



PLANNING & DEVELOPMENT COMMITTEE

14 JUNE 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 17/0693/10
(GW)
APPLICANT: Hazelwood Carpentry
DEVELOPMENT: Proposed new 2 storey offices and workshop (Amended location plan received 11th April 2018).
LOCATION: PLOT D9, HEOL CROCHENDY, TREFOREST INDUSTRIAL ESTATE, CF37 5UR
DATE REGISTERED: 11/04/2018
ELECTORAL DIVISION: Hawthorn

RECOMMENDATION: Grant

REASONS:

The development of this underused area of Treforest Industrial Estate would beneficially provide a compatible use on the estate and would help regenerate and provide employment opportunities in the local area.

Whilst Taffs Well Community Council has raised concerns with regard to parking, Members are advised that some parking would be provided on site with additional parking provided in an existing underused communal car parking area. No objection has been raised by the Council's Transportation Section and it is considered there is sufficient capacity to cater for the new development.

Its impact on the character and appearance of the area and residential amenity would be acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from Councillor Jill Bonetto for the matter to come to Committee for the reason of the impact on parking.

APPLICATION DETAILS

Planning permission is sought for the retention of a two storey building for use as offices, including a small workshop, for a carpentry company. It is understood the applicant's Carpentry firm currently operate from another unit off Main Avenue on Treforest Industrial Estate. Members will note that the building is largely completed and this application is retrospective.

The plans detail that the ground floor would provide a 'general office' to the front of the site and a workshop to the rear. The first floor would comprise mainly office space.

A parking area with 5 no. car spaces would be provided to the side of the building. An additional 12 no. spaces would be provided within a nearby communal car park that is shared with other units in the area. The car park can also be used by visitors to the site.

The application details the workshop area would be used for the fabrication of samples and mock details prior to products being fabricated elsewhere. The process will be general joinery and timber detailing fabrication like window sections and doors.

It is detailed 12 full time staff and 8 part time staff would be employed. Proposed opening hours are 07:30 to 18:30 Monday to Friday and 08:00 to 13:30 on Saturdays. No details are provided for Sunday and Bank Holidays.

A Transport Assessment has been submitted that provides a survey of the communal parking area and concludes that 49 spaces were unused at the time of the survey. It further states that if all the existing units used parking space in accordance with the Council's provision guidelines for new development that there would be 30 spaces available and that this would cover any additional parking demand resulting from the new unit. It further provides details of public transport links in the area and that the company has a 'Travel Plan' which encourages staff to car share, cycle and use public transport.

The application is supported by a:

- Flood Consequence Assessment
- Geo-environmental Report
- Parking Statement
- Site Investigation Report
- Travel Plan
- A legal agreement for access to and use of parking spaces.

SITE APPRAISAL

The application site was a vacant piece of land on Treforest Industrial Estate fronting on to Heol Crochendy. However, the developer has commenced works and the building is nearing completion. The Council's Enforcement Section is aware of the situation and the applicant has been advised to cease works until the application is determined.

It is accessed off a road from Heol Crochendy which also serves other units to the south of the site. These include a former children's nursery (currently closed), a vacant office building, banks, a cafe, a craft premise and a post office. The area has a heavily landscaped border between the surrounding main roads and the units and parking spaces. An alternative access to this area is located from Main Avenue.

Immediately to the north east side of the site is a bank of overgrown shrubs and a couple of small trees (now cleared). This forms the barrier to a large site currently occupied by the company Veolia. On the opposite side of Heol Crochendy is the side of a unit that fronts Main Avenue and an area of trees behind that unit.

PLANNING HISTORY

17/0128	Plot D9 Heol Crochendy, Treforest Industrial Estate,	Proposed new 2 storey offices and workshop for a carpentry company	Withdrawn 11/04/2017
00/2952	Site adjacent to unit D15, Heol Crochendy, Treforest Industrial Estate	Single business unit	Granted 16/02/2001

PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. One letter from Taffs Well Community Council has been received at the time of writing this report and the comments are summarised below:

- We are concerned the development would result in an increase in on-street parking. There is insufficient car parking on the site. There are, at present, current issues over buses and vehicles parked on Crochendy Road, which would indicate that the communal parking areas are already at capacity.

CONSULTATION

Countryside, Landscape and Ecology - site clearance has already taken place.

Dwr Cymru/Welsh Water – the method of surface water disposal will be via a main sewer and no justification has been submitted. A condition requiring drainage details is therefore advised. Advisory notes are provided.

