

DELEGATED REPORT

Application No:	P/23/0110
Site Address:	Merthyr Motor Auctions Red Barrel House Pant Road Dowlais Merthyr Tydfil
Development:	Vary condition E of appeal decisions APP6410/C/95/508749 and APP6410/C/95/508750 to allow access to the lower yard after 18:30 hrs for circa 30 vehicles on 2 evenings per week (Mondays and Thursdays)
Case Officer:	Marlene Ferreira
Site Visit:	9th May 2023
Application Expiry Date:	27th June 2023
Consultation reply date expired:	25th May 2023

APPLICATION SITE

The application site relates to the lower yard at Merthyr Motor Auctions (MMA), located in the area of Dowlais. The lower yard is situated in the southern part of the site and can be accessed via the main entrance, off Pant Road to the north or via the secondary access, off Victoria Street to the south. This part of the MMA site is bound by residential properties to the east (at a significantly higher level) and to the west. A public footpath runs along the southern and eastern boundaries of the site. To the north, the site adjoins the upper yard area serving the MMA site. The application site is used for the parking and storing of vehicles, which are pending auction and includes a valet area with associated parking.

PROPOSED DEVELOPMENT

In February 1997 an inspector allowed an appeal (APP6410/C/95/508749 and APP6410/C/95/508750), quashed the enforcement notices and granted planning permission in the lower yard for the storage, parking and valeting of vehicles in association with the adjacent car auction premises. Permission was also granted for engineering works.

Condition E of the appeal decision states:

'no activity shall take place on the site before 08:00 hrs or after 18:30 hrs on weekdays and Saturdays, nor at any time on Sundays or Public Holidays (the sole exception to this condition being in the event of a transporter arriving whilst the auction activities are being

undertaken in the upper yard, such transporter shall be permitted to enter the lower yard for the purpose of parking only)'.

This application seeks planning permission to vary condition E to enable the use of the lower yard between 18:30 and 22:30 on Mondays and Thursdays. It is proposed that the lower yard would be utilised during the extended times to move/store up to 40 vehicles (which does not comprise of heavy good vehicles) when auctions are taking place. The agent claims that the loss of Merthyr Motor Auctions land, under a compulsory purchase order by Welsh Government, as part of the A465 (Heads of the Valleys) road widening scheme, has affected the auctioning activity at the site. It is further claimed that the loss of the land in the upper yard has halted the operation of the on-site auctions and this operation cannot recommence without utilising the lower yard during the proposed extended hours. The agent states that the use of the lower yard would free up space within the upper yard and improve the circulation of vehicles when auctions are taking place. The proposal therefore seeks to compensate for the claimed loss of land and create certainty for the business going forward.

The application has been supported by:

- A planning statement, prepared by HRT (Herbert R. Thomas) (received: 2nd May 2023)
- A noise assessment, prepared by ANL (Acoustics & Noise Limited) (received: 2nd May 2023)

PLANNING HISTORY

The following planning history is relevant to this application site:

P/23/0086 – First floor rear extension – Approved: 30th June 2023

P/22/0107 – Rear single storey extension – Approved: 8th June 2022

P/21/0364 – Customer and staff parking area for Merthyr Motor Auctions and associated boundary treatments and hard and soft landscaping – pending consideration.

P/20/0262 – Removal of condition h attached to appeal decisions APP6410/C/95/508749 and 508750 which currently restricts the use of the floodlights – Approved: 3rd September 2021

P/20/0194 – Temporary change of use of Pant Road Playground to create a secure a parking area for car parking, vehicle storage and on load/offload vehicle transporters, due to the construction of the A465 Heads of the Valleys dualling works, to be used in association with Merthyr Motor Auctions – Approved: 10th December 2020

P/14/0258 – Removal of condition h attached to appeal decisions APP6410/C/95/508749 and 508750 which currently restricts the use of the floodlights – Application Approved: 18th November 2015 – Decision Quashed: 6th May 2016 – Application Withdrawn: 5th December 2019.

P/13/0074 – Retention of 2no. lamp posts, housing CCTV cameras and P.A. system – Approved: 2nd May 2013

P/12/0022 – Demolish part of building and construct a two-storey extension – Approved: 5th April 2012

P/09/0142 – Removal of condition e (hours of operation of Planning Inspectorate's appeal decision APP6410/C95/508749) – Refused: 17th December 2009

P/08/0093 – Erection of single storey car and van valeting building – Approved: 5th August 2008

APP6410/C95/508749 and APP6410/C95/508750 – Appeal against enforcement notices served for the unauthorised storage, parking and valeting of vehicles in association with the adjacent car auction premises and engineering works – Appeal allowed and enforcement notices quashed – Approved: 21st February 1997.

CONSULTATION

Head of Engineering and Highways	No objection.
Ecology Officer	No objection.
Environmental Health Manager	No objection.
Natural Resources Wales (NRW)	No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to nearby occupiers and 6 site notices were displayed within the vicinity of the site. A total of 4 objection letters (2 of which are identical) have been received in respect of this application. The comments raised were as follows:

- The proposal fails to demonstrate that it will not result in an unacceptable impact on people, residential amenity, property and the natural environment. It will cause increase noise, vibration, fumes and odour nuisance and light and air pollution and will increase risk to public health and safety. Particular, condition E is in place to provide precisely that protection and the proposal materially weakens that protection. The planning proposal fails to point to any justifiable local planning policy;

- The proposal to vary is contrary to Planning Policy Wales 2021 and critically the need to work towards a more sustainable future. This proposal is going in the opposite direction. It is, for instance, entirely contrary to the comments in e.g. §3.20: which explains, among other things that the planning system should identify proactive and preventative measures to reduce health inequalities. This will include enabling opportunities for outdoor activity and recreation, reducing exposure of populations to air and noise pollution, promoting active travel options and seeking environmental and physical improvements, particularly in the built environment;

