

Application No.
P/15/0130

Date
27th April 2015

Determining Authority
MTCBC

Proposed Development

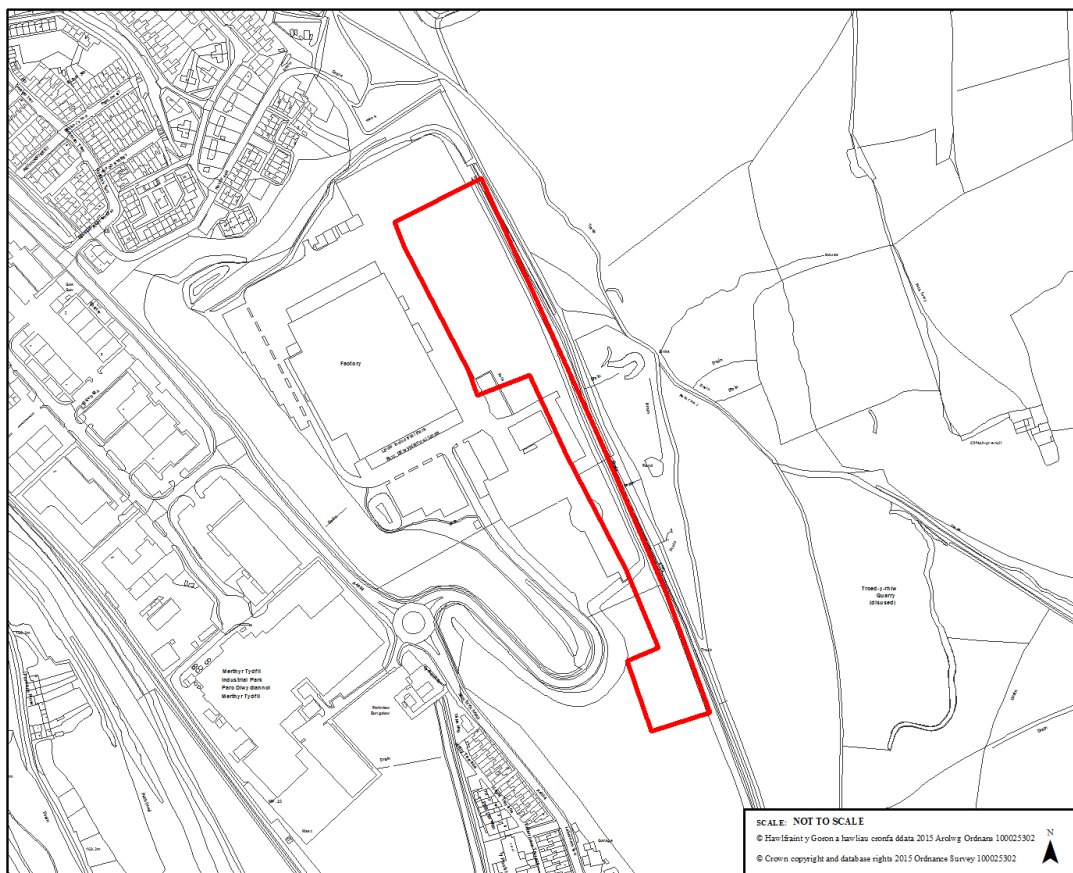
Location

Name & Address of Applicant/Agent

Construction of vehicular test facility to be used ancillary to the existing industrial use. Demolition of high bay buildings, erection of lighting columns and associated works.

Linde Industrial Park
Pentrebach
Merthyr Tydfil
CF48 4LA

Lee Wakeman Ltd
c/o Asbri Planning Ltd
F.a.o. Mr R Bowen
Unit 9, Oak Tree Court
Cardiff Gate Business
Park
Cardiff



APPLICATION SITE

The majority of the application site is located within the Linde Industrial Park. There are currently no industrial activities being undertaken at the site. A section of the application site extends beyond the southern boundary of the industrial park into an area of land which is also currently owned by Linde. This area of land falls outside the settlement boundary and in a green wedge (as defined by the Merthyr Tydfil Local Development Plan).

