



## **PLANNING & DEVELOPMENT COMMITTEE**

**1 MARCH 2018**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below

**APPLICATION NO:** 17/1299/10

**APPLICANT:** **Senepol Capital Ltd**

**DEVELOPMENT:** Erection of coffee shop (Use Class A3) and a two storey mixed use building comprising 2 no. A2/A3/D1 units (Financial/Professional, Food/Drink, Non-Residential Institutions) at ground floor level, with office accommodation above (Use Class B1), together with associated vehicular and pedestrian accesses, car parking, landscaping and ancillary development: site preparation, clearance, treatment, re-profiling and the installation of new services and infrastructure (amended description received 10/01/18).

**LOCATION:** **LAND AT MAGDEN PARK, GREEN MEADOW,  
LLANTRISANT, PONTYCLUN, CF72 8XT**

**DATE REGISTERED:** 10/01/2018

**ELECTORAL DIVISION:** Talbot Green

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**RECOMMENDATION:** Approve

#### **REASONS:**

The site already benefits from an extant planning permission for commercial development and the principle of redeveloping the site for the alternative uses proposed is considered appropriate. The scheme will make effective use of an undeveloped area of land within the settlement boundary and will generate economic growth on the site, result in a number of employment opportunities in local area and result in visual improvements to the site.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- The proposal is not covered by determination powers delegated to the Service Director Planning;

## APPLICATION DETAILS

This is a full application for the redevelopment of the site to provide 2 buildings comprising the following development:

1. A single storey coffee shop (Costa drive-thru), with approximate dimensions of 20.5m in width by 13.5m in depth and 5m in height (204 sqm). The rectangular building would be constructed with a mixture of brick and block work, thru colour render and horizontal timber cladding with grey aluminium glazing and a plasticol coated profile sheet mono-pitched roof. It would be located in the northern part of the site, to the south of the existing commercial units and adjacent to the A4119, but fronting Magden Park.
2. A two storey mixed use building comprising 2 units on the ground floor which are proposed to be A2 (financial & professional services / A3 (food & drink) / D1 (non-residential institutions) uses (216 sqm), with B1 office accommodation above (248 sqm). The approximate dimensions of the building are 18.5m in width by 16m in depth and 10.5m in height. The rectangular pitched roof building would be constructed from brick with a grey concrete roof tiles, grey aluminium windows which incorporate 2 rectangular glazed shop front entrances on the front (west) elevation and continuous glazing at first floor level on the front and rear elevations. The building would be located in the southern part of the site and adjacent to the A4119 and also fronting Magden Park. This building will be provided on a speculative basis and some flexibility is therefore required in respect of the potential occupiers.

Access to both sites for customers and servicing will be through Magden Park, which is accessed via the internal access road Heol Gwaun Eli from the A4119. Customers to the drive-thru would enter the site from the west and travel through the site in an anti-clockwise direction past the service point on the east side of the building. Parking for both developments is provided to the west and south, with a total of 38 no. spaces (including 2 no. disabled) being provided for the coffee shop / drive-thru and 14 no (including 1 no. disabled) being provided for the mixed used development. A small patio and external seating area is proposed to the west of the coffee shop and the remaining parts of the site will be laid out with a mixture of hard and soft landscaping.

Although the occupiers of the mixed use building are not yet known, the proposed hours of opening requested are between 05:30 and 23:00 for the commercial and office units and 24 hours opening for the coffee shop. It is anticipated that 15 full-time and 6 part-time employees would be required.

In addition to the application forms and plans, the application is accompanied by the following information:

- Planning Statement – December 2017.
- Transport Statement (Vectos) – November 2017.
- Preliminary Ecological Appraisal (Wildwood Ecology) – August 2017.
- Geotechnical Report (Integral Geotechnique) – July 2006.
- Supplementary Site Investigation Report (Integral Geotechnique) – February

2007.

- Drainage Strategy Report (Bingham Hall Partnership Ltd) – November 2017.
- Marketing Material (Rightacres Property Co. Ltd.).
- Marketing Overview (Savills).