- The planning statement refers to the 'land take' by the CPO relating to the A465. This is not a reason for varying a condition. The CPO is what it is, an order purchasing land having had regard to the evidence presented to an inquiry. If this justifies the adverse impact of the proposed variation then the applicant will have the benefit of the sale of land and then transferring further external costs such as environmental harm and effects on the local community and environment. Indeed, we are instructed that, in reality there is or will be very little loss of vehicle parking land on the northern part of the applicant's site on completion of the A465. Having regard to this as a reason to justify the varying of condition e be unlawful. Moreover, the Welsh Government was granted temporary planning permission until 2025 to use Pant Playground park as an alternative customer parking and vehicle storage and until the applicant's car parking was restored. Extensive work and cost was done to mitigate the temporary loss of land by the applicant: see e.g. decision no. P/20/0194/a;

- Planning Policy Wales and TAN18 on Transport requires a transport assessment for all business proposals that are in excess of .25 hectares. This proposal exceeds this at 0.34 ha. Moreover, in practical terms it involves operations on a site much, much greater than this by reference to the use of the whole of the MMA site. We are instructed that there have been multiple complaints over many years about traffic congestion on Pant Road and Victoria Street close to the application site. The proposal is likely to aggravate this. Finally, highway and pedestrian safety should be considered, there is a footway over the access and egress and a footway adjacent to lower yard entrance which leads to and from Penywern. The proposal will cause increased risk to pedestrians and local residents by an unnecessary increase in HGV traffic.

- The proposal refers to a noise assessment by Acoustic & Noise Ltd (ANL). This wrongly assesses the noise impacts and wrongly refers to the assessment of noise nuisance. Moreover, while refer to some largely irrelevant case law on noise nuisance, it entirely fails to refer to the High Court and Court of Appeal decisions in Merthyr Tydfil Car Auction Ltd v Thomas [2013] EWCA Civ 815. This is surprising given that ANL were instructed by the appellant (and applicant) in that case, in which the High Court reached a finding of noise nuisance arising from the operations of the applicant's operations possible even with the protection of condition e. Moreover, the noise assessment appears to suggest that most of the increased noise and operations is likely to arise in the first hour after 18:30. However, granting the variation as proposed will not prevent all activity being carried on in the time preceding 22:30. In effect, any variation to condition e is likely to be unenforceable in attempting to stop serious environmental impacts on the locality;

- The area suggested for parking is adjacent to an area planted with plants to encourage wildlife and rare species. This was required as part of conditions of permitting a weakening of light pollution controls at this site last year. We are instructed that our clients continue to monitor this area with regard to wildlife and we understand that since the applicant has decided to turn floodlights on bats that had previously been using the area no longer do so. The proposal is likely to cause further adverse environmental harm by aggravating species and wildlife that is susceptible to disturbance;

- That Merthyr Motor Auctions (MMA) submits this application, particularly at this time, is incredulous. Dowlais and Pant is congested and disrupted on a daily basis - haphazard and illegal parking, road closures, road works and diversions for the A465 dualling scheme, DCWW works and Wales and West Utilities works result in a gridlocked Victoria Street and Pant Road daily;

- The childrens' park in Dowlais was removed in order for MMA to have an alternative parking area for the duration of the A465 dualling works. Therefore why would this be a reason to justify the varying of condition E. We would suggest that MMA seeks to gain a commercial advantage from a compulsory purchase order that has already been assessed and compensation awarded to MMA;

- The exit of Llewelyn Street is already fraught with danger. There is no raised pavement at the exit junction and there is a pedestrian perception that cars are driving on the pavement rather than they are crossing a road junction. There has been no transport assessment submitted with this application which would consider the fact that there is a pavement across the exit of Llewelyn Street, that there is a well used pedestrian footpath to Penywern next to the lower yard entrance gates. As has been detailed many times previously the use of the lower yard entrance will increase risk to the health and safety of pedestrians and local residents and add further congestion and disruption in Dowlais;

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

Policy 1 – Where Wales Will Grow

‘The Welsh Government supports sustainable growth in all parts of Wales. In three National Growth Areas there will be growth in employment and housing opportunities and investment in infrastructure. The National Growth Areas are: Cardiff, Newport and the Valleys, Swansea Bay and Llanelli, Wrexham and Deeside...’

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

‘The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure...’

Policy 9 – Resilient Ecological Networks and Green Infrastructure

‘To ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure, the Welsh Government will work with key partners to: identify areas which should be safeguarded and created as ecological networks for their importance for adaptation to climate change, for habitat protection, restoration or creation, to protect species, or which provide key ecosystems services, to ensure they are not unduly compromised by future development; and identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking, requiring the use of nature-based solutions as a key mechanism for securing sustainable growth, ecological connectivity, social equality and well-being. Planning authorities should include these areas and/or opportunities in their development plan strategies and policies in order to promote and safeguard the functions and opportunities they provide. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be

demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.'

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

'Cardiff, Newport and the Valleys will be the main focus for growth and investment in the South East region. Strategic and Local Development Plans should recognise the National Growth Area as the focus for strategic economic and housing growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure...The Welsh Government supports co-ordinated regeneration and investment in the Valleys area to improve well-being, increase prosperity and address social inequalities. The Welsh Government will work with regional bodies, local authorities, businesses, the third sector, agencies and stakeholders to support investment, including in the manufacturing sector, and to ensure a regional approach is taken to addressing socio-economic issues in the Valleys...'

National Planning Policies

- Planning Policy Wales (Edition 11, February 2021)

Paragraph 3.3 discusses good design and states it *'...is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area...'*

Paragraph 3.4 goes on to discuss the objectives of good design which are characterised into 5 key aspects, these being *'... Access – ensuring access for all; Character – sustaining or enhancing local character, promoting legible development, a successful relationship between public and private space, quality, choice and variety, innovative design; Community Safety – Ensuring attractive, safe public spaces, security through natural surveillance; Environmental Sustainability – Achieving efficient use and protection of natural resources, enhancing biodiversity and designing for change; Movement – Promoting sustainable means of travel...'*

Paragraph 3.22 points out that planning authorities should develop and maintain places that support healthy, active lifestyles across all ages and socio-economic groups.

