



PLANNING & DEVELOPMENT COMMITTEE

16 AUGUST 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0516/10 (DJB)
APPLICANT: Rightacres Property Company Limited
DEVELOPMENT: Change of use of land to car park.
LOCATION: PLOT G6.9B TREFOREST INDUSTRIAL ESTATE,
NANTGARW
DATE REGISTERED: 14/05/2018
ELECTORAL DIVISION: Hawthorn

RECOMMENDATION: Approve, subject to conditions

REASONS:

The application site constitutes an area, currently being used for lorry/trailer parking purposes, which fronts Main Avenue, towards the southern end of the Treforest Industrial Estate.

The proposed car park will be used as part of the new office building development on an adjacent site, which will represent a significant investment within the County Borough delivering in excess of 1500 jobs.

The revitalisation and modernisation of this area of Treforest Industrial Estate. Maximising opportunities at the Estate is a key focus for the regeneration of the Pontypridd and Treforest area and this investment will also have a significant impact on growth in the Cardiff Capital Region.

The development will also help to place the wider Pontypridd and Treforest area in a pivotal position at the edge of the City and heart of the region as an area of opportunity for growth and employment within the Cardiff Capital Region and enable it to fully contribute to the success of major initiatives such as the City Deal, Metro and Valleys Task Force.

The application proposal is considered to comply with the relevant policies of the Council's LDP, national planning policy and guidance and the clear aims and objectives behind the designation of the 'Treforest Industrial Estate and Parc

Nantgarw' Local Development Order (LDO).

REASON APPLICATION REPORTED TO COMMITTEE

The application to be determined forms part of a wider scheme which is of a scale of development for which powers are not delegated to the Service Director Planning.

APPLICATION DETAILS

Overall development proposal and context

The project seeks planning permission for a change of use to create a car park (on Plot G6.9B) to be used in connection with the Class B1 office building on the adjacent site (Plot G13) on the opposite side of The Willowford. The new building will be occupied as a HQ for the Department of Work and Pensions (DWP) and bring up to 1,550 jobs to the site, by way of a relocation and rationalisation plan.

The planning application (18/0513) for the main development site (Plot G13), which will accommodate the office building and the larger element of the parking, precedes this item on the agenda.

Rhondda Cynon Taf is committed to business growth and development and recognises the importance of Treforest Industrial Estate, which is the oldest working employment estate in Wales. Treforest Industrial Estate together with Parc Nantgarw is a strategic employment site at the heart of South East Wales which delivers economic benefit for the whole region due to its key anchor businesses, prime location, transport links and further and higher education presence.

The area must be able to function and develop to its full potential in a modern business environment in order to continue to create key employment and innovation opportunities. Rhondda Cynon Taf is working with partners to create these opportunities.

In considering the context of these applications it is important to note that the sites lie within the area covered by the 'Treforest Industrial Estate and Parc Nantgarw' Local Development Order (LDO). The LDO was (following approval by Welsh Government) adopted on 8th August 2017. The LDO seeks to maximise the economic potential of Treforest Industrial Estate as the Council considers that the estate has potential to deliver significant economic benefit due to its prime location on the edge of Cardiff and at the heart of the South East Wales region.

The effect of the LDO is to grant planning permission for a wide range of developments subject to exclusions, limitations and conditions. This is to allow businesses to respond quickly to market changes by expanding, extending and constructing new buildings on vacant sites without the need for a planning application, subject to compliance with the LDO.

This application

The application seeks full planning permission for a change of use from the current lorry/trailer park to a car park. A lorry/trailer park is considered to be 'sui generis' use (ie not falling within any defined Use Class) and accordingly any change of use requires planning permission.

The proposed car park will provide for 192 car parking spaces (which includes provision for 10 disabled user spaces), together with 11 dedicated motorcycle parking spaces.

(As Members will have noted in considering the previous application (18/0513) on this agenda, the overall parking provision for the development is 444 car parking spaces. The balance of 252 spaces are to be provided on the adjacent Plot G13 site).

Vehicular access into the car park will be from The Willowford, along the western boundary of the site, at a point opposite the buildings occupied by Volvo Construction Equipment and Derwen Tooling Ltd. A new pedestrian crossing across The Willowford will be installed to facilitate safe access between the car park and the main site.