Flood Risk Management – no objection subject to Welsh Water being consulted and a condition for drainage details.

Natural Resources Wales – no objection. The site is within Zone C1 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Taff.

The flood consequences assessment (FCA), produced by GWP Property Services Ltd., dated 19 August 2017, submitted in support of the application states that the new building and new car parking spaces are proposed to be flood free during the 1% (1 in 100 year) plus climate change flood event. This is in line with the guidance set out in A1.14 of TAN 15. The FCA confirms that during the predicted 0.1% (1 in 1000 year) flood event, the building and new car parking would flood to a depth of 590mm. This is in line with the guidance set out in A1.15 of TAN 15. The predicted velocity of flood waters of 0.55m/s is not in line with the guidance set out in A1.15 of TAN 15. These figures represent a hazard rating of danger for most. The FCA has not assessed the other factors described in section A1.15 of TAN 15 but we understand that this information is not easily available. The FCA has not assessed flooding to the access or egress of the site but makes recommendations for the management of flood risk during a predicted 0.1% (1 in 1000 year) flood event in the form of an evacuation plan.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend that you consider consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise you on such as emergency plans, procedures and measures to address structural damage that may result from flooding. We refer you to the above information and the FCA to aid these considerations. Please note, we do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

With regard to contamination we have reviewed the Geo-environmental report, produced by G.A. Spacey and Associates, dated August 2002. We consider that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Guiding Principles for Land Contamination (GPLC) should be followed.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult Natural Resources Wales

Public Health and Protection – no objection subject to conditions on demolition of existing dwellings, hours of construction, noise, dust, waste and contaminated land.

South Wales Fire and Rescue Service – no objection. Advice is provided for the developer.

Structural Engineer – no objection subject to details of design and calculations of retaining walls.

Transportation Section – there is concern with the shortfall in vision at the junction between Heol Crochendy and the un-adopted private road serving the development. With that said, the concern is not significant enough to warrant highway objection.

There is concern with regard to the development's shortfall in off-street parking provision. The unit has a requirement for 24-30 parking spaces. The applicant has submitted a travel plan and cycle parking which demonstrates that the 17 parking spaces provided will be sufficient for the business' needs and also sets out measures to be employed to encourage and promote sustainable modes of travel. Furthermore, the applicant has agreed to make a contribution of £3000 towards the costs of implementing a traffic regulation order (TRO) on Heol Crochendy to prevent on-street parking taking place where it is unsafe to do so. With the above points in mind, the development's provision of 17 spaces is reluctantly considered acceptable.

Wales & West Utilities – pipes are located within the locality of the site. Should the application be approved the developer must contact them to discuss their requirements. Advisory notes for the protection of their apparatus are also provided. No construction works would be allowed over or enclosing their apparatus.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan.

Policy CS1 - sets out criteria for achieving strong sustainable communities including: encouraging a strong, diverse economy.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW8 - sets out criteria for the protection and enhancement of the natural environment.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

Policy SSA27 – supports the re-development of land on Treforest Industrial Estate for offices, light and general industry and other sui generis employment generating uses. The policy stipulates that proposals for the re-development of a vacant industrial site will be supported where the re-development of the site will have a positive effect in regeneration terms, and does not cause an adverse impact on the amenities enjoyed by local residents.

Supplementary Planning Guidance:

Access Circulation and Parking
Design and Placemaking
Nature Conservation

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.

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) 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 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development;
Manual for Streets

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 is within the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan and is within the established Treforest Industrial Estate. The proposal would beneficially develop underused space and provide a use that is compatible with the area and that would help provide jobs and regenerate the local area.

As such it is considered the principle of the development would be acceptable subject to the material considerations assessed below.

Parking

The development would be provided with 17 no. vehicle parking spaces with 12 of those being within the existing communal parking area in the immediate vicinity of the unit. A legal agreement detailing that the applicant would have access to the site

and parking has been agreed between the applicant and site owners. It should also be noted that unrestricted street parking can be found on Heol Crochendy and the access road to the front of the unit. Members are advised the communal parking situation would be similar to the existing, where a number of units share parking space.

In terms of the availability of communal space, Members are advised it was evident from a site visit that the communal spaces to the front of the nearby 'retail units' are heavily used for coming and going of customers. However, the larger area to the rear of the former nursery was not used so extensively. Members are further advised that it was also evident that some existing units (including an office and nursery) in the area were vacant. Notwithstanding this, as detailed above, the applicant's parking statement detail there is spare capacity in the communal area (30 spaces) that would cater for the proposed and existing development.

