

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017

**DEVELOPMENT CONTROL
COMMITTEE
4 AUGUST 2016**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.8
<p>APPLICATION NO: 15/0644/10 – ERECT A DETACHED STEEL PORTAL INDUSTRIAL BUILDING (RE- SUBMISSION) 14/1437. (AMENDED FLOOD CONSEQUENCES ASSESSMENT RECEIVED 04/11/15) ON LAND ADJACENT TO UNIT 1, MEADOW STREET, TREFOREST, PONTYPRIDD</p>	

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the proposed development together with this report and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Development Control Committee of 23rd June 2016 and a copy of the original report is attached as **APPENDIX A**. Following consideration of the report it was resolved that as Members were minded to approve the application contrary to the Officer's recommendation because they considered the development would not be detrimental to highway safety and the free flow of traffic to the site, the matter be deferred to the next appropriate meeting of the Development Control Committee for a report from the Service Director Planning, if necessary in consultation with the Director of Legal and Democratic services, upon the strengths and weaknesses for taking a decision contrary to recommendation, prior to determining the matter (Minute 10 refers).

The material considerations of the planning application are considered in full in the original Committee report (**APPENDIX A**). The key issues are considered to be the appropriateness of the development having regard to the provisions of the development plan; the impact on neighbouring properties; the effect on the visual amenity of the area and the effect on highway safety. In the assessment of the proposal it is considered that the

application would be appropriate to the setting of the site and would be a similar commercial /industrial use as the adjacent properties. Additionally, it is considered that the proposal would not have a detrimental effect on the residential amenity of neighbours (although highway safety, which is dealt with below, is considered to be adversely affected) or the visual amenity of the area.

However, the access to the site was considered to be sub-standard for the purposes of intensification at this site. This was due to the existing access roads leading to the site being along traditional terraced residential streets that are subject to high levels of on-street parking demand. This situation leads to a reduction in the width of available carriageway resulting in reversing movements taking place. It was considered that any further intensification of the use of the existing sub-standard access could create additional hazards to the detriment of highway safety and the free flow of traffic. In addition, the existing sub-standard access lacks adequate carriageway width; segregated footway facilities; turning facilities and visibility required to cater for a further intensification of use. On this basis a highway objection was raised and the application was considered to be unacceptable in this regard and consequently recommended for refusal.

Due to the comments of Members, the Transportation Section has suggested that a condition be included to prohibit HGV movements to the proposed additional unit. The wording of the suggested condition proposed is as follows:

No HGV shall be used in connection with the proposed development unless otherwise agreed in writing by Local Planning Authority.

Reason: In the interest of highway safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

While the purpose of the suggested condition is acknowledged it is however considered that the above would be unenforceable, as it would not preclude HGV movements to the existing unit on the site or other users of the public highway. Additionally, detection of a breach would require evidence of a vehicle using the application site before any possible enforcement action could be considered. This would require potentially long periods of monitoring of the site in order to facilitate enforcement action. Furthermore, it is considered that as the condition would be unenforceable and fails one of the tests required for a condition, it should not be added if Members resolve to approve the application.

Consequently, if after further consideration, Members are of the opinion that the application should be approved the following conditions are suggested to reflect their views.

Planning Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

- Site Location Plan, dated 14/05/16
- Proposed industrial unit, proposed plans and elevations, Drawing No. 1877, dated 14/05/2015

unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Notwithstanding the approved plans the slab level of the industrial unit hereby approved shall be set at a minimum of 46.8m AOD in accordance with the details submitted by GTD Solutions.

Reason: In order to mitigate against the potential consequences of flooding at the site in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica japonica*, *Rouse decraene*, *Polygonum cuspidatum*) shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site. The approved scheme shall be implemented prior to the occupation of any dwelling/building.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981.

5. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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 in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning

Authority.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. The building hereby approved shall be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

Notes

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Ministers under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice for Householder or Minor Commercial Developments or within 6 months of the date of this notice for all other appeals.

Appeals must be made using a form which you can get from the Welsh Ministers, Planning Inspectorate at Crown Buildings, Cathays Park, Cardiff CF10 3NQ, or online at www.planningportal.gov.uk/pcs.

The Welsh Ministers can allow a longer period for giving notice of an appeal, but are not normally prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Welsh Ministers need not consider an appeal if it seems to them that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Welsh Ministers do not refuse to consider appeals solely because the local planning authority based their decision on a direction given by them.

2. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as

to whether the works should be carried out and, if so, the method to be used.

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.

3. The following additional comments have been received from Natural Resources Wales (NRW) and are included for the developer's attention:

Although the proposed mitigation measures will help the new building is designed to be flood free in extreme events, it is likely that the site will remain in both our Flood Map outlines and the Development Advice Map (dam) outlines.