Paragraph 3.24 discusses the effects of a development on human health and states that *'...Where significant effects on human health are likely to arise as a result of development plans or individual development proposals, environmental impacts should be considered in full knowledge of the likely consequences for health. Information to assess potential impacts on health can be required through various mechanisms, such as sustainability appraisal of development plans and environmental impact assessments, and where relevant, health impacts should be incorporated into such assessments. In general, the most effective and collaborative ways of working will require shared and integrated approaches to evidence gathering and assessments...'*

Paragraph 5.4.1 highlights that 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.

Paragraphs 6.4.2, 6.4.5, 6.4.21 and 6.4.22 relate to biodiversity and protected species and state that ‘...*The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. The Nature Recovery Action Plan supports this legislative requirement to reverse the decline in biodiversity, address the underlying causes of biodiversity loss by putting nature at the heart of decision-making and increasing the resilience of ecosystems by taking specific action focused around the 6 objectives for habitats and species....Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems...Planning authorities must follow a stepwise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for...The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process...*

Paragraph 6.7.1 and 6.7.11 refers to air, noise and light pollution ‘... *air, noise and light pollution can have negative effects on people, biodiversity and the resilience of ecosystems and should be reduced as far as possible... Air and noise pollution are often, but not exclusively, emitted from the same sources, notably road transport, commercial and industrial activities. Consequently, areas of poor air quality often coincide or overlap with areas subject to high noise levels. Even where they do not, poor air quality at one location and high levels of noise at a neighbouring location may be related to one another, depending on the characteristics of the place in question, including the way in which people use and occupy places and the way in which traffic is managed in the wider area. Where air and noise pollution are generated from the same source they should be considered and addressed together and links should be made with active travel and other strategies for reducing vehicular use so as to reduce or minimise, pollution and to ensure an appropriate soundscape...*

Paragraphs 6.8.1, 6.8.3, 6.8.4 specifically discuss lighting and states ‘... *There is a need to balance the provision of lighting to enhance safety and security to help in the prevention of crime and to allow activities like sport and recreation to take place with the need to protect the natural and historic environment including wildlife and features of the natural environment such as tranquillity; retain dark skies where appropriate; prevent glare and respect the amenity of neighbouring land uses; and reduce the carbon emissions associated with lighting...*

Paragraphs 6.7.22 to 6.7.25 talks about soundscapes. *'...Certain qualities of sound can be associated with particular places and the activities within them. Taking steps to foster the continued longevity of uses and activities which provide wider cultural benefit and experience for people and contribute towards the local economy, both in terms of a vibrancy of place and in creating a space for creativity to flourish, is an important role for the planning system...The potential impacts of noise pollution arising from existing development, be this commercial, industrial, transport related or cultural venues (such as music venues, theatres or arts centres), must be fully considered to ensure the effects on new development can be adequately controlled to safeguard amenity and any necessary measures and controls should be incorporated as part of the proposed new development. This will help to prevent the risk of restrictions or possible closure of existing premises or adverse impacts on transport infrastructure due to noise and other complaints from occupiers of new developments. It will be important that the most appropriate level of information is provided and assessment undertaken...'*

- Technical Advice Notes (TAN's)

TAN 5: Nature Conservation and Planning (2009)

Paragraph 4 refers to nature conservation in development control and states the following:

Paragraph 4.1.1 states that *'...the development control process is a critical stage in delivering the protection and enhancement of nature conservation required by PPW and the following can help in achieving these objectives:*

- *adopting the five-point approach to decision-making - information, avoidance, mitigation, compensation and new benefits;*
- *ensuring that planning applications are submitted with adequate information, using early negotiation, checklists, requiring ecological surveys and appropriate consultation;*
- *securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations;*
- *carrying out effective planning enforcement;*
- *identifying ways to build nature conservation into the design of new development...'*

Paragraph 4.3.4 states that *'...the information submitted with the planning application should be proportional to the likelihood of effects on nature conservation interests and to their potential significance...'*

TAN12: Design (2016) advises that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

TAN 18: Transport (March 2007)

Paragraph 2 highlights the integration between land use, planning and transport and states:

2.1 An efficient and sustainable transport system is a requirement for a modern, prosperous and inclusive society. However, transport, in particular road traffic, can also have negative impacts on human health and the environment. Road traffic growth is a

cause of increased local air pollution, green house gas emissions contributing to global warming and climate change and, in some areas, congestion, which can affect economic competitiveness.

TAN 23: Economic Development (February 2014)

Paragraph 2 discusses economic objectives and states:

2.1.1 It should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction. Planning should positively and imaginatively seek such 'win-win' outcomes, where development contributes to all dimensions of sustainability.

2.1.2 Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions when social and environmental considerations will outweigh economic benefit. The decision in each case will depend on the specific circumstances and the planning authority's priorities.

2.1.3 It is a central objective of the planning system to steer development to appropriate locations. Therefore, where a proposed development would cause unacceptable environmental or social harm, demand should be steered to an alternative location, unless the harm is outweighed by the additional benefit of development at the original site in question.

Local Planning Policies

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

- Policy SW4 - Settlement Boundaries
- Policy SW11 – Sustainable Design and Placemaking
- Policy EnW1 – Nature Conservation and Ecosystem Resilience
- Policy EnW2 – Internationally and Nationally Protected Site and Species
- Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- Policy EnW4 – Environmental Protection

- Supplementary Planning Guidance (SPG's)

- SPG Note 4: Sustainable Design (July 2013)
- SPG Note 5: Nature and Development (May 2015)

PLANNING CONSIDERATIONS

The lower yard currently has planning permission to be used for the storage, parking and valeting of vehicles between the hours of 08:00 until 18:30 from Monday to Saturdays, in association with the adjacent car auction premises. Thus, the issues to consider under the assessment of this application relate to whether the variation of condition E, which would allow the lower yard to be used until 22:30 on Mondays and Thursdays, would be acceptable in this location with regards to the impact it may have upon the character and

appearance of the area, the amenities of nearby residents, ecology, natural environment and highway safety.