Following the receipt of consultee comments in relation to highways, drainage, and coal mining risk issues, amended information has also been submitted including, a detailed access design relating to the coffee shop and site investigation and supplementary drainage information as follows:

- Proposed Bellmouth Access Drawing 15007:100 Rev A – 25 January 2018
- Letter from Integral Geotechnique – 19 January 2018
- Micro Drainage Calculations and Supplementary Information – 12 January and 9 February 2018

The Planning Statement explains that permission was granted in 2007 for the development of 6 no. office buildings comprising a total of 11 units, however only 4 office buildings were built. The remaining 2 buildings (Units 10 and 11) therefore have the potential to provide further office accommodation on the current application site. It is advised that despite an extensive marketing exercise by a number of land agents, the applicant has failed to secure any firm interest in much of the built office floorspace, or the remaining consented office buildings which have not been built and this position is not expected to change. The current application for a coffee shop and mixed use building has therefore been submitted in order to make the most effective and efficient use of this vacant undeveloped land within the settlement boundary and to contribute to the services of the site in general.

It should be noted that the application originally submitted was for the erection of a coffee shop (Use Class A3) and for a mixed use building comprising 2 no A1 (retail) / A2 (financial & professional services / A3 (food & drink) uses at ground floor level, with B1 office accommodation above, however the application was subsequently amended to substitute the A1 (retail) use for a D1 (non-residential institutions) use and the new application description was re-publicised.

## **SITE APPRAISAL**

The application site which extends to an area of approximately 0.31ha, is a roughly rectangular area of land located within the settlement boundary of Talbot Green. The site lies immediately to the west of the A4119 Ely Valley Road, which serves as the major route from the Rhondda to the M4 and forms part of the Magden Park site, which was developed following the grant of permission in 2007. The site comprises an undeveloped area of land located on the eastern side of the internal access road, leading to the Beefeater pub / restaurant and Premier Inn to the south. Four commercial premises are located to the north occupied by a number of different companies for B1 office purposes. Two additional commercial units (units 10 and 11) could be constructed on the site under the extant consent (06/1590).

Vehicular access to the site is gained from the A4119 via, an internal access road Heol Gwaun Eli, which leads to other commercial sites to the north-west and provides an alternative southern access to the Royal Glamorgan Hospital, located to

the north. The northern boundary of the site adjoins the main vehicular access for Magden Park which is constructed to adoptable standards. A number of vehicles currently use this access to provide overspill parking facilities servicing the offices to the north. The site is relatively flat and free from vegetation, having been cleared ready for development. The Nant Muchudd stream (a tributary of the Ely river) runs through the land to the west which contains a dense woodland and forms part of a Site of Importance for Nature Conservation (SINC AW 8.92).

## PLANNING HISTORY

A planning history search of the application site has identified that it has formed part of a larger site which has been the subject of a number of planning applications / enquires as follows:

17/5067	Development of remaining land parcels for mix of uses.	Advice provided 20/09/17
11/0783	Construction of two and three-storey 35 bed independent psychiatric low-secure hospital for patients aged 18 or over.	Withdrawn (S106 not completed).
10/1289	Construction of an independent psychiatric low-secure hospital for patients aged 18 or over (Amended description 09/05/11).	Withdrawn June 2011
09/1282	Construction of an independent psychiatric low-secure hospital for patients aged 16 or over combining a step-down unit.	Withdrawn Feb 2010
07/2242	Erection of 51 bed hotel & pub/restaurant (Class A3) plus associated access parking & landscaping.	Granted April 2008
06/1590	Development of office park, orthopaedic centre of excellence, hotel, pub/restaurant with associated car parking and landscaping.	Granted Oct 2007
01/2790	Phase 1 of a possible 4 Phase Development, Building Use: Multi Tenanted units Office based for (Medical - R & D)	Granted January 2001.
89/1107	Residential Development – Parks – Hotels	Withdrawn August 1990
89/0692	Residential Village Centre Development 2 No areas of Park	Withdrawn July 1990

A rectangular area of land of approximately 1200 sqm located immediately south of the proposed mixed use building is also currently the subject of the following application:

17/1369                      Extension in the form of an annex to the Premier Inn Hotel, together with associated car parking, landscaping and ancillary development: site preparation, clearance, treatment, re-profiling and the installation of new services and infrastructure.                      Under consideration

## **PUBLICITY**

The application has been advertised by the direct notification of properties surrounding the site and the display of site notices, however no responses have been received.

