

Application No.
P/14/0252

Date
18th September 2014

Determining Authority
MTCBC

Proposed Development

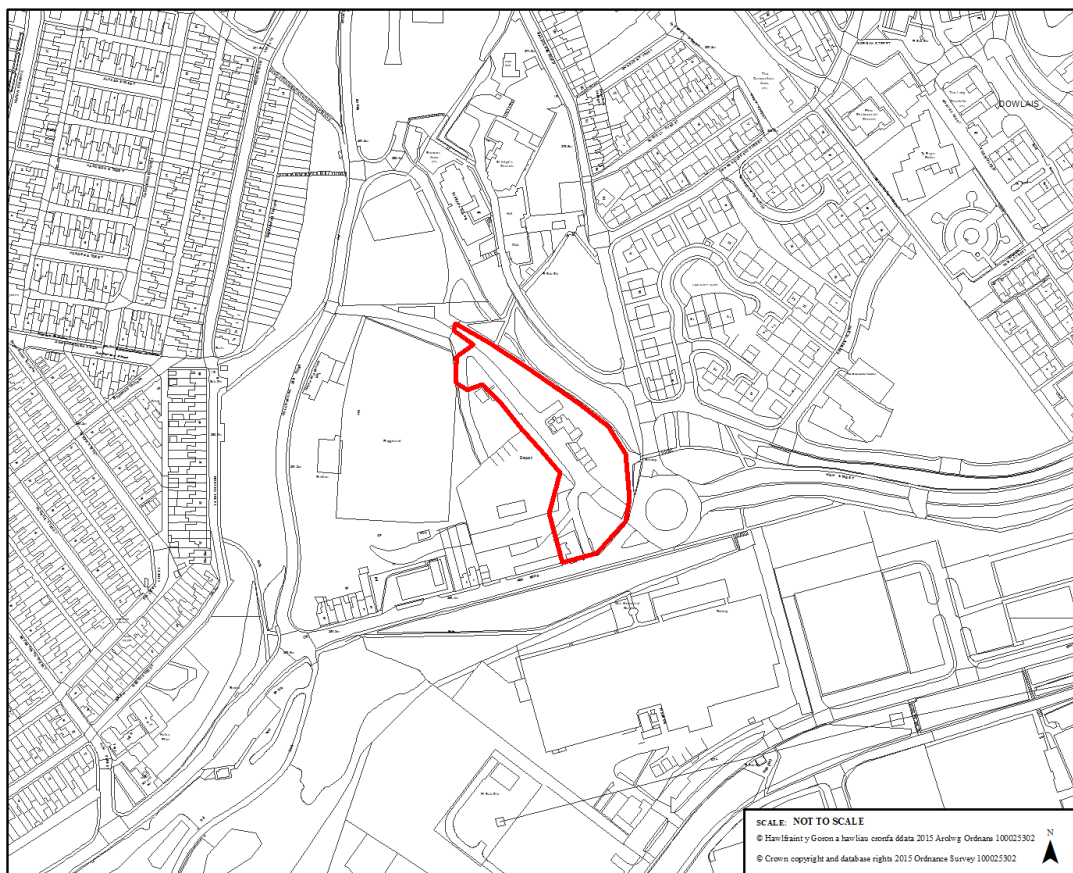
Location

Name & Address of Applicant/Agent

Change of use from Council Depot to transport depot.
Erection of new industrial unit, office building and canopy to existing building with associated hardstanding and engineering works

Land At Former Council Depot
New Road
Dowlais
Merthyr Tydfil

Ms P Rajani
c/o Mr Paul Thomas
Utopia Design
5 Amberton Place
Penydarren
Merthyr Tydfil



APPLICATION SITE

This application relates to an irregular shaped area of land measuring approximately 1.5 hectares, which was previously used as the Council's highways and waste/cleansing depot. A number of out-buildings and structures within the site have recently been demolished and much of the site has been cleared of any waste material.

The site is bound to the south by New Road which leads to a nearby roundabout to the south-east. To the west, the site is largely bound by the Council's civic amenity recycling facility (at a lower level to the application site) and by an area of vacant land in the

applicant's ownership which has recently been granted planning permission for a single dwelling. To the north of the site is a public car parking area which adjoins St Illtyds Primary School and a sports field. There is a steep embankment with a hedgerow at the top which runs along eastern boundary of the site. A footpath also runs parallel with the eastern boundary of the site.

The main point of access into the site would be from Gellifaelog Road via the public car park and through the existing gated entrance at the northern end of the site.

PROPOSED DEVELOPMENT

Full planning permission is sought for the change of use of the former Council depot to a transport depot, together with the erection of a new industrial unit, office building and a canopy to an existing building within the site. The proposal also includes the provision of a hardstanding area and retaining works.