Justification

Merthyr Motor Auction (MMA), prior to March 2020, operated on-site auctions in the upper (northern) yard, which occurred 3 days per week on Mondays, Thursdays and Saturdays. On Saturdays, the auctions would start at 14:00 hours and on Mondays and Thursdays, the auctions would start at 19:00 hours. These auctions would generally take place over a period of 2.5 hours. At the end of the auctions, staff would complete any admin tasks and the final movement of vehicles would take place within 1.5 hours of the auction ending. When the auctions are underway, the vehicles are driven from the upper yard, through the auction hall by 6 drivers (2 drivers from each of the three zones, comprising small, medium and large vehicles – HGV's not included) and then returned to the upper yard. This was possible since there was sufficient space in the northern part of MMA site (beneath the carriageway and immediately north of the A465 carriageway), to accommodate the displacement of vehicles. Rows of parking would be made available to facilitate the flow of the auction event and to provide an area for the vehicles, which were sold and pending collection, on that same evening or the following next morning.

Since the highway improvement works commenced on the A465 carriageway, the auction site (1.5 hectares), has been condensed. The business currently operates on a site that has been reduced in area by approximately 3,695m², as stated within the supporting statement submitted with the application. It is claimed that the dualling works on the A465 has resulted in the loss of land, which amounts to approximately 355m² beneath the carriageway, 500m² immediately north of the A465, 1,677m² on the northern car park and 1,163m² south of the carriageway. The agent advises that due to this, the auction activity is currently undertaken online and viewing of vehicles are made by appointment, and on-site auctions are not currently taking place. It was noted however, as witnessed during a recent on-site meeting with the applicant, that members of the public were able to enter the MMA site to browse the vehicle stock available without prior appointment.

Following the submission of additional information and maps, it was indicated by the agent that the total land loss resulting from the A465 dualling works is in fact greater than that stated in the supporting statement and equates approximately 5416m² (and not 3695m² as previously noted).

In order to mitigate for the loss of this land and enable MMA to continue to operate efficiently, the agent explains that 3 alternative sites for the parking of vehicles have been considered, these being the Hafod site, the Former Ifor Works site and the Pant Road Playground site. As it stands, the Hafod site, located to the north of the MMA site (currently under consideration P/21/0364) if approved, would only become available once the highway improvement works to the A465 have been completed (given its close proximity) and is therefore unavailable at present. The Former Ifor site has not progressed since MMA halted investigatory work and as such, is not currently being used in association with the operation of MMA. The applicant has confirmed that this site is affected by asbestos and it would be very costly to remove the contamination and therefore does not present a viable option for MMA to pursue. However, the Pant Road Playground, located across the road (to the west of MMA), has temporary planning permission until the A465 dualling works are completed, to be used as a parking compound for vehicles (including HGV and non-runners) and for the on-load/off-load of vehicle transporters. This is currently being used in association with the MMA site. This

temporary permission includes using the former Pant Playground until 22:30 on Mondays and Thursdays. However, the agent has confirmed that the parking in this area is at capacity and there would be insufficient space to accommodate an additional 30-40 vehicles to aid the free flow of the auction activity. During a site meeting, the applicant explained that he has a total of 15 drivers, all of whom park within the Pant Playground area and went on to clarify that the remaining space for potential customers who may wish to visit the auction activity is therefore very limited. Furthermore, the employee and customer parking requirements are in addition to any other vehicles that may already be parked/stored at the former Pant Playground site, which also includes the on-load/off-load of vehicle transporters. The agent has noted that since this site is divorced from the auction hall, it would take additional time to drive the vehicles from the auction, across the road (particularly if there was lots of traffic) and into the temporary car park. The use of this temporary site during the auction activity would also give rise to security concerns for the site since the vehicular gates would have to remain open and would warrant the need for additional security on-site during these times. In addition, the agent goes on to state that the vehicles to be auctioned are not always taxed or MOT'd and therefore, it is a risk for the vehicles crossing the adopted highway to the auction hall in the event that an accident occurred. In this respect however, it is noted that trade plates could be used to overcome this issue. For the reasons described, the applicant has indicated that the former Pant Road Playground cannot be used in support of the operation of the on-site auctions and therefore, the auction continues to be undertaken online only.

Having considered the justification for the proposed development, it is important to note that the loss of the land within the MMA site, as claimed by the agent, is mainly temporary and a large proportion of the land lost would be returned once the dualling works are complete. It has been indicated that the overall amount of land lost equates to 5416m² (this appears to include all MMA land, as well as areas that are not useable, given the site's topography) and that only 2405m² of this land would be returned to MMA once the dualling works are completed. Thus, the total permanent loss of land within the MMA site would amount to 3011m². The submitted plans showing the loss of land have been reviewed utilising the Council's GIS mapping system, which appears to indicate MMA have suffered a total loss of land of approximately 4969m². However, in terms of the useable parts of the land that have been lost temporarily, this amounts to approximately 3254m². In respect of permanent land lost as a result of the A465 dualling works, this is shown to equate to approximately 984m².

It is evident that the figures shown in the supporting statement submitted with the application differ from those indicated in subsequent emails and on maps provided by the agent. Furthermore, the figures provided differ from that shown on the Council's GIS mapping system. Notwithstanding this, it is clear that in the interim period, whilst the A465 dualling works are taking place and until fully completed, the MMA site has suffered a loss of operational land. However, it is also important to note that the majority of the land lost is only temporary and the applicant has been compensated by the Welsh Government for this loss. Indeed, once the highway improvement works have been completed, on-site auctions can continue to be operated from the MMA site, as confirmed by the applicant during a recent site meeting. Furthermore, pending the determination of the planning application at the Hafod site (P/21/0364), additional land immediately adjoining the MMA site may become available for use as customer and staff parking, which would further facilitate the operation of on-site auction activity.