## **CONSULTATION**

Transportation Section - no objections are raised subject to the imposition of conditions to require the construction of the priority junction for the coffee shop prior to beneficial use and the construction and retention of the parking and circulation areas.

Natural Resources Wales - has advised that it has no comments to make.

Coal Authority - initially raised no objections but identified instability and mine gas risks resulting from previous coal working and therefore requested a condition to secure further site investigations and remedial measures. Following the submission of further information concluding that the likelihood of coal mine workings beneath the site was low, it has been confirmed that no such condition is required.

Dwr Cymru/Welsh Water - has raised no objection but requested conditions to prevent surface water connection with the public sewerage network and to require the fitting of a grease trap in connection with any A3 use. The site is also crossed by a water main sewer and further advice is therefore provided regarding the location of any operational development within the site.

Wales and West Utilities - has raised no objection, but has identified the presence of their infrastructure in the vicinity of the application site and requested the applicant to contact them directly to discuss their requirements in detail. Any diversion works will be fully chargeable.

Public Health and Protection Section - has raised no objections subject to conditions to control potential contamination, the sale of food, the control of foul drainage, the suppression and dispersal of odour and noise from any ventilation system. Further general advice is also provided in relation to noise, dust, waste disposal and lighting.

Countryside, Landscape and Ecology Section - the Council's Ecologist has identified that the site has been totally cleared and there are not any significant ecology issues, however it is requested that a landscape condition is imposed which only utilises native trees and shrubs. It is also commented that if land to the west of the

site which is more vegetated and next to the Nant Muchudd SINC 111 is affected by this application, a wildlife protection plan and carefully control along the SINC edge would be required.

Land Reclamation and Engineering Section - as the applicant is proposing to discharge the surface water into a watercourse, it was initially advised that the applicant would need to provide the detailed network calculations to ensure the network was suitable to convey the surface water, however following the submission of further information, it has raised no objection to the proposals.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The site is located within the settlement boundary of Talbot Green as identified in the Local Development Plan (SSA13) and forms part of an existing employment site (TL11). Land to the west, but outside of the application site, forms part of a Site of Importance for Nature Conservation (SINC AW 8.92) and is also located within a C2 Flood Zone.

**Policy CS2** – advises that in the Southern Strategy Area, emphasis will be on sustainable growth, focusing development within defined settlement boundaries and promoting the reuse of under used and previously developed land and buildings. This will also be achieved by realising the importance of the Principal Town of Llantrisant / Talbot Green as an area of social and economic growth and providing opportunities for significant inward investment in sustainable locations.

**Policy AW2** - supports development proposals on non-allocated sites in sustainable locations which would not unacceptably conflict with surrounding uses, have good accessibility to a range of sustainable transport options, have good access to key services and facilities and support the role and function of key services.

**Policy AW4** - confirms that contributions towards new or improved services, infrastructure and related works may be sought in respect of a number of facilities including, highway infrastructure works, recreation, leisure and community facilities.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility and requires the development to have no unacceptable effect on the character and appearance of the site or surrounding area, no significant impact on the amenities of neighbouring occupiers and to be accessible to the local and wider community by sustainable modes of transport and not exacerbate existing traffic congestion.

**Policy AW6** - requires development to involve a high quality design and to reinforce attractive qualities, including that they include an efficient use of land.

**Policy AW8** - permits development only where it would not cause harm to locally designated sites or features of importance to landscape and nature conservation and that proposals demonstrate measures for the mitigation and compensation of potential impacts.