Therefore, you should be aware, and satisfied, with the potential insurance related issues. NRW recommends you fully consider the insurability of your development now. Although NRW have no involvement in this matter the developer is advised to visit the Association of British Insurers website, which may help ensure any properties are as flood proof as possible and insurable. This can be found at: <https://www.abi.org.uk/Insurance-and-saving/Topics-and-issues/Flooding>

4. The developer is advised of the following additional comments received from the Public Rights of Way Officer (PROW) in relation to the application:

Part of the site is crossed by a Public Right of Way (PON/107/1). It is acknowledged that the small section of PROW no longer serves its original purpose of allowing access over a river bridge as the bridge has been lost some time ago. Nevertheless, the applicant should contact the Public Rights of Way Officer in order to make arrangements to extinguish/divert the PROW.

5. The following additional comments have been received from Dwr Cymru/Welsh Water (DCWW) and are included for the developer's attention:

As the applicant intends utilising a cesspit facility we would advise that the applicant seeks the appropriate advice from the Building Regulations Authority or an Approved Inspector.

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APPENDIX A

APPLICATION NO: 15/0644/10 (BJW)
APPLICANT: Mr A Beere
DEVELOPMENT: Erect a detached steel portal industrial building (Re-submission) 14/1437. (Amended Flood Consequences Assessment received 04/11/15)
LOCATION: LAND ADJACENT TO UNIT 1 MEADOW STREET, 1 MEADOW STREET, TREFOREST, PONTYPRIDD, CF37 1UD
DATE REGISTERED: 14/05/2015
ELECTORAL DIVISION: Treforest

RECOMMENDATION: Refuse

REASONS:

The development would lead to the intensification of use of a sub-standard access by commercial traffic that would create additional hazards to the detriment of safety of all highway users.

APPLICATION DETAILS

Full planning permission is sought for the erection of a detached steel portal industrial building on land adjacent to Unit 1, Meadow Street, Treforest, Pontypridd, CF37 1UD. The application is a re-submission of application reference no. 14/1437 which was refused permission due to highway safety issues and lack of information in terms of the potential impact on the Site of Importance for Nature Conservation (SINC) and the consequences of flooding.

The application is presented for the consideration of Members at the request of Councillor Powderhill to allow Members to be able to fully consider the highway/traffic implications of the proposal.

The characteristics of the current proposal are similar to the previously refused application however the applicant has attempted to deal with the previous reasons for refusal with the submission of additional details. Details submitted in support of the application are as follows:

- Design and Access Statement
- Flood Consequences Assessment
- Statement regarding Public Right of Way
- Impact Assessment on Site of Importance for Nature Conservation (SINC) 142 – River Taf

The proposed building would be located in the existing south yard area of Unit 1 which is a company which provides cathodic protection, i.e. corrosion protection through the coating of products with corrosion resistant compounds.

The proposal would allow the business to manufacture from the site as Unit 1 has been rented to a joinery business. The building would measure 12m in length by 10m in width by 4.15m in height to the eaves and 5.5m in height to the highest part of the building and would be finished with fair faced brickwork and profiled sheeting to the upper half and roof. Additional details, submitted in support of the application with regard to flood risk, indicate a raise in the building on a slab to a level of 46.8m AOD.

SITE APPRAISAL

The proposed development site is the fenced yard area of an existing industrial property located off Meadow Street, Treforest.

Vehicular access to the site is gained via Meadow Street and John Street to the North of the site while pedestrian access can be obtained via this route and a bridge over the River Taf to the south of the site. The eastern boundary of the site is formed by the River Taf and its embankment.

The yard area is located to the extreme south of an existing industrial unit and appears to be fairly flat and even. There are three other industrial units to the north of the site of various sizes.

PLANNING HISTORY

14/1437	Land adjacent to Unit 1, Meadow Street, Treforest, Pontypridd	Erect a detached steel portal industrial building	REF	06/01/15
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PUBLICITY

This has included site notices and the direct notification of properties surrounding the site however, no responses have been received.

CONSULTATION

Transportation Section – raises an objection to the application. It is considered that the further intensification of use of a sub-standard access leading to the site will create additional hazards to the detriment of safety of all highway users and free flow of traffic. This is due to the existing highway network lacking adequate carriageway width; segregated footway facilities; turning facilities and visibility that would be exacerbated by the commercial traffic generated by the proposed development.

Land Reclamation and Engineering (Drainage) – it was recommended that Natural Resources Wales (NRW) be consulted due to the location of the site being within a Flood Zone (Zone B or C) or identified within an area susceptible to surface water flooding. Raises no objection, subject to a condition requiring details of drainage and flood risk management.

Public Health and Protection Division – no objection subject to a condition restricting the hours of operation during the construction phase of the development. It is also suggested that informative notes be attached in respect of noise, dust and waste.