It should be noted that since the submission of the planning application the site has been used as a transport depot with approximately 21 coaches parked in the site. The foundations of the proposed new industrial unit have been laid and the retaining works within the site have already been carried out. Therefore this is partly a retrospective application.

In terms of the use of the site, a total of 15 parking spaces would be provided for buses with 10 parking spaces provided for cars. The proposed industrial unit would be located within a central position of the site and would be used as a garage for the maintenance of buses. The existing building (with the proposed canopy), which is located in the southern part of the site, would provide workshop and office spaces. The main point of access serving the development would be from an existing gated entrance to the north of the site and the operational hours would be between 7am to 7pm Monday to Friday and 7am to 4pm on Saturday with the premises closed on a Sunday.

The proposed office building would be located adjacent to the main entrance of the site and would measure 4.5m wide by 6m deep and 4.2m high with a pitched roof. The external finishes would comprise rendered elevations with concrete roof tiles.

The proposed industrial unit would measure 14.5m wide by 18.5 m deep and 7.65m high with a pitched roof. The external finishes would comprise part brickwork and part profiled steel cladding on the elevations with a profiled steel cladded roof.

The proposed canopy would be attached to the southern elevation of the existing building and would measure a maximum of 8m wide by 10.7m deep and 6.3m high with a lean-to roof. The canopy would have a profiled steel cladded roof.

Gabion baskets and retaining walls have been constructed along the northern and eastern boundary of the site. These walls vary in height from 1m high near the entrance into the site and rising to 2.77m high near the existing building. Gabion baskets have also been erected along the western boundary of the site adjoining the civic amenity recycling facility. These vary in height from 1.9m high to 3m high.

PLANNING HISTORY

- P/13/0006 - Prior notification application for the demolition of former storage building, offices and garages (to re-develop site subject to full planning consent, at a later date).

Prior approval NOT required on 08.02.2013

CONSULTATION

Engineering and Highways
Manager

- OBJECTION: The proposal has the potential to adversely impact on the existing highway network in respect of the types and volume of vehicular movements and the effects it has on the existing highway users and pedestrians. Insufficient information has been provided in support of the application to properly assess the highway safety implications.

Town Planning Division's
Policy & Implementation
Group Leader

- No objection.

Environmental Health Manager

- Concerns have been raised in respect of the potential contaminated land within the site which needs to be appropriately investigated and mitigated.

Natural Resources Wales

- No objection, although the potential for contaminated land is strongly suspected at the site.

Glamorgan Gwent
Archaeological Trust

- No objection.

Welsh Water

- No objection subject to conditions relating to foul, surface water and land drainage.

Wales & West Utilities

- No objection.

Western Power Distribution

- No response.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) order 2012, a letter was sent to neighbouring properties on the 23rd September 2014, four site notices were displayed within the vicinity of the site on the 2nd October 2014 and a press notice was published in the local newspaper on the 2nd October 2014.

As a result of this publicity exercise 4 letters of objection were received raising the following concerns:

- Retaining walls and gabion baskets have been erected within the site without planning permission and no calculations relating to their design have been submitted.
- Demolition works and re-profiling works have been undertaken within the site resulting in the disturbance of contaminated land and Japanese knotweed.
- The works which have been carried out in the site have undermined the roundabout on New Road with the retaining works having been carried out to hold back the road.
- A concrete base for the proposed garage has already been constructed with a working pit.
- Concerns raised over the number of vehicles that would be licensed to operate from the site, together with passenger service vehicle and heavy goods vehicle testing.
- The site is not big enough to cope with a growing business with 80 plus vehicles.
- The existing access road by St Illtyds School Primary School is used daily by young children and parents which poses highway safety concerns.
- The use of the proposed depot during the school drop-off and pick-up times will result in congestion in the area which spills out on to Rocky Road.
- The junction near the Horse and Groom Public House is not wide enough and will lead to large coaches mounting the kerbs.
- No details of the fuel storage tank areas have been provided.
- The plans submitted in support of the application do not reflect what has been carried out on site.
- It is contested that 25 jobs will be created given that the employees at the applicant's existing depot in Pant Industrial Estate would be relocated to the application site.

POLICY CONTEXT

The following policies are relevant in the determination of this application:

National planning policy

Planning Policy Wales, 7th Edition, July 2014:

Chapter 4: Planning for Sustainability

- Sections 4.11.9 – 4.11.12 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context. Regard should be given to the appropriate scale, appearance, landscaping and the quality of building design, as well as its accessibility.