The application site, which measures approximately 3.9 hectares, is mainly flat except for a landscaped eastern section which slopes down to a watercourse. It is rectangular in shape

and is approximately 595 metres long with a maximum width of 101 metres. The site is located to the east of the main factory building and runs parallel with the eastern boundary of the industrial park. Within the current industrial park boundary, the application site consists of two industrial type buildings and other associated industrial facilities, concrete hardstanding areas and rough scrub land. Outside the industrial park, beyond the inner security fencing, the land consists of trees and other vegetation.

Access to the site would be from the existing roundabout on the A4054 and via the winding access road that serves the Linde Industrial Park.

The Trevithick Trail runs along the eastern side of the industrial park. To the north, and below the level of the site, are residential properties (Rhyd Fach). A triangular shaped heavily landscaped area of land abuts the southern boundary of the site.

PROPOSED DEVELOPMENT

This is an application for the construction of a vehicular test track facility (with lighting columns) to be used in conjunction with the existing industrial use (B2 Use Class) of the park. The proposal also includes the demolition of two industrial buildings and erection of a test ramp and a 'wade' water test facility.

The test track would, for approximately 500m of its length, run in a straight line. It would be constructed from concrete and have a width of 10 metres. To the northern and southern ends of the test track, two tear drop shaped turning facilities would be provided. Two semi-circular bunds would be constructed around the outer circumference of the turning facilities. The northern bund would be 7 metres wide with a maximum height of 1.5m. On top of this bund a 5 metre high acoustic fence would be erected. The southern bund would be 12 metres wide with a maximum height of 3 metres.

The proposed test ramp and 'wade' water test facility would be constructed on a new concrete yard between the existing main factory building and the proposed test track. The test ramp would be triangular in shape and measure 9 metres wide and 2.3 metres high. The 'wade' water test facility would be 1.5 metres deep, 9 metres wide and 42 metres long. It would have a hand rail along the entire length of each side of the facility. The concrete yard would also have other facilities that would aid the testing of vehicles.

The lighting columns would be sited at equal distances apart along the east side of the test track. There would be 26 columns, each with a height of 9 metres.

The application has been supported by the following documents/reports:

- A Design and Access Statement (DAS)
- Noise Impact Assessment (Hunter Acoustics April 2015)
- Extended Phase 1 Habitat Survey (Soltys Brewster March 2015).

PLANNING HISTORY

P/12/0316	Create a 4500m ² test track facility to supplement existing test track facility	Approved 09/01/2013
P/08/0117	Erection of high bay detached building	Approved 13/05/2008
P/03/0339	Erection of detached building (stripping plant)	Approved 27/08/2003
P/01/0210	Provision of unloading canopies to the north and south end elevations of the main factory building	Approved 27/06/2001
P/00/0300	Installation of 2 no. storage tanks with palisade enclosure	Approved 13/09/200

CONSULTATION

Engineering & Highways Manager	No objection subject to conditions
Environmental Health Manager	No objection subject to conditions
Town Planning Division Policy and Implementation Group Leader	No objection
Town Planning Division Countryside Officer	No objection
Town Planning Division's Landscape Architect	No objection subject to conditions
Natural Resources Wales	No objection

PUBLICITY

This planning application has been publicised by means of a 'Press Notice', by displaying site notices within the vicinity of the site and by sending individual letters to local properties. As a result of these publicity exercises, no letters of objection have been received.

POLICY CONTEXT

Planning Policy Wales, 7th Edition (PPW) sets out the land use policies of the Welsh Government. The most relevant chapters when assessing this proposal are:

Chapter 4, which relates to sustainability, addresses the matter of development in the countryside, indicating that it should only occur within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Moreover it states that, amongst other things, minor extensions to existing settlements may be acceptable (paragraph 4.7.8).