Natural Resources Wales (NRW) – initially objected to the application however it is noted from the subsequently submitted documents that the applicant intends to raise the building on a slab to a level of 46.8m AOD. At this level the building will be flood free during the 1% (1 in 100 year) plus climate change event and the new building is therefore in line with the guidance set out in A1.14 of TAN 15. The new building will also be flood free during the 0.1% (1 in 1000 year) flood event and is therefore compliant with the guidance set out in A1.15 of TAN 15. NRW therefore confirm that it does not object to the proposal as currently presented and recommends that the finished floor level is secured through any permission granted.

Dwr Cymru Welsh Water – no objection. Advises that should the applicant utilise a cesspit facility that they consult with Building Control. Should the method of sewage disposal alter Dwr Cymru Welsh Water should be re-consulted.

Countryside, Landscape and Ecology – the explanation of the extent of site works, which confirms that the riverbank will not be affected and no trees lost, with development concentrated on the old concrete platform is acknowledged. In this case the impact on the SINC is likely to be limited. If this application gains planning permission it is recommended that a condition related to an approved method of Japanese Knotweed control is imposed.

Public Rights of Way Officer - Public Right of Way - Pontypridd 107/1 runs straight through the proposed development site. However this small section of PROW no longer serves its original purpose which allowed access over a long lost bridge. If the application gains approval then extinguishment/diversion of that short section of path may be required and the applicant will need to proceed with that course of action with the Council's PROW section.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary of Treforest, is unallocated and is in close proximity to several Grade II* Listed Building (Former Treforest Tinplate Works).

Policy CS2 - sets out criteria for achieving sustainable growth.

Policy AW 2 - supports development in sustainable locations.

Policy AW 5 - lists amenity and accessibility criteria that will be supported in new development proposals.

Policy AW 6 - lists design and place making criteria that will be supported in new development proposals.

Policy AW8 – provides criteria for the protection and enhancement of the natural environment including SINC sites.

Policy AW10 – states that development proposals will not be permitted where they would cause or result in a risk or unacceptable harm to health and/or local amenity because of air, noise, light or water pollution; contamination; landfill gas; land instability; flooding or any other identified risk to the environment, local amenity and public health and safety.

National Guidance

Planning Policy Wales

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales, Chapter 2 (development plans), Chapter 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 6 (conserving the historic environment), Chapter 7 (economic development).

Planning Policy Wales Technical Advice Note 15: Development and Flood Risk

Planning Policy Wales Technical Advice Note 18: Transport

The above chapters and Technical Advice Notes set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main issues:

Principle of the proposed development

The site and its surroundings consist of three industrial units within a small cluster accessed off existing residential streets within the village of Treforest.

The principle of industrial use at the site is considered to be firmly established by the existing uses in the surrounding site and there is no objection to this.

However, it is considered that the proposal would intensify the use of the site by creating an increase in industrial floorspace which would be served by the existing infrastructure and could have an additional impact on the amenity of neighbouring properties.

These aspects of the development will be evaluated later within the report.

Impact on neighbouring properties

With respect to the impact on neighbouring properties, the proposal is located within an existing industrial area and on an existing vacant yard area. The site is well screened and some distance from the closest residential properties which are over 110m away.

It is recognised that the intensification of the use does have the potential to cause additional impact on the amenity of neighbouring properties, particularly those on Meadow Street and John Street which form the vehicular access to the site and are traditional streets of terrace houses. It is also acknowledged that the most likely form of any adverse impact would be through increased levels of vehicular activity, particularly larger vehicles associated with the heavy industrial use.

This issue is examined fully later in the report when the impact on highway safety considerations would also be considered. It is also acknowledged that there have been no adverse representations received following the public consultation exercise for the area in terms of general amenity issues. Therefore, outside of highway issues, it is not considered that the proposal would have a detrimental impact on the amenities of existing residential properties in the area.

Effect on the visual amenity of the area and the setting of Listed Buildings

In terms of the effect on the visual amenity of the area it is considered that the proposal would represent a visually acceptable industrial unit of a type, scale and design that would be typical of this small industrial area.

The proposed development is largely contained within the existing site and is considered to be of a suitable character, scale and appearance that would be in keeping with the surrounding industrial area.

The site is also close to several buildings that formed the former Treforest Tinplate Works which are Grade II* Listed Buildings. While there is potential for the development to affect the setting of this collection of Listed Buildings the Council's Conservation Officer has evaluated the application and considers that the Listed Buildings are listed for their cohesion and survival as a group and the relevance this has to the industrial process which is considered to provide their primary interest. The retention of the buildings' uninterrupted layout and relationship to each other are the most significant aspects to be conserved.