**Policy AW10** - advises that development will not be permitted where it would cause a risk of unacceptable harm to health or local amenity due to various risks including noise, contamination, land stability, water pollution and flooding.

**Policy AW11** – provides for alternative uses on existing employment sites, subject to certain criteria.

**Policy SSA3** – proposals for commercial development within Llantrisant / Talbot

Green will be permitted where the development reinforces its roles as a Principal Town, is of a high standard of design, integrates positively with existing development and promotes opportunities for new retail, tourism and leisure development.

**Policy SSA16** - supports proposals for retail development inside the defined boundaries which would maintain or enhance the centre's position in the retail hierarchy.

SPG - Nature Conservation

SPG - Design and Placemaking

SPG - Delivering Design and Placemaking: Access, Circulation & Parking Requirements.

SPG - Employment and Skills

### **National Guidance**

In the determination of planning applications, regard should also be given to the requirements of National Planning Policy which 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 3 (Making and Enforcing Planning Decisions) Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 10 (Retail and Commercial Development), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retail and Commercial Development;

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport.

### **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.

### **Principle of the proposed development**

The application site is located within the settlement boundary of Talbot Green, where new development is subject to assessment against a number of policy constraints. Both local and national planning policy support a presumption in favour of sustainable development and see the planning system as the key to providing for society's future needs. The core strategy Policy CS 2 of the Rhondda Cynon Taf

Local Development Plan (LDP) relating to development in the south, places an emphasis on providing sustainable growth and identifies the promotion the reuse of under used and previously developed land as one of the means of achieving this. In this case, the application proposes the redevelopment of an under used site for commercial purposes and as such, is considered to comply with this core strategy, as well as the general presumption for developing previously developed land contained in other local and national policies.

In identifying sites in sustainable locations, Policy AW2 also sets out a number of criteria to be taken in account including supporting locations that are within the settlement boundary, have good accessibility by a range of sustainable transport options and have good access to key services and facilities. The site is not within the defined retail centre, however it is accessible by foot and public transport and as such, is considered to comply with Policy AW2. A further material consideration is that the site forms part of a larger site for which permission has already been granted and implemented for an office park, together with the Premier Inn and Beefeater pub / restaurant and therefore, an extant consent exists for the commercial development of this site.

As the site at Magden Park forms part of the wider site at Gwaun Elai which is within the Council's employment land bank (TL 11), there is also a requirement under Policy AW11 for the applicant to demonstrate that the site is not longer required for employment purposes and this is designed to protect against the unjustified loss of employment land. Under the policy, provision is made for alternative uses on existing employment sites, subject to certain criteria, which include that the retention of the sites for employment purposes has been fully explored without success by way of marketing at a reasonable market rate and a minimum of 12 months.

In this respect, the applicant has submitted marketing information prepared in 2009 which is understood to have been used to market the site since that time and also, more up to date marketing information from February 2017 and August 2017. This includes the existing units that were built following the approval of application 06/1590 and also the 2 units which were to be located on the application site, but which were not built (units 10 and 11). It is confirmed that a comprehensive marketing exercise has been undertaken by a number of agents since 2007, however demand has slowed in recent years, despite incentives and rental reductions. A Marketing Overview has also been submitted and details provided regarding the various initiatives put in place to promote the existing and proposed office accommodation and it is advised that it would not have been viable to continue to develop offices on a speculative basis. It is also suggested that there is currently an oversupply of employment land identified in the LDP and therefore, that the loss of 0.31 hectares would account for a minimal proportion of the overall land supply. It is also advised that given the current market conditions, commercial employment development is unviable and the office accommodation that is subject to the extant permission will therefore not come forward. Taking into account the detailed marketing evidence accompanying the application and that at the size proposed, the units are likely to remain ancillary to Magden Park as a whole, it is considered that this information satisfies the requirements of Policy AW11 in demonstrating that the site is no longer required for employment purposes and therefore, that the principle of redeveloping the site for alternative uses is acceptable.