Chapter 5: Conserving and Improving Natural Heritage and the Coast

- Sections 5.5.1 – 5.5.3 notes that the impact a development proposal may have on wildlife or the landscape is an important consideration in determining applications. Where ever possible adverse effects on the environment should be avoided or acceptably minimised.

Chapter 8: Transport

- Section 8.7.1 sets out the criterion that should be considered where transport implications may occur, such as impacts on local travel demand, public transport provision, accessibility and highway safety.
- Section 8.7.2 identifies the importance of traffic assessments in locally sensitive areas to assist in the assessment of any potential highway implications and to help identify ways to cater for the development.

Chapter 13: Minimising and Managing Environmental Risks and Pollution

- Section 13.7.1 highlights that planning decisions need to take into account the potential hazards that contamination presents to the development itself, its occupants and the environment. The results of specialist investigations and assessments can identify appropriate remedial measures to deal with any contamination.

Technical Advice Notes (TAN):

- TAN12: Design, July 2014
- TAN 18: Transport, March 2007

Local Planning Policy

Merthyr Tydfil Local Development Plan (LDP) 2006-2021:

- Policy BW1 - Development strategy – Primary Growth Area
- Policy BW4 - Settlement boundaries / location constraints
- Policy BW5 - Natural heritage
- Policy BW7 - Sustainable design and place making
- Policy BW12 - Development proposals and transport
- Policy BW18 - Contaminated land
- Policy AS4 - Historic landscape
- Policy TB11 - Access, parking and accessibility of local facilities

Other Material Considerations

- SPG2 – Planning Obligations, March 2012.
- SPG4 – Sustainable Design, July 2013.
- CSS Wales Parking Standards, January 2008.

PLANNING CONSIDERATIONS

Land use

The application site is located within the settlement limits as defined by the LDP Proposals Map. As such, the proposal is supported by policy BW4 of the LDP. Furthermore, the site is

located within the 'Primary Growth Area' as defined by policy BW1 of the LDP where the majority of new development is encouraged.

Whilst the site was previously used as the Council's highways & waste/cleansing depot, it is apparent that it had not been used for some time with overgrown vegetation and dilapidated buildings across the site. Recently the majority of the out-buildings having been demolished and the vegetation cleared from the site. The use of the site as a transport depot is considered to be acceptable in principle and complies with policies BW1 and BW4 of the LDP, subject to its compatibility with other relevant policies and material planning considerations.

Highways

Whilst the proposed site plan illustrates the use of the site as a bus depot with space for up to 15 buses, the description of development refers to the use of the site as a transport depot, which implies that it could also be used by other types of vehicles, such as articulated lorries.

It is generally considered that the site is of a sufficient size to accommodate 15 buses with adequate turning facilities to enable vehicles to enter and leave the site in a forward gear. A greater number of large vehicles within the site may lead to congestion within the site with restricted turning facilities.

The main highway safety concerns with this proposal relate to the access into the site from Gellifaelog Road. This passes through a public car parking area and is regularly used by staff/parents travelling to St Illtyds Primary School and users of the sports field. The same access also serves the civic amenity recycling facility, which can attract high volumes of traffic and is used by large skip lorries. The access through the car park becomes narrow in places, particularly near the entrance to the application site. There is also limited pedestrian segregation with vehicle reversing movements from the parking spaces likely to occur into the access road.

The proposed use of the site as a transport depot would result in an intensification of traffic movements through the car parking area by large vehicles (which would not necessarily be limited to buses). The increase in the level of vehicular movement would be likely to give rise to congestion and conflicts with the existing pedestrian and vehicular traffic to the detriment of highway safety.

The Engineering and Highways Manager requested that a highway assessment be carried out, in the form of a Highway Safety Audit, to fully assess the potential impacts of the development on the highway network. The highway assessment would enable an informed decision to be made on the capacity of the existing highway to accommodate the traffic from the proposed transport depot and highlight the need for any necessary mitigation measures i.e. highway improvement works, limitations on the number / type of vehicles using the depot or restrictions on the operational times to avoid peak traffic times.

It is acknowledged that the applicant submitted a traffic count survey, which recorded the number of visits to the civic amenity recycling facility, however the applicant has refused to provide the requested highway assessment to properly evaluate the highway implications of the transport depot. Consequently, there is insufficient information to make a

comprehensive assessment of the highway safety implications of the proposed use of the site as a transport depot. In this respect it is acknowledged that the Engineering and Highways Manager has raised an objection to the proposed development.

Therefore this application runs contrary to Policy BW12 of the LDP, which requires all development proposals to demonstrate how they will, amongst other criteria, avoid increasing traffic to unacceptable levels and avoid causing or exacerbating highway safety problems.

Design

The general design of the proposed office building, industrial unit and canopy structure in terms of their siting, scale and appearance are considered to be acceptable and would not have an adverse impact on the character or visual amenity of the site or surrounding area.