A similar suite of documents, in addition to the suite of plans, has been submitted in respect of this application as was for the application (18/0513) for the main site (Plot G.13). The documents are as follows:

- Design & Access Statement
- Pre-Application Consultation Report (May 2018)
- Planning Statement (May 2018)
- Landscape Planting Methodology, Aftercare Landscape and Ecological Management Plan (rev '4' May 2018)
- Ecology Briefing Note/Report
- Transport Assessment (November 2017 and May 2018 Addendum)
- Interim Travel Plan (November 2017)
- Employment and Skills Plan
- Site G6.9B Treforest Ind. Est. Site Investigation Report (Rev 'C' November 2017)
- Drainage Strategy Report (Rev '1' April 2018)
- Air Quality Assessment (December 2017)
- Flood Consequences Assessment Version 9 (June 2018)

SITE APPRAISAL

The application site (Plot G6.9B) extends to 0.58 hectares in area and is irregular in shape, with a frontage of approx. 56m to Main Avenue (the eastern boundary) and 100m to The Willowford along the western boundary and 27m to The Willowford

along the northern boundary, adjoining the frontage shared with the two storey office building currently occupied by Nolan Transport.

This site is currently used for lorry/trailer parking (with a small number of temporary portacabin offices also present), although not to the intensity of use as in previous years. The site is covered in a hard concrete/tarmac cover and is flat in nature.

The application site wraps around the plot (Plot G5) occupied by the two storey 'L' shaped office building occupied by Nolan Transport. This building sits on the corner of the Main Avenue/The Willowford junction. The main site, on which the office building (subject of application 18/0513) sits immediately to the north of the car park site, on the opposite side of The Willowford. The southern boundary of Plot G6.9B is delineated by an earth bank colonised by a line of coniferous trees.

Further afield and to the south of the site flows the River Taff. At its nearest point the river is approximately 50m from the application site.

PLANNING HISTORY

Previous planning (or related) applications submitted at the site:

07/1438 Continued use as temporary offices and ancillary parking
Granted – 21/11/07

PUBLICITY

The application has been advertised by means of a notice in the local press, the posting of site notices in the vicinity of the site and by direct neighbour notification letter.

At the time of preparing this report no responses had been received:

(Note for Members: Prior to submitting their application the applicant (through their planning agent) undertook statutory pre-application consultation and engagement within the immediate area of the application site. This resulted in the consultation website being visited 264 times by 156 unique visitors. Only a single response letter was submitted via the provided email address for comments. The arrangements for the pre-application consultation and the response to the comments received, both from third parties and statutory consultees) are set out within the submitted Pre-Application Consultation (PAC) Report).

CONSULTATION

RCT Transportation Section – raise no objections subject to the imposition of conditions and the provision of a financial contribution under S.106 of the Act in respect of application 18/0513

Confirm that the submitted Transport Assessment (TA) has been fully reviewed and considered.

Observations consider and comment upon issues of:

- road safety assessment;
- parking provision;
- pedestrian and cycling provision;
- road safety audit;
- public transport options/provision;
- travel plan;
- transport implementation strategy (TIS).

Welsh Government (Transport) - The proposals for this and the tandem application are in line with the Local Development Order for land use at this location as referenced in the Transport Assessment and is in part replacing previous commercial land uses. The Welsh Government (Transport) therefore has **no objection**.

RCT Public Health & Protection – comment on issues of demolition, previous land use, contamination, air quality, disposal of waste and matters of potential noise and dust. Subject to conditions **no objections** are raised.

RCT Flood Risk Management – have reviewed this application and from a Flood Risk prospective and have confirmed that they are satisfied with the information and soakaway calculations Accordingly, **no objections** are raised.

RCT Countryside Section (Ecologist) – **no objections** are raised.

Natural Resources Wales – at the time of preparing this report indicate that they have **significant concerns** with the proposed development and recommend that the LPA should only grant planning permission if the applicant can demonstrate that the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15.