A further assessment of the application in relation to other relevant policy criteria is provided below.

## **Retail Impact**

As the site is not located within the retail centre, it is also necessary to consider under policy SSA16, whether the proposed retail uses (Costa coffee shop and mixed use development) will have any adverse impact in terms of drawing trade from other retail premises in Talbot Green town centre. In order to address this issue, the applicant has included with the Planning Statement, an assessment of the main retail issues which are raised by the application.

It is identified that the site is not identified for any specific land use and is located 900m from Llantrisant town centre. It is suggested that the consideration of proposals for retail uses should take account of the need for the development and as the proposed site has been vacant for some time, some form of viable development is required for this site. The proposed uses would also serve a specific need generated by the surrounding uses within Magden Park, as well as those visiting the offices or Premier Inn and trade would also be gained through linked trips to the Beefeater pub / restaurant and the growing residential population in the area.

In respect of a sequential test, it is advised that the format of the drive-thru coffee shop and retail units with offices will be linked to the remainder of the Park and therefore, there is no sequentially preferable location within which to search for an alternative option. It is further suggested that a viable scheme is required to secure the longevity of Magden Park and the vacant units within the nearby centre are unlikely to offer the operational requirements of the coffee shop, which includes a drive-thru facility. It is further maintained that a hotel and pub/ restaurant already exist which are town centre uses and the proposed uses would therefore support and enhance Magden Park and the role of Llantrisant as a Principal Town. It is concluded that there are no sequentially preferable, suitable or viable sites within the town centre, that could accommodate the proposed development.

The applicant has also provided an assessment of the likely impact of the proposals on the vitality and viability of Llantrisant town centre and other nearby centres. It is identified that the floor areas of the proposed units (204 sqm and 113 sqm) fall well below the threshold identified in Planning Policy Wales for such an assessment (2,500 sqm) and therefore, that the small nature of the units and likely turnover would be immaterial when considering the impact on nearby centres. It is also suggested that given the site's location, the proposed uses would rely on linked trips with the pub / restaurant, hotel and occupiers of the offices, rather than relying on passing trade, which is expected to be limited.

In considering the impact and appropriateness of the retail uses proposed through the scheme, it is accepted due to their size, any impact on the nearby centres of Llantrisant and Talbot Green will be limited and as a result, the retail hierarchy identified under Policy SSA16 is unlikely to be affected. As identified earlier, the recent amendment of the application and removal of any proposed A1 use from the ground floor units and replacement with a D1 (non-residential institution) use, will

mean that the impact of any retail use will be further reduced.

### **Impact on the character and appearance of the area**

The application site occupies a prominent open site adjacent to the A4119 which is surrounded by commercial premises, including the office accommodation constructed under the earlier permission 06/1590 to the north and the Premier Inn hotel and Beefeater pub/ restaurant further to the south, constructed under application 07/2242. The wider area of Gwaun Elai is also characterised by a mixture of different used including offices, research and development businesses and the Royal Glamorgan Hospital and associated residences to the north.

In terms of the proposed uses, it is considered that the proposed B1 office development will be consistent with previous development proposed for the site, albeit on a much smaller scale. It is suggested in the supporting information that the coffee shop and other retail elements of the scheme may play a part in encouraging the further take up of the existing vacant office accommodation and result in the remainder of the estate becoming more attractive for developers to invest. The introduction of a D1 use during the course of the application would enable part of the site to be used for a non-residential institutional use such as a crèche or nursery however, the site has good accessibility and it is not considered that such a use would impact adversely on other existing uses. Whilst it is considered that employment led development should remain the predominant use over the remainder of the site, it is considered that these alternative uses are small scale in comparison with other nearby facilities in Talbot Green and as such, would constitute acceptable ancillary uses within the wider context.

