

DELEGATED REPORT

Application No:	P/22/0328
Site Address:	Former Davies Transport Depot Abercanaid Industrial Estate Abercanaid Merthyr Tydfil CF48 1YF
Development:	Alterations to existing building to allow for subdivision into 4 separate units
Case Officer:	Marlene Ferreira
Site Visit:	22nd December 2023
Application Expiry Date:	10th October 2023
Consultation reply date expired:	11th January 2023

APPLICATION SITE

The application site relates to an existing industrial building located in Abercanaid Industrial Estate. It is currently used as a workshop/garage in association with the transport business (B2 use class). The appearance of the unit is dated and in a poor state of repair. It is accessed off the main road through the estate, via a large yard, which appears to be shared with at least one other industrial building.

PROPOSED DEVELOPMENT

This application seeks planning permission to alter the existing unit by creating 4 separate units. The use of the unit will remain as existing (B2 use class) and as such a change of use is not proposed.

Externally, the alterations will include a new grey plastic coated metal roof and cement render to all elevations. Four aluminium roller shutter doors would replace the existing door and windows on the front elevation. The existing windows and door on the side and rear elevation would be blocked up and rendered. Internally, three new walls would be erected to separate the units.

PLANNING HISTORY

The council's records do not show any other recent or relevant planning history for this site.

CONSULTATION

Head of Engineering and Highways	No objection.
Planning Policy Officer	No response.
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 the adjoining properties and two site notices were displayed within the vicinity of the site. To date two letters of objection have been received (from the same objector), which raise the following concerns:

The road is privately owned and is already heavily congested with parked and double parked cars, which causes an issue for lorries and low loaders to manoeuvre through. The creation of more units would result in an increased number of vehicles, less room/ space to park and navigate those vehicles, which would affect the efficiency and productivity of other businesses.

Members were advised of the objection received but have not requested that the application be determined at Planning Committee. As such, the application will progress to be determined, under delegated powers, by the Director of Planning and Neighbourhood Services.

POLICY CONTEXT

National Development Framework

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

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 4 – Supporting Rural Communities

Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

National Planning Policies

- Planning Policy Wales - Edition 11 (February 2021)

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

Paragraph 5.4.1 discusses economic development as '*...the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes.*'

The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses...

Paragraph 5.4.2 refers to economic uses and states '*...Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. Economic land uses also include construction, energy, minerals, waste and telecommunications sectors which are also sensitive to planning policy...*'

- TAN's (Technical Advice Notes)

TAN 12: Design (2016) – This TAN 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 deliver environmental sustainability, economic development and social inclusion at every scale throughout Wales.

TAN 15: Development and Flood Risk (2004) – This TAN considers the vulnerability of different land uses to flooding and identifies three separate development categories, emergency services, highly vulnerable development and less vulnerable development. Sections 6 and 7 of TAN 15 relates to the justification of development types within flood zones and whether a flood consequent assessment is required.

Local Planning Policies

- The Merthyr Tydfil Replacement LDP 2016-2031

Policy SW4: Settlement Boundaries

Policy SW11: Sustainable Design and Placemaking

Policy EnW1: Nature Conservation and Ecosystem Resilience

Policy EnW4: Environmental Protection

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed development would be acceptable in this location in principle, and whether it would be acceptable with regards to its impact upon the character and appearance of the premises, residential amenity, ecology, parking provision and highway safety.

As noted above the use of the units will remain under the same use class (B2 use) and therefore does not require planning permission. As such, the use of the units is already established and does not form part of the main considerations of this application.

Principal of Development

The application site lies within the settlement boundary – Primary Growth Area and as such, the proposal would therefore be in accordance with LDP Policy SW4 since new development in this location is acceptable in principle, provided it complies with other relevant LDP policies.

The application site lies entirely within Zone C2 of the Development Advice Map (DAM) contained in TAN15. The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3, Rivers. Since the use of the units would

remain as B2 uses, the units would therefore be classified as less vulnerable development, as confirmed by NRW. As such, the location of the proposed development is considered acceptable subject to the applicant being made aware of the potential floor risks. A copy of NRW's letter has therefore been sent to the applicant for their consideration. The proposed development would therefore accord with LDP Policy EnW4.

Character and Appearance

The existing unit whilst occupied, noticeably it has had little maintenance in recent years and as such it has a dilapidated appearance. Thus, the proposed new roof, rendered walls and new front roller shutters would be a welcome alteration, which would significantly improve the appearance of the premises. These alterations would also be fitting to the context of the area which is characterised by industrial buildings. The proposal would therefore comply with LDP Policy SW11.

Residential Amenity

The unit would be subdivided into 4 units, which would result in an additional 3 businesses, under B2 use class, near a residential property (Willows House), which lies to the southeast. It is acknowledged that the unit lies in an established industrial estate and that Willows House (the only residential dwelling near the application site) is completely surrounded by industrial units. As such, any significant noise and disturbance generated from the workshops, factories etc and the associated comings and goings of lorries and other vehicles is already a prevalent occurrence in this area. It is therefore not considered that the noise and disturbance associated with the use and comings and goings of an additional 3 units (each measuring approximately 70m²), would be deemed significantly more harmful to the occupiers of Willows House when compared to the use of the unit as a whole. Indeed, the unit is not proposed to be extended and the workshop floor area/space would therefore remain the same as that of the existing unit. Furthermore, no objections have been received from Environmental Health section. Thus, the proposed development would therefore comply with LDP Policies SW11 and EnW4.

Ecology

Given the nature of development, which involves substantial refurbishment works to existing building, including the installation of a new roof and new windows, the Council's Ecologist requested that a Preliminary Roost Assessment be submitted in order to assess the potential impact upon protected species, such as bats and nesting birds. The ecology report was received on the 8th November 2023 and has been considered by the Council's Ecologist who has not raised any objections or concerns, provided the development is completed in accordance with the recommendations of the report. As such, an appropriately worded condition would form part of any planning permission granted. The proposed development would therefore be considered acceptable and accord with LDP Policy EnW1.

Highway Safety

The subdivision of the building into 4 separate units would result in an additional 3 units, under B2 use class, operating from the site. The current unit is served off a private road through the estate and is therefore not an adopted highway. It is also noted that the unit is accessed across a large yard area which appears to serve this unit and at least one other property. Any additional parking provision required or additional space for the

manoeuvring of vehicles, can be accommodated within this large yard area. The Head of Engineering and Highways agrees that the yard area would be sufficient to cater for the additional 3 units. As such, no objections have been raised in respect of this proposal. The proposed development would therefore comply with LDP Policy SW11.

Responses to objections

The concerns raised have been addressed in the main body of the report. The ownership of the road is not a planning consideration and has therefore not been addressed in the assessment of this application. However, certificate B has been completed and a notice has been served on the relevant owners.

CONCLUSION

The proposed development, for the reasons discussed above, would be acceptable and should therefore be approved.

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.

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:

- Proposed Floor Plan, Drawing no: 2A, received: 16th December 2022;
- Proposed Elevations, Drawing no: 4A, received: 16th December 2022;
- Acer Ecology, Bat and Nesting Bird Survey Report, received: 8th November 2022.

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

3. The bat box and open nest box shall be erected, as shown on Appendix Plan 4: Ecological Enhancement Measures included in the Bat and Nesting Bird Survey Report, prior to the occupation of the units.

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

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.

All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

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.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 29.11.2023