It is therefore considered that the temporary and permanent loss of land resulting from the A465 dualling works would not amount to an acceptable justification for the proposed

variation of condition E, which would enable the use of the lower yard for two days per week, for an additional 4 hours in the evening, on a permanent basis.

Character and Appearance

The proposal seeks to vary the operating times of the lower yard and would not introduce any other development into the lower yard, and would be used for the same purpose as it is currently, i.e. parking and storing of vehicles. Therefore, the proposed use of the lower yard for an additional 4 hours on Mondays and Thursdays would not significantly alter the character and appearance of the area and would not adversely impact to the character or appearance of the area. Accordingly, the proposal accords with LDP Policy SW11.

Residential Amenity

The proposal has been considered in respect of its impact upon the amenities of the occupiers in the nearest residential properties. As such, the previous appeal decision (APP6410/C95/508749 and APP6410/C95/508750) requires careful consideration in order to understand why condition E was imposed, and therefore forms an important consideration, which is material to the assessment of this application.

- Noise

In the above mentioned appeal decision the Planning Inspector restricted the operational times of the lower yard from 08:00 until 18:30 on weekdays and Saturdays, and not at all on Sundays and Bank Holidays. In paragraphs 51 to 55 of the appeal decision, the Inspector states: *'...the substantial amount of complaints from local residents to the local authority and the police, as well as evidence at the inquiry, indicates clearly that the use has generated an unacceptable amount of noise and disturbance caused by the arrival of vehicles, the positioning of vehicles, the starting up and idling of engines which has occurred not only during the day, but sometimes, in the evening when it has been particularly unwelcome and obtrusive. In my opinion that injury to amenity is demonstrable...Overall it appears to me that the activities associated with the use enforced against have been demonstrably undesirable and that without substantial controls, such activities should not be granted planning permission. At the inquiry, in line with national advice, I sought from the main parties comments on conditions that might be applied were I minded to grant permission...Draft conditions were prepared and were modified so that a complete landscape scheme could be considered directly...the effect of conditions would be to a) limit the area designated for the parking/storage of vehicles prior to auction and the area for valeting and associated parking; b) designate an area for vehicle circulation; c) provide a landscape area...d) limit the activity on the site to between 08:00 and 18:30 on weekdays and Saturdays...e) provide a particular type of fencing along the whole of the western boundary to the site...Bearing in mind firstly, the previous use, secondly, the long-standing and interrupted use of the southern access and thirdly, the opportunity to control and limit activity on the appeal site were planning permission forthcoming, it seems to me that on balance, the granting of planning permission with conditions would be appropriate on this occasion...In coming to this conclusion I have taken into account the history of non-compliance with planning procedures which has been associated with the site, but it seems to me its should not preclude a permission with conditions...'* Thus, having considered the comments of the Inspector, it would be reasonable to conclude that his main concerns appeared to be the impact on the amenity of local residents from the noise and disturbance being generated from the lower yard site.

Since this appeal decision, it is important to note that the auction business operating from MMA site has grown and intensified over time.

In 2013 an appeal was made by Merthyr Motor Auction against compensation awarded to the neighbours for damages for nuisances on the 8th October 2012. This appeal has been referred to in the objection letters received and is therefore a material consideration in the assessment of this application. In the appeal (Merthyr Tydfil Car Auction Ltd v Thomas (England and Wales Court of Appeal)) it is understood that the judge concluded the neighbours had been subjected to noise during a six year period (2004 - 2010) resulting from the revving of engines, use of high pitched reversing beepers, the running of engines continuously and other noises, such as high impact bangs and crashes originating from the lower yard, and that the frequency of these noises amounted to nuisance. It is also understood that the judge found the period between 2009 and 2010 were worse due to guard dogs barking, which disturbed residents in the night. It appears that the Judge also considered the release of fumes from the site, but, due to this being infrequent and for short periods of time only, this matter was not considered to significantly interfere with the enjoyment of the neighbour's home. At the appeal, it was concluded that there was no error in law in the judge's approach and the appeal was therefore dismissed. Having considered the matters raised in this appeal, it is reasonable to conclude that the activities taking place within the lower yard, whilst within their permitted operating times, did cause harm to the amenity of neighbours and compensation was therefore awarded at this time.

This application seeks to use the lower yard outside the permitted hours of 08:00 to 18:30 to facilitate on-site auctions. It is therefore important to consider whether the use of the lower yard, for two days per week, during the extended times between 18:30 until 22:30, would have an adverse impact upon the amenities of the surrounding local residents.

The noise assessment submitted with the application explains the process carried out to assess the noise levels in this area. It concludes that the use of the lower yard for the moving of 30 vehicles would cause a negligible change in the acoustic climate at all sensitive receptors and states that *'...there will be no discernible effect on any receptor and the significance of impact is described as 'not significant' in accordance with the IEMA guidelines...'* It is important to note that the noise assessment has based its findings on moving 30 vehicles into the lower yard of the site. However, during an on-site meeting with the applicant, it was confirmed that a total of 40 vehicles or less would be moved into the lower yard to facilitate the on-site auction activity. The assessment also states that *'...any ancillary noise events associated with the proposed use of the lower yard would be described as random, unpredictable and transient in nature and not considered to be a nuisance in law and are therefore not considered relevant to this assessment in the context of the primary noise described...'*

It is described in the noise assessment that the majority of the auction activity is restricted to the main yard and auction hall. Due to the physical constraints on the main yard, resulting from the loss of land to enable the A465 dualling works, it is not possible to return all vehicles to their original location within the upper yard once sold at auction. Hence the need to use the lower yard. This would create enough space to free up a row of parking spaces within each of the three zones in the upper yard. Essentially this means that once a vehicle has been through the auction hall, it would then be driven to the lower yard where it would remain parked until the following morning (8am onwards). The driver would then walk back to the upper yard to pick up the next vehicle to drive through the auction hall. This process would be repeated until enough vehicles have been driven through the auction hall and into the lower yard to create a free row of parking spaces within each of

the zones. Once a free row is created within the upper yard, it is then possible to return the auctioned vehicle to its original zone in the upper yard. Depending on stock levels, up to 30 vehicles would need to be moved through the auction and onto the lower yard before the required space is made available. The noise assessment acknowledges that it takes an average of 2 minutes for one vehicle to be moved into the lower yard. Thus, a total of 30 vehicles would be moved into the lower yard within a 1 hour period by a total of 6 drivers (2 from each of the three zones). However, the applicant has confirmed that he has a total of 15 drivers available and a total of 40 vehicles could be moved into the lower yard during the auction activity.

The noise assessment recognises that the movement of 30 vehicles onto the lower yard has the potential to cause a noise impact at neighbouring noise sensitive receptors. It also states that on rare occasions, once the auction has finished, a vehicle may need to be returned to the main yard to be collected by the buyer and driven away that evening. As such, the period of operation within the lower yard is proposed until 22:30 to account for any such events. The report confirms that the valeting facility closes on the site at 18:00 and that the use of the lower yard would be for the parking of vehicles only until the morning and that no other activities are proposed within the lower yard.

The assessment goes on to consider potential ancillary noise sources. It states that *'...even though the slightest noise is often considered to be a nuisance to the layman if it annoys them...it is impracticable to provide a remedy against every noise that an individual finds objectionable...'* It further states that *'...it has been established in the courts that temporary or transient noise will not generally be accepted as a nuisance...'* The court cases referred to relate to the following: *Leeman v Montague* [1936] 2 All E.R.1677; *Andrea v Selfridge* [1937] 3 All E.R. 255; and, *Gosnell v The Aerated Bread Co Ltd* (1894) 10 T.L.R 661. These cases are therefore also material to the consideration of this application. It appears that these cases mainly relate to temporary uses, for example construction works, whereby noise and dust can cause a nuisance. It is understood that in such cases, a temporary period of fixed temporary noise may not constitute a nuisance since this is taking place during a temporary period only and generally appropriate measures have been taken to ensure that such impacts, i.e. noise and dust in that instance, is reduced to a minimum whilst the works are being undertaken.

The assessment has also clearly identified the criteria used, this being the Institute of Environmental Management and Assessment (IEMA), which sets out guidelines detailing the process of assessing noise impacts. *'...Any impact is described in terms of the difference in acoustic environment before and after the implementation of the proposals. Once the impact of magnitude is determined, the consequences of any impact, or noise effect, can be described by considering any change in annoyance caused by the modified acoustic environment has occurred, or whether there has been a perceived change in quality of life due to the change of character to the area. The noise effect also needs to be evaluated to assess whether or not the impact is significant. The IEMA describes an adverse impact in terms of a sliding scale between 'Negligible' through to 'Severe', dependant on the magnitude of the change in noise levels as a result of the proposed development. A change in noise level of less than 3 dB is described as a 'negligible' impact which is not significant, whereas a change of greater than 10 dB is described as 'severe' which would be significant. Thus, to avoid an adverse effect to the amenity of neighbouring sensitive receptors, the proposed development should ensure that noise levels at any receptor do not increase by more than 3dB...'*

The assessment goes on to state that *'...when describing noise levels from short periods of activity, the full extent of any perceived impact from the noise source may not always be apparent when utilising a longer period LAeq,t. It is more likely that the full impact from any short-term event will be effectively masked when averaging out the noise levels over the full time period, t. Under these conditions, it may be more appropriate to use a shorter time period to fully quantify any perceived impact. As such, a shorter period of t = 1 hour was used to describe the baseline and activity noise levels to reflect the relatively short duration of the noise source and enable a robust assessment of any likely impact at times when the vehicles are moving through the lower yard...'*

The representative baseline noise levels were also discussed which refers to the noise environment in an area prior to the introduction of a new noise source that may affect it. The baseline noise survey within the lower yard to the rear of the nearest sensitive receptors was carried out when no auction activities were taking place. The author confirms that the results provide a robust illustration of the acoustic environment at the sensitive receptors in the absence of any auction activity and prior to the introduction of the proposed development, and therefore represents a 'worst-case' scenario where the noise from the proposed use at the lower yard would have the greatest impact. The representative baseline noise levels following the survey carried out, during 18:30 until 22:30 hours, was determined to be 42dB. A 3D acoustic model was also constructed to predict the noise propagation from the proposed vehicle movements to the surrounding sensitive receptors, which was presented on a colour coded contour map.

The noise assessment explains that *'...at the time of the baseline survey, four medium sized vans were moved from the lower yard to the upper yard at approximately 11:00 hours. The measurement includes getting into the vehicle and shutting door, starting engine and pulling away to represent all of the significant noise sources during the proposed operation. The noise emissions from this activity were measured and corrected to account for measurement distance and the influence of the background noise. The calculated emission level was used to define the moving point source representing the movement of vehicles throughout the lower yard along the designated route within the lower yard...'* The assessment further explains that *'...when the activity noise level is at least 10dB below the existing level at a sensitive receptor, there will be no increase in noise level as a result of the proposed development. Thus, in this case, the noise from vehicle movements in the lower yard would need to be lower than 32dB LAeq,t to avoid an increase to the existing noise level at a sensitive receptor...'* The colour coded noise contour map highlights the areas where activity noise emissions are lower than 32 dB in green, and that the majority of the sensitive receptors fall within this area. This includes the properties known as Gwernllwyn Fach, Livingstone and Rhosbren Fach, located to the west and adjacent the lower yard. Thus, the assessment concludes that *'... no increase in the existing noise climate will occur as a result of the proposed use of the lower yard. As such, there will be no discernible effect on the receptor and the magnitude of the impact is therefore described as negligible...'* However, the map shows that a single property, located off Llewellyn Street, would lie within a red zone (where noise levels exceed 32dB LAeq,t), which indicates a potential noise impact. In response to this, the assessment states that *'...the model was updated to include a noise receiver located at the rear of the impacted property to calculate the free-field noise level at this location. The result of the modelling indicates that an absolute noise level attributed to the proposed movement of vehicles in the lower yard is 38dB LAeq,t. As such, it was determined that the proposed use of the lower yard would result in the cumulative noise levels at this receptor increasing to $42 + 38 = 43$ dB LAeq,t, which is a 1 dB increase over the existing noise levels. An*

increase in noise level of 1dB is considered negligible based solely on the noise level difference...'

The assessment however, further clarifies that *'...when considering the noise effect of this change, it is important to consider other factors, such as absolute noise level, frequency of occurrence, nature of the noise and its relationship with any relevant guideline levels on noise...'* As such, the assessment refers to the World Health Organisation (WHO) guidance on specific environments and identified health effects, whereby, each level is set at the lowest levels that effect health such as annoyance and sleep disturbance, which are derived from annoyance studies. The WHO guidelines, as set out in the 'Guidelines for Community Noise' document, state that *'to protect the majority of people from being moderately annoyed during the daytime, the outdoor sound level should not exceed 50dB LAeq'*. The assessment explains that the cumulative noise levels at the impacted dwelling would be 7dB below the WHO guideline value and therefore determines that an adverse effect does not occur in accordance with the aims of PPW. Whilst the WHO guidance is noted, reference is made to daytime only, rather than evening / night time, which would be more relevant in this case, where the parameters of what is acceptable may differ. Furthermore, the assessment confirms that good acoustic standards would still be achievable inside the noise sensitive receptor even if the windows at the property were partially open...and explains that *'...if we assume that a partially open window provides a sound reduction of 15 dB between outside to inside, then the internal noise level attributable to the proposed development would be 28 dB LAeq,1hr during the evening inside the dwelling. Noise levels this low would be typical of those in a quiet library and no material change in behaviour would be expected for the majority of people...'* The assessment therefore concludes that the character of the existing acoustic climate will not change as a result of the proposed development and would not be expected to result in a perceived change in the quality of life for the occupants of the dwelling.

Whilst the noise assessment has been well structured in respect of its findings and conclusions, it is evident that the assessment has only taken account of noise levels that are measurable, which included getting into the vehicle, shutting the door, starting the engine and pulling away. Other noise sources which could occur alongside the use of the lower yard have not been considered. This may include general noise and disturbance, such as, talking, shouting, cars beeping when reversing, car horns tooting, multiple cars manoeuvring back and forth whilst trying to park, engines running continuously waiting for another driver to park, etc. Since a total of 6 drivers would be used to relocate the vehicles from the upper to the lower yard, this may involve multiple vehicle engines running at the same time, multiple doors opening and closing at the same time and various chatter amongst multiple individuals. If more drivers are used to relocate the vehicles from the upper yard to the lower yard, these impacts could be intensified. In addition, whilst it is anticipated, as noted in the assessment, that up to 30 vehicles would be moved to the lower yard within the first part of the auction, i.e. between 19:00 and 20:00 hours, the number of vehicles as stated in the assessment and confirmed by the applicant would depend on the auction stock available during those days. As such, it is clear there may be times when the lower yard (depending on the amount of space available) could be used to accommodate a lot more than the 30 vehicles. Whilst there is some physical constraints to the overall number of vehicles that could be stored in the lower yard, it would also be difficult to control the frequency of vehicles being moved back and forth within the auctions 2.5 hour operation, which could have a greater impact on the surrounding area. It is also important to note that permission is requested from 18:30 until 22:30, where this level of disturbance could occur within a continuous 4 hour period. This general level of ad-hoc transient noise and disturbance, as described, cannot be measured and cannot be

controlled. Whilst the findings of the noise assessment are clear, it does not include mitigation measures against the ad-hoc noise and disturbance that would run alongside the use of the lower yard for the parking of vehicles. As such, the ad-hoc noise and disturbance resulting from the manoeuvring and parking of vehicles would be considered to have an adverse impact upon the amenities of nearby occupiers. Indeed, the planning inspector in the 1997 appeal considered that the use of the lower yard could be acceptable provided it was controlled by conditions, one of those conditions being its operational times. Therefore, the relaxation of those operating times on a business site, which has expanded and grown since that appeal decision, to allow extended activities to take place, would cause unacceptable harm on the amenities of the surrounding residential properties that they can reasonably expect to enjoy, given their proximity to the lower yard. As briefly discussed above, it is understood that the Judge's conclusions in 2012 were that the operations within the lower yard, even within the permitted operating times, did cause a noise nuisance to nearby occupiers. It is noted that the Environmental Health Manager has not raised an objection to the proposal and has confirmed that there have been no reports of noise complaints from properties surrounding the lower yard since 2016. However, this is reflective of the current situation. It is clear, that given the history of the site, its proximity to residential properties and the numerous complaints previously received, a relaxation of the operational times in the lower yard would undoubtedly give rise to an increase in noise and disturbance to nearby occupiers, which may result in a significant number of complaints being received once again.

Due regard should also be given to the previous court cases relating to temporary and transient noise. The noise assessment states that '*it has been accepted in courts that temporary and transient noise will not generally be accepted as a nuisance...and therefore not relevant to this assessment...*' The assessment '*...only considers the primary noise impact associated with the movement of the vans into the lower yard...*' It is understood, that these court cases referred to temporary noise sources. It is important to note that this permission does not seek to use the lower yard for a temporary period, but rather it seeks to use the lower yard for an additional 4 hours in the evening and night of Mondays and Thursdays on a permanent basis.

For the above reasons, there are significant concerns that the proposed extended hours to use the lower yard in the evenings would give rise to unacceptable levels of noise and disturbance that would impact on the amenities of the nearby residents. Therefore, the proposal fails to accord with LDP Policies SW11 and EnW4.

- Other impacts

The proposed development has been considered in respect of other potential impacts, such as fumes, odours, vibration and air pollution. Whilst no other assessments have been submitted in support of the application in respect of these issues, it is accepted that the movement of 40 vehicles between the upper yard and the lower yard would have some effect in terms of additional fumes, odours, vibration and air pollution. Whilst the vehicles could be manoeuvred within the lower yard continuously during the proposed 4-hour period, this is unlikely to occur in practice and would be limited to only two days per week. Furthermore, since 2016 only two complaints have been received from nearby occupiers in respect of the fumes emanating from the site. The Environmental Health Manager considers that the fumes, odours, vibration and pollution associated with the proposed use of the lower yard would not amount to a nuisance. Indeed, it is understood that the Judge as discussed in the 2013 appeal between Merthyr Motor Auction Ltd and Thomas

considered the release of fumes to be infrequent and for short periods of time and did not amount to an actionable nuisance.

The impact of light pollution in the lower yard has also been considered. There would be some potential increase in light pollution within the lower yard, mainly from the dipped headlights of the cars being driven from the upper yard to the lower yard. However, the effects of this would be reduced, since the lower yard is already illuminated by the existing floodlights. The increase in light pollution would therefore have a negligible impact over a limited period of time. Additionally, during the summer months, where the days are longer, the use of headlights would not likely be required.

Therefore any potential increase in fumes, odour, vibration, light and air pollution, which may occur as a result of the use of the lower yard during the proposed times, would not significantly harm the amenities of nearby occupiers. In this respect, the proposal would accord with LDP Policy SW11 and EnW4.

Ecology

It is noted that the lower yard currently utilises floodlights, which can be operated at any time. The increased activity in the lower yard would introduce a small amount of extra lighting (over and above the approved floodlighting) in the form of dipped vehicle headlights, but only in the darker evenings/nights during the winter period. As such, the Ecology Officer has not raised any objections and concluded that any extra impacts from the use of dipped headlights on protected species is likely to be negligible, particularly as some species groups such as bats and invertebrates, are less active during the winter period. The proposed development would therefore accord with LDP Policy EnW1.

Natural Environment

The proposed development has also been considered in respect of its impact upon the natural surrounding environment. It is considered that the lighting of the lower yard by virtue of dipped vehicle headlights, mainly during the winter months, during two days of the week for an additional four hours each day, would not have any significant impact in respect of obtrusive light, glare or sky glow, when viewed within the surrounding area. Thus, the Environmental Health Manager has not raised any objections in this respect. The proposal would therefore be acceptable in respect of its impact upon the natural environment and would accord with LDP Policies EnW4 and EnW5.

Highway Safety

The use of the lower yard during the proposed extended times, would continue to be used for the parking and storing of vehicles. As such, there is no new use being introduced into this part of the MMA site. Furthermore, the lower yard is not proposed to be used for the storage of HGV's. Given their scale and the manoeuvring space required, HGV's are not driven through the auction hall and as such are not proposed to be stored in the lower yard. Furthermore, the layout of the site would remain as existing and the southern access into the lower yard is not proposed to be used during these times. When customers purchase a vehicle during an auction, the vehicles would be parked and stored in the lower yard until later that evening or the next morning, where it is then returned to the upper yard to be picked up by the customer. The vehicle would therefore leave the MMA site via the upper yard entrance.

Since the vehicles would continue to leave the site via the upper yard access, as previously done when the on-site auctions were taking place, there would be no significant changes to the existing highway arrangements. Indeed, the Head of Engineering and Highways has noted that the proposed use of the lower yard would fall outside the peak traffic times along the highway network and any vehicles leaving the MMA site during the proposed times, would not cause an adverse impact upon the free flow of traffic or give rise to highway safety concerns. Accordingly, the Head of Engineering and Highways has not raised any objection. Therefore, the proposal accords with LDP Policy SW11.

It has also been noted from the objections received that a transport assessment should have been carried out in association with this proposal. As referred to in the representations section of the report, the objector states that *'...TAN 18 requires a transport assessment for all business proposals that are in excess of .25 hectares. This proposal exceeds this at 0.34 ha. Moreover, in practical terms it involves operations on a site much, much greater than this by reference to the use of the whole of the MMA site. We are instructed that there have been multiple complaints over many years about traffic congestion on Pant Road and Victoria Street close to the application site. The proposal is likely to aggravate this...'*

Whilst the MMA site does exceed 0.25 hectares, the proposal only seeks permission to use the lower yard for an extended period of time. It does not seek to change the nature of the existing use or introduce a new business within the site. Furthermore, the use of the lower yard would not increase congestion in this area since the site would continue to be used in a very similar manner. The vehicles purchased at auction would continue to leave the site via the main entrance within the upper yard. Thus, the impact upon highway safety and congestion in this area would be negligible when on-site auctions are operating. In this instance, given the nature of development, it would be unreasonable to request a transport assessment in support of this application.

Responses to Representations

The objections received as a result of the publicity exercise carried out have been taken fully into consideration and have been addressed in the relevant sections of this report.

CONCLUSION

The main considerations of this application are focused on whether the hours of operation in the lower yard should be extended. The use of the lower yard for the parking and manoeuvring of vehicles for an additional 4 hours on 2 days of the week, would not have an adverse impact upon the character and appearance of the area. Nor would it cause any significant harm to protected species, the natural environment or highway and pedestrian safety. However, the ad-hoc noise and disturbance which would result from using the lower yard within these extended times for the manoeuvring and parking of vehicles would have a significant adverse impact upon nearby residential properties during the evening and night when occupiers are expected to be able to enjoy their homes without such disturbances. Therefore, the proposal fails to accord with LDP Policies SW11 and EnW4.

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

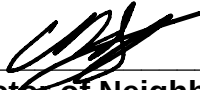
considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

As such, the following recommendation is therefore made:

RECOMMENDATION: BE REFUSED for the following **REASON:**

1. The proposed use of the lower yard for the manoeuvring and parking of vehicles, by virtue of its siting near residential properties and late operating times in the evening and night, would result in unacceptable ad-hoc noise and disturbance, to the detriment of the residential amenities of nearby occupiers. As such, the proposal would be contrary to Policies SW11 and EnW4 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services



DATE: 24.10.2023