

DELEGATED REPORT

Application No: P/20/0006

Site Address: Parcel Of Land To The North West Of
Orbit Business Centre
Rhydycar Business Park
Merthyr Tydfil

Development: Change of use of land to overflow car park and associated works including re-surfacing and drainage

Case Officer: Rebecca Owens

Site Visit: 13th January 2020

Application Expiry Date: 4th March 2020

Consultation reply date expired: 3rd February 2020

APPLICATION SITE

The site is located in an established Business Park within the settlement boundary which forms part of a protected employment site of the Local Development Plan (Policy EcW2). The application site is a parcel of undeveloped scrub land, covered with grass and vegetation which is approximately 2120m² and is relatively flat in profile.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the land to create an overflow car park to serve the existing Orbit Business Centre (which would provide an additional 68 parking bays). The proposal would involve the creation of a new vehicular access off an existing parking area located within the south eastern corner of the site and the resurfacing of a large proportion of the site with asphalt and permeable paving. The proposal also includes a new drainage system and the creation of an infiltration basin along the northern perimeter of the site. This would be enclosed with a 0.7m high timber post fence. A vegetated verge would also be created along the eastern perimeter and a number of grassed islands would be created within the main car parking area.

PLANNING HISTORY

The relevant planning history relating to this site is summarised below:

P/07/0518 Erection of business and innovation centre building and associated parking
Granted planning permission subject to conditions on 26 October 2017

CONSULTATION

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

Engineering & Traffic Group Leader	No objection
Environmental Health Manager	No response
Coal Authority	No objection
Welsh Government Transport	No objection
Dwr Cymru Welsh Water	No objection subject to condition
Wales & West Utilities	No objection

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

The following policies of the Merthyr Tydfil Borough Replacement Local Development Plan 2016-2031 would be relevant to the determination of this application:

- SW4: Settlement Boundaries
- SW11: Sustainable Design and Placemaking
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW2: Internationally and Nationally Protected Sites and Species
- EnW4: Environmental Protection
- EcW2: Protecting Employment Sites

Furthermore, the application will be determined having regard to the advice contained within the following Merthyr Tydfil Local Development Plan 2006-2021, Supplementary Planning Guidance Notes:

- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

Principle

The application site is within the settlement boundaries and forms part of the Primary Growth Area (Policy SW4) and relates to a parcel of scrub land which is within a protected employment site (EcW2) of the LDP. It is recognised that the proposal would result in the loss of land for new employment uses but it would support the ongoing viability of the existing Orbit Centre. Policy EcW2 states:

"In order to protect the employment function of the County Borough's business and employment sites, development will be permitted at Rhydycar Business Park where:-

- *it falls within Use Class B1; or*

- *it provides an ancillary facility or service that supports the primary employment use".*

The principle of creating an overflow car parking area to serve the existing Orbit Centre is therefore considered to be acceptable and would comply with the above Policy. However, the acceptability of the proposal is also subject to compliance with other relevant planning policies and material planning considerations.

Character and Visual Amenities

The application site is located within a business park where there are a number of large buildings and associated car parking facilities. Whilst it is currently a parcel of undeveloped, vegetated, scrub land it has been allocated for development in the LDP. The proposed change of use of the land to a car park would not appear out of place within this context and thus would not be detrimental to the character or appearance of the area. It is also noted that the proposal includes areas of landscaping which will help to soften the appearance of the development and its visual impact. However, a condition regarding details of a landscaping scheme should be imposed as part of any planning permission. The proposal is therefore found to be acceptable in this respect and in accord with Policy SW11 of the LDP.

Residential amenity

There are no residential properties within close proximity to the site and as such the proposal would not impinge on residential amenity. Furthermore, no representations were received following this publicity exercise.

Highway safety

The Engineering and Traffic Group Leader has not raised any objections to the scheme in terms of highway safety. Indeed the provision of additional parking for the Orbit Business Centre, where the current provision is found to be insufficient would be beneficial in this respect.

Ecological Impact

A Preliminary Ecological Appraisal (PEA) of the site has been undertaken. This has identified that the scheme would directly impact upon the site's habitat including a major negative impact on what has been identified as the on-site open mosaic habitats on previously developed land (OMHPDL) which is a priority habitat. Potential impacts have also been identified on faunal species that could possibly be present. However, the PEA has specified a number of recommendations and suitable mitigation/compensation measures. With the implementation of the recommendations within the PEA, the development can proceed without long-term impacts upon the key protected species present and thus the ecological impact of the development would be acceptable. However, suitably worded conditions would be necessary and attached to any planning permission requiring these to be implemented within a reasonable timescale.

It is noted that lighting maybe required but no details of this have been provide with the application. Whilst there are no objections in principle to external lighting, this could impact on faunal species and as such it is recommended that a condition controlling lighting is included in any permission issued.

Land stability and Coal Mining

The application site falls within an area defined as being at high risk from coal mining activities with Coal Authority records indicating that the application site lies in an area of outcropping coal seams which may have been worked in the past. However, given the nature of the proposal and on the basis that the car park would not require substantial foundations or earthworks the Coal Authority do not consider that a Coal Mining Risk Assessment is required and they have not raised any objection to the scheme.

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 having regard to the above considerations, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

CONDITIONS/REASONS:

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: Construction Details, Drawing Number: OCCP-MER-76-XX-M2-C-0000, Amended Plan Received on 5 February 2020.

Drawing Title: Proposed Orbit Centre Overflow Car Park Site Layout, Drawing Number: OCCP-MER-76-XX-M2-Z-0001 Rev. T02, Amended Plan Received on 5 February 2020.

Drawing Title: Proposed Levels & Existing Topography Survey Including Section Marker Locations, Drawing Number: OCCP-MER-76-XX-M2-C-0003 Rev. T02, Amended Plan Received on 5 February 2020.

Drawing Title: Existing and Proposed Cross Sections Sheet 1, Drawing Number: OCCP-MER-76-XX-M2-C-0004, Rev. T02, Amended Plan Received on 5 February 2020.

Drawing Title: Kerbing, Edging and Channelling, Drawing Number: SEWFSD/1101.01, Received on 8 January 2020.

Drawing Title: Trench and Bedding Details Surface Water and Filter Drain, Drawing Number: SEWFSD/502.05, Received on 8 January 2020.

Drawing Title: Ducts, Drawing Number: SEWFSD/504.03, Received on 8 January 2020.

Preliminary Ecological Appraisal (PEA) Report dated 18th December 2019 and received on 8th January 2020.

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

3. Before any external lighting is erected at the site, a lighting plan including the position, design and specification of each light and a light spillage diagram(s), shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be carried out in accordance with the approved details.

Reason - To protect the natural environment and important habitat in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. Within 6 months of the date of this decision notice, a pond layout and planting plan for three permanent wildlife friendly ponds, forming a small wetland area on the grassland to the southeast of the Orbit Business Centre (as specified in the Preliminary Ecological Appraisal (PEA) Report dated 18th December 2019) shall be submitted to and approved in writing by the Local Planning Authority. The wetland area shall be completed in accordance with the approved details within 12 months of the car park hereby approved being brought into use and shall be retained in perpetuity.

Reason - To protect the natural environment and important habitat in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. In accordance with the recommendations of the Preliminary Ecological Appraisal (PEA) Report dated 18th December 2019, **Prior to the car park being brought into use**, 4 no. bat boxes and 3 no. bird boxes shall be erected within the mixed woodland screening habitat adjacent to the site and shall remain in perpetuity thereafter.

Reason - To protect the natural environment and important habitat in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. Before the car park is brought into use a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the site being brought into uses 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.

8. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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.

INFORMATIVES

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining feature is unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

2. Wales and West Utilities has pipes in the area. Their apparatus may be affected and at risk during construction works. The developer is therefore required to contact Wales and West Utilities directly to discuss their requirements in details before any works commence on site. Should diversion works be required these will be fully chargeable.

3. As of 7th January 2019, this proposal is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Merthyr Tydfil County Borough Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.
4. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on Dwr Cymru / Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

18/2/20