Should any diversion works be required, these will be fully chargeable.
5. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

RECOMMENDATION ENDORSED

Head of Town Planning

DATE: