

DELEGATED REPORT

Application No: P/20/0278

Site Address: Land At Pant Industrial Estate
Pant
Merthyr Tydfil

Development: Vary condition 8 (retaining walls) of planning permission P/20/0109

Case Officer: Caroline Pulley

Site Visit:

Application Expiry Date: 22nd December 2020

Consultation reply date expired: 8th December 2020

APPLICATION SITE

The application site comprises a vacant plot of land within the north-eastern section of Pant Industrial Estate. The site has an area of approximately 0.5ha. It is rectangular in shape and is predominantly flat, although it is set down from the highway to the north by approximately 2m. Its boundaries are enclosed by palisade fencing. The site is currently covered with vegetation and has no means of vehicular access, although there are a set of access gates within the fencing located along the northern boundary. There are no buildings on the site but it is understood that the land was previously used as a chemical plant. The site is bound by industrial units on both sides, the highway to the north and the side wall of another industrial unit to the rear. The nearest residential dwellings are approximately 67m to the north-east of the site and they are separated by two highways and an intervening row of industrial buildings.

PROPOSED DEVELOPMENT

This application seeks to vary the wording of condition 8 of planning permission P/20/0109, to allow retaining wall details to be submitted after the commencement of works on the site.

Condition 8 states:

'No development shall take place until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.'

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.'

The developer has requested for the wording of the condition be changed to read:

'No retaining wall installation works shall take place on site until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.'

In effect, the application seeks to change the timing in which the first part of the condition would need to be complied with.

PLANNING HISTORY

The relevant planning history is detailed below

P/20/0109	Erection of industrial units (Use Classes B1, B2 & B8) and associated works Approved - 12.08.2020
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CONSULTATION

Engineering and Traffic Group Leader:	No objection.
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PUBLICITY

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

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

Planning Policy Wales (PPW) Edition 10 (December 2018) sets out the land use policies of the Welsh Government. The most relevant paragraphs are:

Paragraphs 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

Paragraph 3.51 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Paragraph 4.1.39 points out that to encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV charging points as part of new development. Where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have ULEV charging points.

Paragraphs 6.4.21 – 6.4.23 note that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to any potential impacts on protected species that may result in disturbance or harm to the species or its habitat.

Paragraph 6.9.25 states that planning decisions will need to take into account; the potential hazard that instability could create to the development itself, to its occupants and to the local environment; and, the results of a specialist investigation and assessment by the developer to determine the stability of the ground and to identify any remedial measures required to deal with any instability.

Paragraph 6.9.27 states that where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application are as follows:-

TAN 5 – Nature conservation and planning sets out the role of the planning system in protecting and enhancing biodiversity and geological conservation.

TAN 12 - Design advises that the Assembly 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 describes how to integrate land use and transport planning. It explains how transport impacts should be assessed and mitigated.

TAN 23 – Economic Development

Paragraph 2.1.12 points out that an industrial estate in a disadvantaged area could help fight social exclusion, improve run-down places and create job opportunities for people at high risk of unemployment.

Paragraph 4.6.7 states that certain industrial and related uses may conflict with other uses, especially housing. To operate effectively, these activities usually need dedicated industrial areas, where they can be confident that they will not be a bad neighbour to anyone.

Local Policy

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

Policy SW4 – Settlement boundaries

Policy SW9 – Planning Obligations

Policy SW10 – Protecting and Improving Open Spaces

Policy SW11 – Sustainable design and Placemaking

Policy SW12 – Improving the Transport Network
Policy EnW1 – Nature Conservation and Ecosystem Resilience
Policy EnW2 – Internationally and Nationally Protected Sites and Species
Policy EnW4 – Environmental Protection
Policy EcW2 – Protecting Employment Sites
Policy EcW9 – District Heating

Supplementary Planning Guidance (SPG) Note No.2 – Planning Obligations
Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design
Supplementary Planning Guidance (SPG) Note No.5 – Nature and Development

PLANNING CONSIDERATIONS

As mentioned above, this application seeks to change to the wording of condition 8 to allow the approved development to commence on site before retaining wall details have been submitted to and approved by the LPA. Therefore, the key question is whether or not the approval of such details after works have commenced is acceptable.

In this respect, it is noted that a large proportion of the site is flat and the section details provided with the application indicate minimal changes being proposed to the ground levels. While some retaining works are required to facilitate the development, given that the site is predominately flat, the retaining walls required to facilitate the scheme would not be of a scale of height which would materially affect the overall merits of the scheme. As such, it is not unreasonable in this case, to allow the development to commence before the retaining wall details have been agreed. Moreover, the retaining wall details do not go to the heart of the permission. The Engineering and Traffic Group Leader also raises no objection to the varied wording of the condition. Accordingly, the application is considered acceptable.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

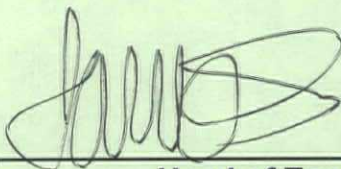
RECOMMENDATION: BE APPROVED subject to the following CONDITIONS

CONDITIONS:

1. **No retaining wall installation works shall take place** until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan .

RECOMMENDATION ENDORSED

A handwritten signature in black ink, consisting of several loops and a final horizontal stroke.

Head of Town Planning

DATE:

10/12/20