The two elements of the proposed development are considered to be of an appropriate design and appearance. The Costa drive-thru is a single storey building that is located centrally within the site and its proposed external finish with brick, render and aluminium windows is similar to nearby commercial buildings. Whilst the building faces to the west onto Magden Park, the location of the drive-thru lane and service point on the eastern side will add some interest to this elevation when viewed from the A4119. The location of the patio and external seating is screened from the A4119 by the coffee shop and is more visible to customers from Magden Park and the wider area. Similarly, the design of the mixed use building reflects that of the existing commercial units to the north, particularly the brick construction and use of windows at first floor level on the east and west elevations. The remaining external areas will accommodate the access and car parks which are mainly to the east and are shown to be finished in tarmac and block paving, however the scheme also includes new turfed and planted areas around the perimeter of the site.

In conclusion, it is considered that the proposed scheme will enable the redevelopment of two further areas which at present, are overgrown and unsightly. The design of the scheme is considered to complement the existing development and will therefore result in an overall improvement to the appearance of the area in compliance with Policy AW6 of the LDP.

### **Access and highway safety**

The application is accompanied by a Transport Statement which provides details of the access and parking arrangements for the proposed development. The scheme utilises the existing internal access road leading from Heol Gwaun Eli which is considered to be appropriate for the proposed use and 2 separate accesses and associated footways will be created to service each building. The Council's Transportation Section has confirmed that the existing estate road has a carriageway width of 7.3m with 2.0m wide footways on both sides and is acceptable for the proposed uses. Whilst some concerns are expressed regarding the significant on-street parking which is currently taking place, it is acknowledged that the land is in private ownership and no objections are therefore raised.

The coffee shop element is proposed to be served off a new 6.2m wide access off the internal estate road and the mixed use element, off a 4.8m wide access, both of which are considered acceptable. During the consideration of the application, further amended details of the proposed junction arrangements have been submitted, which have been agreed by the Transportation Section.

In relation to parking provision for the coffee shop, Highway Officers have commented that insufficient information has been submitted to conclude that the off-street parking provision complies with the Council's SPG requirements, however based on the estimated staff numbers and limited dining area, it is advised that there is an operational requirement of 1 commercial vehicle space and a non-operational requirement of 14 spaces. The submitted layout plan which indicates 38 spaces is in excess of its requirement and is therefore considered acceptable. In relation to the mixed use building, it is identified that the ground floor and first floor have a combined GFA of 620 sqm, which equates to an SPG requirement of 25 – 31 spaces for the entire building. Whilst the information submitted indicates that only 1 commercial vehicle space and 13 parking spaces are to be provided for this element of the development which results in a shortfall of 12 – 18 parking spaces, due to the spare capacity which exists in the neighbouring car park for the coffee shop amounting to 24 spaces, it is considered that sufficient off-street parking provision exists across the entire development and that the proposed access and parking arrangements comply with Policy AW5 of the LDP.

## **Other Issues**

### **Coal Mining**

The application site falls within an area that is defined as being a Development High Risk Area and therefore within the site, there are coal mining features and potential hazards which need to be considered in relation to the determination of the application.

The planning application was initially supported by a Geotechnical Report dated July 2006 and Supplementary Site Investigation Report (February 2017) both prepared by Integral Geotechnique which included a wider area than the application site. The Geotechnical Report advised that the likelihood of mine workings at shallow or moderate depth beneath the site was considered low and no further assessment was considered necessary. In response however, the Coal Authority identified a Coal Mining Report and highlighted concerns that a thick coal seam which was

conjectured to outcrop at or close to the surface of the site may have been worked in the past and could therefore pose a risk of ground stability or mine gas to the proposed development. It was therefore concluded that further site investigations were required in order to confirm the presence / absence of worked coal seam beneath the application site and the imposition of a planning condition was therefore suggested in order to secure a scheme of intrusive site investigations which could then properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity.

Following the Coal Authority's response, the applicant has submitted a letter from Integral Geotechnique (18 January 2018) which has been informed by further research given to former site investigations and interpretations of the boreholes undertaken within the site and surrounding area. This concluded that the likelihood of coal mine workings at shallow or moderate depth beneath the site was low and therefore, no further investigations or assessment is considered necessary.