South Wales Police (Designing Out Crime Officer) – has raised **no objections** (in a joint response with comments on 18/0513) to this development and makes recommendations in respect of lighting, CCTV, access control, doors/windows, alarms and landscaping.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan (LDP)

(The policy context below is as set out in the report for the preceding application on this agenda 18/0513. Whilst not every specific reference is entirely applicable to a

car park proposal reference is still made in order that the scope of the whole development is considered).

The Treforest Industrial Estate site lies entirely within defined settlement limits.

Core policies

Policy CS2 – confirms that in respect of development in the Southern Strategy Area the emphasis will be on sustainable growth that benefits the County Borough as a whole. 8 key criteria that will be considered in seeking to achieve this aim are identified.

Criteria specifically relevant to this proposal are noted below:

Criteria 2 – states that “Protecting the culture and identity of communities by focusing development within defined settlement boundaries and promoting the reuse of under used and previously developed land and buildings”.

Criteria 5 – states that “providing opportunities for significant inward investment, in sustainable locations, that will benefit the economy of Rhondda Cynon Taf and the Capital Region”.

Area Wide policies

Policy AW2 – promotes development in sustainable locations. Sustainable locations are defined by a number of criteria.

Criteria specifically relevant to this proposal are noted below:

Criteria 1 – are within defined settlement boundaries

Criteria 2 – sites where the proposed use would not conflict with adjoining uses

Criteria 3 – sites that have a good accessibility by a range of transport modes

Criteria 4 – sites with good access to key services and facilities

Criteria 5 – sites within a TAN15 Zone C designation only where the proposed development is necessary to assist the regeneration of a Principal Town or the site is a large brownfield site and an acceptable FCA has been prepared.

Criteria 6 – sites where the proposed development would support the roles and function of a Principal Town

Criteria 8 – sites that are well related to utility services

Policy AW4 – provides for the negotiation of planning obligations

Policy AW5 - identifies design criteria (under the headings of Amenity and Accessibility) for new development.

Policy AW6 - supports development that promotes high quality design which makes a positive contribution to place making.

Policy AW7 - seeks to protect and enhance the built environment.

Policy AW8 - seeks to protect and enhance the natural environment.

(The site alongside its riverbank boundary adjoins SINC AW8.142 – Taff and Rhondda Rivers).

Policy AW10 – confirms that development will not be permitted where it would cause or result in an unacceptable risk of harm to health and/or local amenity (identified issues include air pollution, light pollution, noise pollution, water pollution, contamination, landfill gas, land instability and flooding or any other identified risk to the environment, local amenity and public health or safety).

Southern Strategy Area policies

Policy SSA20 – identifies the opportunity for improved park and ride facilities at a number of sites and indicates that developer contributions will be sought towards these measures.

Policy SSA27 – confirms that within Treforest Industrial Estate development, re-development and changes of use for Class B1, B2 and B8 uses will be supported. (Supporting paras 6.190-6.193 give context to this policy).

Supplementary Planning Guidance

Rhondda Cynon Taf LDP SPG – Design and Placemaking (March 2011)

Rhondda Cynon Taf LDP SPG – Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011)

Rhondda Cynon Taf LDP SPG – The Historic Built Environment (March 2011)

Rhondda Cynon Taf LDP SPG – Nature Conservation (March 2011)

Rhondda Cynon Taf LDP SPG – Planning Obligations (December 2014)

National Guidance

Planning Policy Wales (9th Edition, November 2016)

Chapter 4 of PPW sets out Welsh Government policy in respect of Planning for Sustainability.

Section 4.11 sets out the policies relating to planning for sustainability through good design. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals.

Section 4.12 requires that planning consideration be given to the need to construct sustainable buildings and promote climate responsive developments.

Section 6.5 sets out policy in respect of development management and the historic environment. At para 6.5.7 it is confirmed that local planning authorities may impose condition/s requiring that an archaeological watching brief is carried out

Para 6.5.9 confirms that local planning authorities are required to consult the Welsh Government on any development proposal that is likely to affect the site of a scheduled ancient monument.

Chapter 7 of PPW sets out Welsh Government objectives in respect of economic development.

Para 7.1.3 states that the planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development. To this end, the planning system, including planning policies, should aim to ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses. Local planning authorities should aim to facilitate the provision of sufficient land required by the market, except where there are good reasons to the contrary. In addition, wherever possible local planning authorities should seek to guide and control economic development to facilitate regeneration and promote social and environmental sustainability.

