

Application No.
P/15/0312

Date
18th September 2015

Determining Authority
MTCBC

Proposed Development

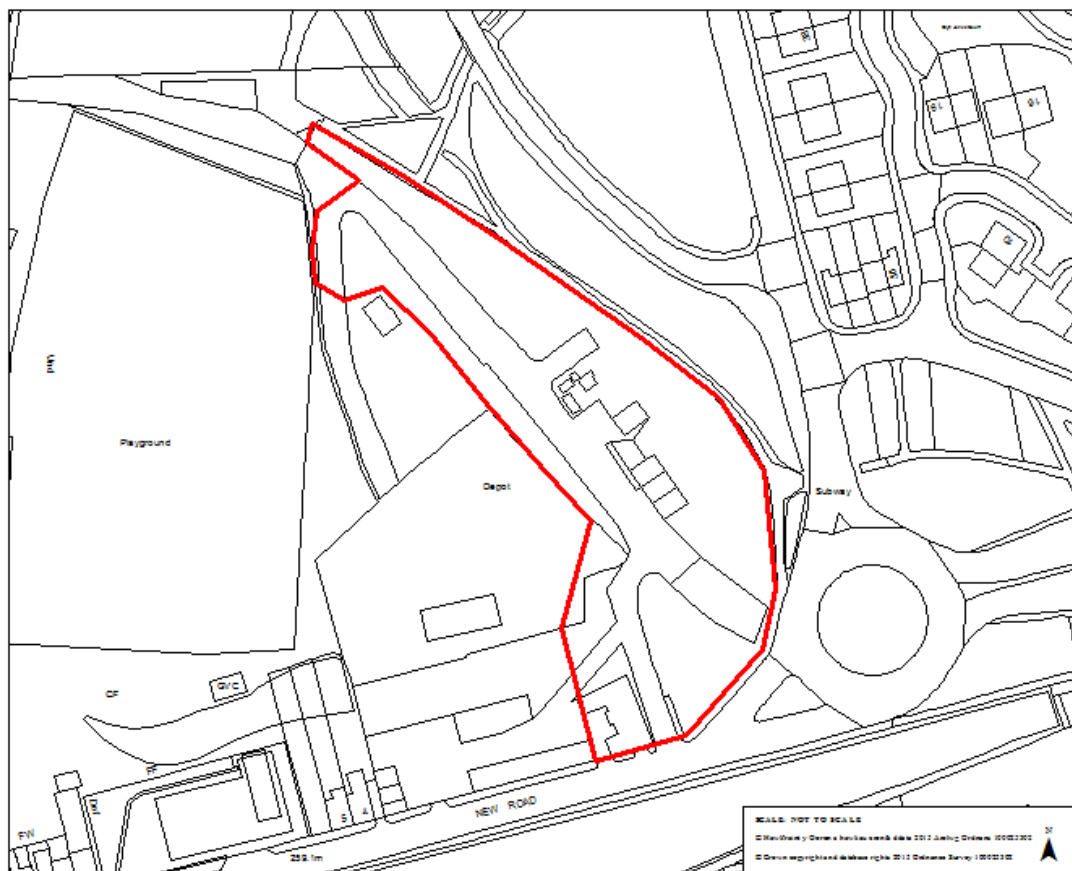
Location

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
CF48 3DA

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 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. A steep embankment with a hedgerow at the top runs along eastern boundary of the site with a footpath that also runs parallel with this boundary.

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

PROPOSED DEVELOPMENT

Members will note that this proposal is essentially a re-submission of planning application P/14/0252, which was refused due to the lack of information to enable a comprehensive assessment of the impact of the change of use on highway and pedestrian safety.

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 the application site is currently being used as a transport depot with a number of coaches and cars 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 25 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.

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/14/0252 - 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.

REFUSED on 25.06.2015 for the following reason:

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.