As a result of being re-consulted on this updated information, the Coal Authority has noted that Integral Geotechnique are satisfied that sufficient site investigations have been undertaken in order to conclude that there is no risk to the proposed development. It has also been confirmed that in light of the new information submitted and the professional opinions given, there is no need for a condition to be imposed requiring further site investigations or remedial measures. It is therefore concluded that the additional information submitted meets the requirements of PPW in demonstrating that the site is safe and stable for the proposed development and Policy AW10 of the LDP.

### **Drainage and flooding**

The application is accompanied by a Drainage Strategy Report which identifies the applicant's proposed intentions for the foul and surface water drainage systems to serve the proposed development. The report advised that the site is at little or no risk of flooding and the previous Flood Consequences Assessment prepared when the larger site was developed in 2007, confirms that flood events will be confined within the banks of the Nant Muchudd located to the west of the application site. It is also confirmed that the ground conditions on site are unlikely to have sufficient permeability for soakaway drainage

It is therefore proposed that the new foul water flows from each development can utilise the existing public sewerage system which exits along the main estate road. The surface water will be collected into new local networks which will discharge to an existing off-site drain at a controlled rate and a flow control device, with individual on site storage facilities will also be provided to limit off-site flows. This drain falls within the ownership of the applicant and discharges to the Nant Muchudd, at the southern end of the site.

Land Reclamation and Engineering Officers did not initially raise any issues in relation to the proposed drainage strategy for the development, subject to the imposition of an appropriate condition to require the submission of a detailed scheme. In response, the applicant has submitted further information to support the drainage strategy in the form of drainage calculations which are considered

acceptable.

## **Public Health and Protection**

In considering public health issues arising from the proposed development, two issues have been identified, namely the implications of the ground investigations carried out on developing the site and the impact of the proposed A3 uses in terms of odour and noise control. The response from the Public Health and Protection Section has identified that as a result of the ground investigations carried out in 2006 and 2007 which identified made ground underlying the site, it is recommended that a condition is attached to deal with any contamination which may have occurred in the intervening period and a suitable condition is therefore recommend.

In relation to the proposed coffee shop, conditions have been suggested to restrict the sale of food within the coffee shop to paninis, sandwiches, confectionary and drinks and therefore to prevent the cooking of food and also in relation to the other potential A3 uses, to ensure that odour and noise are satisfactorily controlled and to prevent waste cooking products from entering the foul drainage system.

Whilst other general comments raised by the Council's Public Health & Protection Section are noted, it is considered that noise, dust and waste can be more efficiently controlled by other legislation. An appropriate Informative can be added to any permission notifying the applicant / developer of the need to comply with legislation concerning noise, dust and waste matters.

## **Ecology**

In relation to the ecological impact of the scheme, the application is accompanied by a Preliminary Ecological Appraisal which was undertaken in order to identify whether the application site included any habitat which would support protected species. The Appraisal describes the application site as dominated by scrub habitat, with the majority of the site having been cleared and burned and no protected species were found within the site. It is identified that the site is unsuitable for any features of acknowledged importance, although there may be potential for nesting birds to be present in one area and it is therefore suggested that the removal of suitable nesting bird habitat is restricted to outside the nesting bird season (May – August). This can be included as an informative note to the applicant.

The Council's Ecologist has confirmed that there are no significant ecology issues arising from the redevelopment of the site. It is considered however that in view of the sparse appearance of the site, it would be appropriate to incorporate native trees and shrubs within a landscaping condition for the site. Subject to the imposition of a suitable condition, it is therefore considered that the requirements of Policy AW8 of the LDP will be satisfied.