Chapter 4 states that while general countryside policies apply in green wedges, there is also a general presumption against development which is inappropriate in relation to the

purposes of the designation (paragraph 4.8.12). Paragraph 4.8.15 goes on to state that inappropriate development should only be granted planning permission in very exceptional circumstances where it can be demonstrated that other considerations clearly outweigh the harm to the green wedge. These very exceptional circumstances should be treated as departures from the plan. Development in a green wedge is considered inappropriate unless it maintains the openness of the green wedge and does not conflict with the purposes of including land within it (paragraph 4.8.18).

Chapter 5 recognises that local non-statutory sites, such as Sites of Importance for Nature Conservation (SINCs), can add value to the planning process and should be applied to areas of substantive conservation value. They should not, however, unduly restrict acceptable development (paragraph 5.3.11). Paragraph 5.5.2 states that when considering environmental impacts, local planning authorities (LPAs) should seek to avoid, wherever possible, adverse effects on the environment. Where other material considerations outweigh the potential adverse effects, LPAs should seek to minimise those effects and should, where possible, retain and, where practicable, enhance features of conservation importance.

Chapter 7, which relates to economic development, indicates that the planning system should support economic and employment growth alongside social and environmental considerations in the context of sustainable development (paragraph 7.1.3). In particular, local planning authorities should seek to facilitate regeneration and aim to, amongst other things, co-ordinate development with infrastructure provision; promote the re-use of previously developed, vacant and underused land; and deliver physical regeneration and employment opportunities to disadvantaged communities.

Paragraph 7.2.2 also states that local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh social and environmental considerations.

Paragraph 7.6.1 requires the adoption of a positive and constructive approach to applications for economic development and highlights the need to assess economic benefits which include: the number and types of jobs to be created on site; the contribution to redressing economic disadvantage and supporting regeneration priorities; and the contribution to wider spatial strategies, including the growth or regeneration of certain areas.

Chapter 6, Paragraph 6.5.25 highlights the need to protect historic landscapes and to consider the implications a development may have on that landscape, which may be of more than local importance.

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 provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

TAN 11 - Noise provides advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business.

TAN 12 - Design 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 23 - Economic Development advises on, amongst other issues, assessing the economic benefits of new development.

Local Planning Policy (Merthyr Tydfil Local Development Plan (LDP) 2006-2021).

The following LDP Policies are relevant to the determination of this application.

Policy BW1: Primary Growth Area

Policy BW4: Settlement boundaries / locational constraints

Policy BW5: Natural Heritage

Policy BW7: Sustainable design and place making

Policy BW8: Development and water environment

Policy BW12: Development proposals and transport

Policy BW18: Contaminated land

Policy AS4: Historic Landscape

Policy AS5: Green wedges

Policy AS6: Local nature conservation designations

Policy AS7: Waste management facilities – location of choice

Policy AS24: Employment site protection

Policy TB11: Access, parking and accessibility of local facilities.

Other Material Considerations

PLANNING CONSIDERATIONS

The majority of the application site is located within the settlement boundary and is designated as both a protected employment site (Policy AS24) and an area of search for waste management facilities (Policy AS7). Committee will also be aware that the industrial buildings and remainder of the wider site was previously occupied by Linde for the manufacture and testing of various types of vehicles. Although limited details of vehicles to be manufactured/assembled in the industrial buildings have not been disclosed by the applicant, the DAS points out that the *'new vehicular test track and ancillary facilities will provide a necessary element which complements the primary industrial activity which will be operating upon the site'*. Given that the proposal would be an ancillary facility to a B2 (General Industrial) use, the part of the proposal within the protected employment site and settlement boundary, in principle, is considered acceptable. Furthermore, there is also sufficient alternative land available within the County Borough to accommodate any future proposals for waste management facilities.

The proposed southern bund, turning area and approximately 67 metres of test track would be located outside the settlement boundary. As such, this part of the proposal fails to

comply with policy BW4 of the LDP which strictly controls development in such areas to those uses which are mainly countryside based. It is also located within a green wedge. Policy AS5 of the LDP states that development which prejudices the open nature of the land will only be permitted in very exceptional circumstances. This reflects national policy (paragraph 4.8.15), which also states that development is inappropriate unless it maintains the openness of the green wedge and does not conflict with the purposes of including land within it (paragraph 4.8.18). Policy AS5 of the LDP states that the primary purpose of the green wedge is to prevent the coalescence between settlements, which in this case, is Pentrebach and Troedyrhiw. The extension of the proposed development into the green wedge, particularly the proposed bund, would have some impact on the openness of the green wedge. However, the area affected would be confined to a discreet north eastern corner of the green wedge. The bund is also unlikely to appear overly prominent or dominating when viewed from the surrounding area due to the topography of the land and the level of existing tree screening. It is therefore considered that whilst the proposed development affects the openness of the green wedge, and accordingly conflicts with policy AS5, given its proposed location, the type of development and additional landscaping the impact on openness would be minimal. Moreover, the primary purpose of preventing the coalescence of Pentrebach and Troedyrhiw would not be unduly compromised.

The details submitted with the application indicate that if this scheme is permitted and the Linde Industrial Park occupied by the prospective company/business then 475 full-time and 25 part-time jobs would be created. In terms of job creation this would provide a significant boost to the local economy. This is especially important for an area, such as Merthyr Tydfil, with relatively high levels of social deprivation and unemployment. The Linde Industrial Park is a unique site comprising of large, heavy engineering/manufacturing units with re-enforced concrete floors which meet the specialist requirements of the proposed occupier. There are no known alternative sites within the local area which have these specialist features. Although, if permitted, part of the application site would result in a departure from the LDP, the need to re-use previously developed, vacant and underused land and deliver physical regeneration and employment opportunities to disadvantaged communities is encouraged by both the LDP and PPW.

Given the above, it is considered that the potential economic benefits that could be forthcoming, if this application is granted, should be given significant weight and are considered very exceptional circumstances which overcome the LDP policy objections (i.e. development in the green wedge and outside settlement limits). As such, the principle of the proposed development is considered acceptable.

The other issues to consider in the assessment of this application are:

- The impact of the noise from the use of the test track on the amenities of neighbouring residents.
- The visual impact of the proposed development.
- The affect on biodiversity and the adjacent Troed y Rhiw SINC and;
- The implications in terms of highway safety.

As stated above, the applicant has submitted a Noise Impact Assessment in support of the application. The report provides an assessment of the noise impact of the proposed operation of the test track (using noise data from vehicles that would use the facility) on nearby noise sensitive premises (i.e. residential properties). The report highlights that the

track would only be used during the daytime (0800 – 1800 hours) and concludes that the greatest impact would be on the properties in Rhydfach. However, it is stated that the World Health Organisation (WHO) outdoor garden noise criteria would be met and the desired internal noise criteria (detailed in BS 8233:2014) through a partially open window would also be satisfied. As such, the report concludes that if the test track is brought into use there would be no adverse impact, in terms of noise disturbance, on neighbouring residents.

The report has been assessed by the Environmental Health Manager who considers the noise levels to be tolerable and therefore does not raise any objection to the proposed development. However, given that the report is limited, in so far as background noise measurements were only carried out on a weekday, the Environmental Health Manager has recommended a condition which limits the use of the test track to weekdays and between 0800 and 1800 hours. It is also considered pertinent to impose a further condition (if the proposal is permitted) which requires additional noise assessments to be undertaken before the test track could be used on a Saturday. As Committee will note the test track would not be used on a Sunday. It is therefore considered that the proposal accords with policy BW7 of the LDP.