The Transportation Section detail that, in accordance with the Council's adopted SPG: Access, Circulation and Parking Requirements (March 2011), the unit has a requirement for 24-30 parking spaces. With only 17 spaces being provided, the Transportation Section has concerns that indiscriminate parking on Heol Crochendy may result. However, they note the submitted travel plan demonstrate that the number of parking spaces to be provided will be sufficient for the business' needs. In addition, the applicant has agreed to a contribution to provide a Traffic Regulation Order for double yellow lines to prevent parking on the parts of Heol Crochendy near to the site where it is unsafe to do so. Whilst the Transportation Section detail this can be secured by a Section 106 legal agreement, it is considered a condition would be a more suitable method.

In summing up, it is considered the proposed parking spaces would cover the demand for parking from the new unit. Whilst there is an issue of control of the access and parking areas a legal agreement has been submitted by the applicant detailing they could use the access and parking. Therefore, on balance, a refusal reason would not be warranted.

Impact on the character of the area and on residential amenity.

The building itself is considered visually acceptable. There are no residential dwellings in close proximity to the site. The development would therefore be acceptable in these terms.

Other Material Planning Considerations

In all other respects including the impact on residential amenity, ecology and flooding the application is considered acceptable.

Other Issues

Public Health and Protection Section

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues. With regard the hours of construction condition it is considered this is not warranted as the site is within an industrial estate and there are no residential properties in close proximity.

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.

Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case:

To designate the car parking spaces and use of the access, that is owned by a third party, for use by the applicant in association with the offices and workshop.

Members will however note that a legal agreement has already recently been submitted independently by the applicant and that this may negate the need for the Council to enter in to a Section 106 legal agreement. Further advice is currently being sought from the Council's Planning Solicitor; however a response was not currently available at the time of writing this report. Members are advised an update on this issue will be provided orally at the Committee meeting.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the proposed development, access and parking, the impact on the character of the area and the impact on residential amenity (Policies AW2, AW5, AW6, AW10 and SSA27).

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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

01/2017/PL/001G Proposed Floor Plans and Elevations received 11th April 2018

01/2017/PL/002F Proposed Site Location Plan and Layout received 11th April 2018

01/2017/PL/003E Proposed Site Plan – Additional Parking Area received 28th May 2018

01/2017/PL/004A Proposed Site Plan with levels and setting out received 20th June 2017

and documents received by the Local Planning Authority on 20th June 2017 and 25th May 2018, 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.

2. Prior to the first beneficial occupation of the building details of a Traffic Regulation Order, prohibiting parking along Heol Crochendy, shall be submitted to and agreed in writing by the Local Planning Authority. The Traffic Regulation Order shall be implemented in accordance with the approved details.

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

3. Prior to beneficial occupation of the development, the 5 no parking spaces within the site curtilage shall be set out and constructed in permanent materials to the satisfaction of the Local Planning Authority. The spaces shall remain for the purpose of the parking of vehicles only.

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

4. Prior to beneficial occupation of the building, details of retaining wall calculations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

5. Prior to beneficial occupation of the building, details of drainage shall be submitted to and approved in writing by the Local Planning Authority. The building hereby approved shall not 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.

6. Prior to beneficial occupation of the building, details of the mitigation measures in section 4.3 of the Flood Consequence Assessment submitted on 23rd August 2017 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to the first beneficial occupation of the building hereby approved.

Reason: In the interest of health and safety and to ensure the building is suitable in terms of the flood zone in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to beneficial occupation of the building, a scheme to deal with contamination shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:
 1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
 3. A written method statement for the remediation of contamination affecting the site

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.

8. The building, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 7) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved 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. 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.

10. Surface water run-off from the proposed development shall not discharge onto the public highway or be connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. The Travel Plan, submitted as part of this application, shall be implemented within one month of beneficial occupation and maintained thereafter.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. No machinery, in connection with the approved use, shall be operated at any time outside of the premises.

Reason: To ensure that the noise emitted is not a source of nuisance to occupants of nearby premises in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Development Plan.

13. There shall be no outside storage whatsoever on the site.

Reason: To protect the visual amenity of the area in accordance with Policies AW5 and AW6, of the Rhondda Cynon Taf Local Development Plan.

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