Para 7.1.5 effective planning for the economy requires local planning authorities to work strategically and co-operatively steering development and investment to the most efficient and most sustainable locations, regardless of which local authority area they are in. In addition, travel-to-work patterns do not necessarily respect local authority boundaries and it is essential that local planning authorities identify and make adequate provision for their role in the regional and sub-regional economies of Wales.

Para. 7.6.1 confirms that local planning authorities should adopt a positive and constructive approach to applications for economic development. (for planning purposes the Welsh Government defines economic development as development of land and buildings for activities that generate wealth, jobs and incomes. Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services).

Chapter 8 of PPW sets out Welsh Government objectives in respect to transport.

Section 8.7 sets out the approach to be taken in respect of development management and transport.

Para. 8.7.1 indicates that when determining a planning application for development that has transport implications, local planning authorities should take into account:

- the impacts of the proposed development on travel demand;

- the level and nature of public transport provision;
- accessibility by a range of different transport modes;
- the opportunities to promote active travel journeys, and secure new and improved active travel routes and related facilities, in accordance with the provisions of the Active Travel (Wales) Act 2013;
- the willingness of a developer to promote travel by public transport, walking or cycling, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission to a development for which it would not otherwise be granted);
- the environmental impact of both transport infrastructure and the traffic generated¹¹ (with a particular emphasis on minimising the causes of climate change associated with transport); and
- the effects on the safety and convenience of other users of the transport network.

Para. 8.7.2 indicates that Transport Assessments (TA) are an important mechanism for setting out the scale of anticipated impacts a proposed development, or redevelopment, is likely to have. They assist in helping to anticipate the impacts of development so that they can be understood and catered for.

Chapter 12 sets out Welsh Government policy in respect of infrastructure and services.

Section 12.4 (Development Management and Water) makes it clear that the adequacy of water supply and the sewage infrastructure are material in considering planning applications. Development proposals in sewered areas must connect to the main sewer and it will be necessary for developers to demonstrate to local planning authorities that their proposal site can connect to the nearest main sewer.

Chapter 13 sets out Welsh Government policy in respect of Minimising and Managing Environmental Risks and Pollution.

Sections 13.7 and 13.9 deal with development management and the approach to geo-technical issues of contaminated land and unstable land.

Section 13.12 deal with development management and improving the quality of water and air

Para 13.12.1 The potential for pollution affecting the use of land will be a material consideration in deciding whether to grant planning permission. Material considerations in determining applications for potentially polluting development can include (amongst others) the risk and impact of potential pollution from the development, insofar as this might have an effect on the use of other land and the surrounding environment (the environmental regulatory regime may well have an interest in these issues, particularly if the development would impact on an Air Quality Management Area 'AQMA').

Para 13.12.2 Local planning authorities should work closely with pollution control authorities when determining planning applications.

Para 13.12.3 Planning authorities may use planning conditions or obligations to meet planning aims to protect the environment where these are pertinent to the development proposed. It is important for planning authorities to understand the scope and purpose of conditions that can be imposed by pollution authorities so as to ensure that planning conditions neither duplicate nor conflict with such conditions. Proposed development should be designed wherever possible to prevent adverse effect to the environment but as a minimum to limit or constrain any effects that do occur.

Section 13.15 (Development Management and Noise and Lighting) confirms that noise can be a material consideration. Local authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems and prevent light pollution.

Planning Policy Wales Technical Advice Notes (TANs)

TAN 5: Nature Conservation and Planning (2009)

TAN 11: Noise (1997)

TAN 12: Design (2016)

TAN 15: Development & Flood Risk (2004)

TAN 18: Transportation (2007)

TAN23: Economic Development (2014)

Government Circulars

Welsh Government Circular 016/2014: The use of Planning Conditions for Development Management

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.

PLANNING CONSIDERATIONS

Main Issues

This application proposes an important element to a significant major development, although in itself is a relatively straightforward planning application for a change of use, within the context of an industrial estate. The application does however, raise issues of highways/access/parking, flood risk and proximity to areas of ecology interest.