- 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

- No objection subject to conditions relating to surface water drainage, retaining works, hours of operation and the undertaking of stage 2, 3 and 4 road safety audit.

Town Planning Division's
Policy & Implementation
Group Leader

- No objection.

Environmental Health Manager

- No objection subject to conditions relating to contamination and hours of operation.

Natural Resources Wales

- No objection.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties on the 22nd September 2015, four site notices were displayed within the vicinity of the site on the 29th September and a press notice was published in the local newspaper on the 2nd October 2014.

As a result of this publicity exercise 1 letter of objection was received. The following concerns were raised:

- There are concerns that buses using the existing access in to the site adjacent to St Illtyds Primary School would give rise to highway safety concerns. It is suggested that access on to New Road would be more appropriate.
- It is highlighted that the proposed development is already operational and that there have been conflicts with buses trying to gain access into the site during the peak school pickup time. Access on to New Road would avoid such situations.

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

Supplementary Planning Guidance (SPG) and other Material Considerations

- SPG2 – Planning Obligations, March 2012.
- SPG4 – Sustainable Design, July 2013.
- SPG5 – Nature and Development, May 2015.
- 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 have 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

Although the proposed site plan illustrates the use of the site as a bus depot with space for up to 25 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 lorries.

It is generally considered that the site is of a sufficient size to accommodate 25 buses with adequate turning facilities to enable large vehicles to enter and leave the site in a forward gear. The main highway safety concerns with this proposal relate to the access into the site from Gellifaelog Old 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 previous application P/14/0252 was refused on the grounds that an inadequate assessment had been carried out, which failed to consider the potential implications of the development on highway and pedestrian safety. In support of this application, a Stage 1 and 2 Road Safety Audit has been submitted, which identifies the potential highways safety problems that may affect any users of the highway and suggests appropriate mitigation measures.

The report indicates that the buses would exit the site in the morning before St Illtyd's Primary School opens and would enter the site in the afternoons after the school is closed. This suggests that the traffic from the depot would generally seek to avoid peak school drop-off and pick-up times. The Road Safety Audit does not identify any significant highway safety concerns. However it does set out a number of recommendations, which largely relate the provision of signs and road markings to give clear direction to motorists. It is acknowledged in the report that it is possible that buses / large vehicles will be required to use both sides of the carriageway when turning at the junction on to Gellifaelog Old Road, which could result in vehicular conflict. This situation to some extent is likely to already occur with large vehicles associated with Civic Amenity Site.

The Engineering and Highways Manager has considered the conclusions/recommendations of the Stage 1 and 2 Road Safety Audit and has raised no objection to the proposed development subject to conditions. These require the applicant to implement the recommendations set out in the audit report and to conduct the Stage 3 and 4 Road Safety Audit, which enables the highway implications to be monitored and any further mitigation measures to be put in place. On this basis, it is considered that the continued use of the site as a transport depot would not have an adverse impact on traffic movements in the area or pose significant highway safety concerns. Furthermore, the Engineering and Highways Manager has advised that a condition to restrict traffic movements to and from the site during school peak times should be imposed on any permission to minimise any congestion and highway safety concerns.

It is acknowledged that a letter of objection was received raising concerns about the proposed means of access in to the site and suggests that an alternative access from New Road to the south of the site would be more appropriate. Access on to this road is likely to give rise to greater highway safety concerns due to poor driver visibility and its proximity to a busy roundabout.

It is considered that the reason for the refusal of application P/14/0252 has been adequately overcome. Therefore the proposed development complies with policies BW12 and TB11 of the LDP.

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. It is also noted that a dwelling has recently been permitted on land adjoining the depot site which is currently in the applicant's ownership.

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 traffic movement within the site. It is considered that the civic amenity recycling facility, which is closer to the residential properties, is likely to be a greater source of nuisance and its operational use is not restricted by any planning condition. In this respect it would be unreasonable to impose restrictions on the traffic movements within the site, which is situated further away from the residential properties. In the event that there is a statutory nuisance caused by the development, this is a matter that can be addressed through the Environmental Health regulations.