Were there an historic 'setting' that had remained or the buildings were designed in a formal nature to command views, it could be considered that these proposal impacted on the listed buildings. However, it appears that through clearance and

modernisation this is not the case and the site is partially screened by woodland and retaining walls. Consequently, it is considered that the erection of a modern industrial building in a compound of similar modern industrial buildings would be of low impact to the listed complex alongside; despite its proximity.

Consequently, it is considered that there would be no objection to this element of the proposal.

Highway safety

The proposal has been subject to consultation with the Council's Transportation Section which has raised an objection to the proposal due to the sub-standard access leading to the site.

It is considered that the existing access roads leading to the site are sub-standard as a result of the substantial demand for on-street parking along the terraced residential streets. This situation reduces the width of available carriageway resulting in reversing movements taking place to the detriment of highway safety and free flow of traffic.

Any further intensification of use of a sub-standard access, which is congested as a result of the considerable on-street parking demand, could create additional hazards to the detriment of highway safety and free flow of traffic. This impact could be exacerbated by the commercial traffic generated by the proposed development.

The sub-standard access is also lacking in adequate carriageway width; segregated footway facilities; turning facilities and visibility to cater for further intensification of use. This could create additional hazards to the detriment of safety of all highway users and free flow of traffic. Therefore, it is on this basis that the proposal is considered to be unacceptable and highway objections have been raised.

Consequently, it is considered that the increase in traffic would not have a detrimental impact on neighbouring properties in terms of general amenity issues around traffic noise and disturbance. However, the impact on highway safety issues is considered to be unacceptable for the reasons stated above and this would also have a detrimental impact on the living conditions and therefore "amenity" of neighbouring properties in this respect.

Flooding issues

The application was referred to Natural resources Wales (NRW) due to its location close to the River Taf.

The application was submitted with a Flood Consequence Assessment (FCA) which was forwarded to NRW. NRW objected to the initial FCA as it was considered that it failed to demonstrate that the impact of flooding could be managed over the lifetime of the development.

Subsequently the applicant submitted documents indicating that they intend raising the building on a slab to a level of 46.8m AOD. At this level the building will be flood

free during the 1% (1 in 100 year) plus climate change event and the new building is therefore in line with the guidance set out in A1.14 of TAN 15. The new building will also be flood free during the 0.1% (1 in 1000 year) flood event and is therefore compliant with the guidance set out in A1.15 of TAN 15. NRW therefore confirmed that they do not object to the proposal as currently presented and recommend the finished floor level be secured through any permission granted.

Consequently, it is considered that the developer has successfully demonstrated that this issue can be adequately addressed and subject to the suggested condition there is no objection to this element of the proposal.

Impact on the Site of Importance for Nature Conservation (SINC)

The site borders the Site of Importance for Nature Conservation (SINC) 142, on the River Taf. The development does have the potential to impact on the SINC.

In this regard the developer submitted a statement regarding the extent of the building operations and confirming their impact on the riverbank and existing ecological features, including invasive species such as Himalayan Balsam and Japanese Knotweed.

These details have been examined by the Council's Ecologist who considers that in this case the impact on the SINC is likely to be limited and states that if the application gains planning permission it is recommended that a condition related to an approved method of Japanese Knotweed control is imposed

Public Rights of Way (PROW) issues

The site is crossed by a Public Right of Way (PROW) – Pontypridd, No 107/1. The PROW led to a crossing of the river however the bridge at this point has been lost and the PROW no longer serves its original purpose. If the application gains approval then extinguishment/diversion of that short section of path may be required and the applicant will need to proceed with that course of action with the Council's PROW section.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

While there is no objection in principle to the provision of an additional industrial building in this location the application would create traffic hazards to the detriment of the safety of all highway users due to the intensification of the use of the existing sub-standard highway network.

Having regard to the above the application is considered to be contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and should be refused.

RECOMMENDATION: Refuse

1. The further intensification of use of a sub-standard access leading to the site that is lacking in adequate carriageway width, segregated footway facilities, turning facilities and visibility will create additional hazards to the detriment of safety of all highway users and free flow of traffic and would be exacerbated by the commercial traffic generated by the proposed development, contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.
2. The further intensification of use by commercial traffic generated by the proposed development of already heavily congested residential streets leading to the site will create additional reversing movements and hazards to the detriment of highway safety and free flow of traffic, contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

4 AUGUST 2016

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

OFFICER TO CONTACT

**APPLICATION NO: 15/0644/10 –
ERECT A DETACHED STEEL
PORTAL INDUSTRIAL BUILDING
(RE-SUBMISSION) 14/1437.
(AMENDED FLOOD
CONSEQUENCES ASSESSMENT
RECEIVED 04/11/15) ON LAND
ADJACENT TO UNIT 1, MEADOW
STREET, TREForest,
PONTYPRIDD**

**MR B WORTHINGTON
(Tel. No. 01443 494762)**

See Relevant Application File

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