In coming to this conclusion it is noted that the proposed office building would be located adjacent to an existing building serving the civic amenity recycling facility and would be of a similar design and appearance. The proposed industrial unit would be in the vicinity of the site where a number of out-buildings were recently demolished and the proposed canopy would be of a complementary form to the existing building.

The application site can be partly viewed from Balaclava Road to the east and from Gellifaeolog Road to the west. However the proposed development would be generally well screened by existing vegetation and embankments which minimises any visual impacts. Where the development can be viewed from the main highways, it would be seen in an industrial context next to the civic amenity recycling facility where a number of skips and steel containers are located.

Therefore, the proposal is considered to comply with policies BW7 and AS4 of the LDP.

Amenities

The nearest residential properties to the application site are No. 4 and 5 New Road located approximately 50m to the west of the site. It is considered that the proposed development is a sufficient distance away from these properties to not impinge on the amenities of the occupiers, in terms of overlooking or overbearing impacts.

The level of noise and disturbance generated from the proposed transport depot is unlikely to have an adverse impact on any noise sensitive properties in the area. In this respect it is acknowledged that the Environmental Health Manager has not raised any concerns subject to a condition restricting the operational hours of the proposed depot.

Therefore, the proposal complies with policy BW7 of the LDP.

Ecology

The application site is considered to be of limited ecological value given the historical use of the site and its present condition. It is noted in one of the objection letters that there may be Japanese knotweed within the site. However, during the site inspection the presence of knotweed was not identified given that the majority of the site has been cleared and

covered with a gravel surface. Notwithstanding this, an appropriately worded condition could be attached to any permission to ensure any Japanese knotweed is appropriately eradicated.

Therefore, the proposal complies with policy BW5 of the LDP.

Ground conditions

Due to the historical use of the site it is reasonably believed that parts of the land are likely to be contaminated. Prior to this planning application being submitted, various ground works had already been undertaken, including the foundations to the new industrial unit and retaining works. These operations would have likely dispersed hotspots of contamination.

A Tier 1 Risk Assessment was submitted in support of the application. It is concluded in the report that there is a moderate to high risk of the land being contaminated and that a further site investigation should be carried to fully assess the chemical nature of the soil.

The results of any additional investigations have not been submitted as part of this application. As such, there is a level of uncertainty over the extent by which the site may be contaminated. The Environmental Health Manager has indicated that without the additional survey information, it must be assumed that the whole site is contaminated.

Given that the site is currently only covered with gravel/hardcore the Environmental Health Manager has indicated that site would need to be surfaced with a continuous covering of tarmac or concrete to ensure the occupiers of the development are not exposed to unacceptable risks. This could be dealt with my means of an appropriately worded condition should permission be granted.

Representations

- Details of the retaining walls and gabion baskets constructed within the site have been submitted as part of this application. The Engineering and Highways Manager has raised no concerns with the retaining works. Nor have any concerns been raised in respect of any impacts to the roundabout on New Road.
- The demolition of the out-buildings within the site was previously approved under application P/13/0006, the details of which are noted in the planning history section of this report.
- It is acknowledged that a number of concerns have been raised in respect of the use of the site as a transport depot, the level of traffic generated, impacts on the highway infrastructure and the implication it has on other users in the area. This has been addressed in detail in the above highway section of this report.
- A concrete base for the proposed garage has been included as part of this application. Whilst no details of the foundation have been provided, this can be appropriately assessed through Building Control.

- Whilst no details of the fuel storage tank areas have been provided, this can be suitably addressed by means of an appropriately worded condition, if planning permission is granted.
- Whilst it is highlighted in one of the objection letters that the plans submitted do not reflect what has been carried out on site. The submitted plans accurately reflect the proposed development.
- If any jobs are created as a result of this proposal they would be welcomed and it is appreciated that there may be some positive economic benefit if the site is brought into use.

CONCLUSIONS

The principle of the development is considered to be acceptable and the general design and siting of the proposed industrial unit, office building and canopy are considered to be acceptable. Whilst there are concerns in respect of the potential contamination of the site, this can be reasonably overcome by appropriate mitigation.

There is a lack of information to fully assess the potential highway implications of the development and address any highway/pedestrian safety issues. Therefore, this application fails to comply with the requirements of Policy BW12 of the LDP. Accordingly, the following recommendation is made:

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

1. The applicant has failed to provide sufficient information to enable a comprehensive assessment of the impact that the proposal would have on highway and pedestrian safety along the access road serving the site and the adjoining roads. As such the proposed development is contrary to Policy BW12 of the Merthyr Tydfil Local Development Plan 2006-2021.
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