In terms of the visual impact of the proposed development, from western cross valley views of the development would be masked by a combination of the large industrial buildings and the extensive landscaping to the southern part of the site. The eastern boundary of the site also has an almost continuous, and in places deep, mature landscape buffer. The construction of both bunds would result in the loss of a number of trees and vegetation along the eastern boundary of the site. However, a substantial landscaped buffer would be retained to provide significant screening to the proposal when being viewed from the Trevithick Trail. Furthermore, additional landscaping would also help mitigate any adverse impact. If Committee are minded to permit this application, this could be secured by a suitably worded condition. The proposed lighting for the test track could potentially have an adverse visual impact. Therefore it is considered necessary to limit the times that the lights would be used (i.e. when the test track is being used) and ensure light spillage is kept at a minimum. It is recommended that these two issues are controlled by conditions. It is noted that the Councils Landscape Architect has not raised any objection to the proposed development and as such it accords with policy BW7 and AS4 of the LDP. It should also be noted that the proposal involves the demolition of two industrial buildings. Their removal would have a small but positive visual impact on the area and wider Merthyr Tydfil Landscape of Historic Interest. Committee should also note that a test track, albeit much shorter in length, has previously been granted at this site (planning permission P/12/0316).

The Troed y Rhiw SINC is outside the application site but runs along its entire eastern boundary. The Councils Countryside Officer/Ecologist has considered the submitted Extended Phase 1 Habitat Survey and has raised no objection to the proposal. As such there would be no adverse impact on the SINC or upon biodiversity. However, the Countryside Officer/Ecologist has recommended that a wildlife and mitigation plan be sought by means of a suitably worded condition. It is therefore considered that the proposed development accords with policies BW5, BW7 and AS6 of the LDP.

Given that this application seeks permission for a facility to test vehicles that will hopefully be manufactured/assembled within the buildings on the wider estate (i.e. which already has

planning permission for such a use), there would be no highway safety concerns. It is noted that the Engineering and Highways Manager has raised no objection to the proposal.

In conclusion, it is considered that economic benefits that could potentially be secured as a result of the re-use of this currently vacant purpose built industrial park far outweigh any harm caused by a small encroachment into the green wedge and open countryside. The visual impact of the proposal would be somewhat masked by both the existing buildings and extensive landscaping and there would be minimal impact on biodiversity. As such, the development is fully supported and planning permission is recommended.

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. **No development or site clearance shall take place** until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. 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 BW7 of the Merthyr Tydfil Local Development Plan.

3. 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 occupation of the buildings 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 BW7 of the Merthyr Tydfil Local Development Plan.

4. A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority prior to the test track being brought into use. The landscape management plan shall be carried out as approved.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan.

5. No external lighting shall be erected or installed unless details (including lux levels and spillage plans) have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be erected in accordance with the approved details and retained as such thereafter.

Reason - In the interest of visual amenity and biodiversity and to accord with policies BW5 and BW8 of the Merthyr Tydfil Local Development Plan

6. Prior to the test track being brought into use, the southern screen bund and northern acoustic bund shall be constructed in accordance with approved drawings and retained as such thereafter.

Reason - To ensure that the noise emitted is not a source of nuisance to occupants of nearby properties in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

7. The test track shall only be used Monday to Friday and between the hours of 08:00 - 18:00.

Reason - To ensure that the noise emitted is not a source of nuisance to occupants of nearby properties in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

8. The test track shall not be used on any Saturday, unless a report that assesses the noise impact of the test track on nearby noise sensitive properties on a Saturday, has been submitted to and approved in writing by the local planning authority. If acceptable, the development shall thereafter be carried out into accordance with the approved report.

Reason - To ensure that the noise emitted is not a source of nuisance to occupants of nearby properties in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

9. **No development shall take place** until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:

- a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
- d. Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan

Reason - To protect the natural environment in accordance with Policy BW5 of the Merthyr Tydfil Local Development Plan.

10. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

11. Notwithstanding the submitted plans, **no development shall commence** until details of existing ground levels and proposed finished ground levels (including relevant sections) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason - To protect visual amenity in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

INFORMATIVES

1. Natural Resources Wales recommend that oil and petrol separators are installed, as are trapped gullies, to prevent pollution from the site entering watercourses.
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