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. As such the proposal is not considered to have an adverse impact on any potential habitats or protected species. 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. It is acknowledged that a Tier 1 Risk Assessment was submitted as part of the previous application P/14/0252, which concluded that there was a moderate to high risk of the land being contaminated and that a further site investigation should be carried out to assess the chemical nature of the soil. Various ground works have already been undertaken, including foundations to the new industrial unit and retaining works. These operations would likely disperse any hotspots of contamination.

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 the site may be contaminated. The Environmental Health Manager has not raised any objection to the proposed use of the site, subject to conditions relating to a Phase 1 land contamination investigation. Where contamination is identified within the site, appropriate remediation measures shall then be set out to minimise any potential risks. Therefore, the proposal would comply with policy BW18 of the LDP.

CONCLUSIONS

The principle of the development 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 through appropriate mitigation. The highway safety implications of the development have been assessed and the reason for the refusal of application P/14/0252 has been sufficiently addressed. Therefore, for the above reasons the proposed development is considered to be acceptable and complies with the relevant LDP policies. Accordingly, the following recommendation is made:

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

1. **Prior to the construction of the elevations and roof of the industrial unit, office building and canopy** hereby approved details of the materials to be used in the construction of their external surfaces shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan.

2. **Within 2 months of the date of this permission** a site investigation of the nature and extent of contamination shall be carried out in accordance with a methodology, which has first been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation together with any remediation measures deemed necessary to render the site suitable for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority **within 3 months of the date of this permission**. The site shall be remediated in accordance with the approved measures **within 8 months of the date of this permission**. If during the course of development any contamination is found

that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall be carried out in accordance with the approved additional measures **within 8 months of the date of this permission**.

Reason - In the interest of health and safety and environmental amenity and so as to accord with Policy BW18 of the Merthyr Tydfil Local Development Plan.

3. **Within 2 months of the date of this permission** details of a scheme for the disposal of surface water shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the proposed industrial unit and office building and retained in perpetuity.

Reason - To ensure adequate disposal of foul and surface water drainage in accordance with Policy BW8 of the Merthyr Tydfil Local Development Plan.

4. The means of vehicular access in to the transport depot hereby approved shall be from Gellifaelog Old Road only, to the north-west of the site.

Reason -To limit the number of accesses onto the highway in the interests of road safety in accordance with Policies BW12 and TB11 of the Merthyr Tydfil Local Development Plan.

5. During school term times, no buses/coaches or lorries shall enter or exit the site between the hours of 08:45 to 09:30 and 14:45 to 15:30.

Reason - To minimise any disruption to the free flow of traffic, particularly by large vehicles, during peak school times, in the interest of highway safety and to accord with Policies BW12 and TB11 of the Merthyr Tydfil Local Development Plan.

6. **Within 2 months of the date of this permission** the applicant shall fully implement the recommendations set out in Section 6 of the Road Safety Audit (Stage 1 and 2) dated 27th August 2015.

Reason - To ensure the existing highway serving the transport depot from Gellifaelog Old Road remains a safe environment for pedestrians and other vehicle users and does not impinge on the free flow of traffic in the area, in accordance with Policies BW12 and TB11 of the Merthyr Tydfil Local Development Plan.

7. **Within 12 months of the date of this permission**, a Stage 3 and 4 Road Safety Audit shall be submitted to and approved in writing by the local planning authority. Any measures recommended in the audit reports shall be fully implemented within 2 months of the date of their approval.

Reason - To ensure the existing highway serving the transport depot from Gellifaelog Old Road remains as a safe environment for pedestrians and other vehicle users and does not impinge on the free flow of traffic in the area, in accordance with Policies BW12 and TB11 of the Merthyr Tydfil Local Development Plan.