## **Impact on Residential Amenity**

The design and layout of the scheme is not considered to raise any issues in relation to residential amenity, particularly taking account of the fact that an extant consent exists on the site. Although there are residential uses located to the south of the site

within the Premier Inn and Beefeater pub / restaurant and also to the east of the site on the opposite side of the A4119, as a result of the separation distances between these uses, their orientation towards the west and the presence of other commercial development in the locality, it is not anticipated that there will be any adverse impact on residential amenity resulting from the proposed development. It is noted that no objections have been received resulting from the statutory public consultation carried out from any nearby property and it is therefore considered that the proposal complies with Policy AW5 of the Local Development Plan.

### **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 not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion**

Having taken into account all of the issues identified above, it is considered that the proposed re-development of the site will make effective use of an undeveloped area of land within the settlement boundary, will generate economic growth on the site, result in a number of employment opportunities in local area and complies with all relevant policies of the Local Development Plan, whilst bringing significant visual improvements to the area.

### **RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

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

Reason: To comply with Sections 91 and 93 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):

#### General

- A110 Rev E - Site Location Plan - 01/12/17
- A111 Rev D - Proposed Site Layout - 01/12/17

#### Mixed Use Building

- A112 Rev C - Proposed Floor Plans - 01/12/17
- A113 Rev C - Proposed Elevations - 01/12/17

#### Coffee Shop Drive-Thru

- J9006-13 - Proposed Floor Plan - 01/12/17
- J0006-15 - Proposed Roof Plan - 01/12/17
- J0006-17 - Proposed Elevations 1 of 2 - 01/12/17
- J0006-18 - Proposed Elevations 2 of 2 - 01/12/17

- J0006-26 - Proposed Soft Landscaping - 01/12/17
- J0006-28 - Proposed Hard Landscaping - 01/12/17
- 15007:100 Rev A - Proposed Bellmouth Access - 25/01/18

and documents received by the Local Planning Authority on 1<sup>st</sup> December 2017 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. Building operations shall not be commenced on the mixed use building until a schedule of external materials proposed to be used for that building have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the schedule 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.

4. The coffee shop and mixed use building shall be used for A2, A3, D1 and B1 uses as identified in the application details and plans hereby approved and for no other purpose; including any other purpose in any class of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To define and limit the extent of the permission in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. The use of the coffee shop hereby permitted shall be restricted to the items identified in the submitted Planning Statement namely, paninis, sandwiches, confectionary and drinks and no other food preparation or cooking shall be undertaken therein.

Reason: To define and limit the extent of the permission and to protect the amenities of the occupiers of adjoining properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and

so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to any A3 use commencing involving the preparation and cooking of food, a scheme of odour / effluvial / fume control shall be submitted to and approved by the Local Planning Authority. The exhaust ventilation system to control fumes and odours shall include details of its location in relation to surrounding properties, party walls and details of provisions to reduce the emission of sound. The building/premises shall thereafter only be operated in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Prior to any A3 use commencing, involving the preparation and cooking of food, details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority and implemented. The approved scheme shall then operate in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Prior to the beneficial occupation of the development hereby approved, the foul and surface water drainage arrangements shall be completed in accordance with the details set out in the Drainage Strategy Report (Bingham Hall Partnership Ltd) dated November 2017 and the additional micro drainage information submitted on 12<sup>th</sup> January 2018 and 9<sup>th</sup> February 2018, unless otherwise agreed 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.

10. The proposed priority junction to the coffee shop element shall be laid out and constructed in accordance with approved drawing no. 15007:100 Rev A prior to beneficial use.

Reason: In the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. The parking and circulation areas shall be laid out, constructed and retained thereafter for the purposes of parking and circulation only unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure vehicles are parked off the highway and in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. Prior to the beneficial occupation of the development hereby approved, a comprehensive scheme of landscaping, which includes only native trees and shrubs shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

13. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) and any trees or plants which within a period of five 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, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

14. Prior to the beneficial occupation of the development hereby approved, boundary treatments shall be completed in accordance with a plan indicating the position, design, materials and type of boundary treatments, which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

15. The mixed use building hereby approved shall not be used except between the hours of:

05:30 and 23:00 hours daily.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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