Highways/Traffic/Access/Parking Issues

Vehicular access/egress into/from the site and car park will be from The Willowford, at a point along the western boundary, opposite the gap between the buildings occupied by Volvo Construction Equipment and Derwen Tooling Ltd and will be controlled by a security access barrier arrangement in order to assist with the management and security of the car park.

A new pedestrian access will be installed to facilitate safe access across The Willowford between the car park site and the main office building site on the opposite side of The Willowford.

The overall scheme (including the provision within Plot G13, application 18/0513) makes provision for:

- 444 car parking spaces (which includes 23 disabled bays)
- 24 motorcycle spaces
- 170 cycle stands/spaces

However, within the car park site of this application only the element of the total provision is as follows:

- 192 (*of 444*) car parking spaces (which includes 10 disabled bays)
- 11 (*of 24*) motorcycle spaces

The car park incorporates barrier access control and secure fencing to the perimeters in order to assist with the management and security of the car park.

A full landscape scheme (together with a Landscape Planting Methodology and Aftercare Landscape and Ecological Management Plan) been submitted with the planning application which comprises peripheral trees around the car park areas and areas of shrub planting. The Planting Schedule that accompanies the detailed landscaping plans identifies that native trees, hedgerows and border planting will be provided that also provides ecological enhancement, such as Silver Birch, Dogwood, Hawthorn, Beech and Hebe. Together with the main site (18/0513) a total of 74 new

trees will be planted across the site (of which 60 will be Extra Heavy Standard (14-16cm girth at planting) and 14 will be Heavy Standard (12-14cm girth at planting) specimens.

The Council's SPG: Delivering Design and Placemaking - Access, Circulation and Parking Requirements (March 2011) identifies the site as lying within a 'Zone 3' (Suburban of Near Urban) Area. Accordingly, the office development as proposed under application 18/0513 would require a parking provision of between 1 space per 25-40sq.m. Based on the gross floor area of 14,844sq.m. of the proposed building this equates to a parking requirement of between 372 – 594 spaces. The total provision is 444 spaces, which lies within the provision range, albeit nearer the lower end of that range.

In considering the acceptability of the proposed level of parking provision the Transportation Section recognise that the site is in a location with good access to public transport and acknowledge that the proposed financial contribution (to be secured via the proposed S.106 Agreement) could secure further improvements to encourage use of sustainable modes of travel. On that basis it is their opinion that the overall parking provision of 444 spaces is considered acceptable.

A Transport Assessment (TA) and Interim Travel Plan have been submitted as part of the planning application submission. The Council's Transportation Section has fully reviewed the TA and Travel Plan in assessing the proposal. They have raised no objections to the application.

Members will have noted that under the preceding application (18/0513) the Transportation Section have recommended the requirement for the applicant first entering into a Section 106 Agreement. Accordingly, the total financial package for the development scheme will be £750k:

- the £750k financial contribution includes a construction cost of £210k (capped at that figure) for new signalised junction and crossing works to Main Avenue/The Willowford;
- A £50k commuted sum for signals; and,
- £490k to be paid to the Council for promoting, developing and delivering sustainable transport infrastructure and services including but not limited to active travel, bus, rail, park and ride and travel behaviour change.

There is no requirement to secure a contribution under this application for a car park however, as a consequence of the two applications/'split' nature of the submission in this case it is considered essential that the whole parking provision of 444 spaces is provided for the scheme.

An agreement is in place that provides for the owner of the land of the proposed car park to construct the car park for the use of the office. The agreement allows the tenant of the car park to step in and construct the car park if the owner fails to do so.

As the Council is not a party to the agreement it cannot enforce the terms of the contract against either party. In order to address this a Unilateral Undertaking will be required prior to the grant of the planning permission for the car park to ensure that the car park will be constructed. The Undertaking will require the owner or the tenant to construct the car park if the office development is constructed. As the agreement will be an undertaking under section 106 of the Town and Country Planning Act the obligation will be enforceable by the Council against the owner and the tenant.

Drainage and Flooding Issues

Flood Consequences Assessment (FCA) and Drainage Strategy documents were submitted with the application and appropriate consultation has been undertaken with NRW and the Council's Flood Risk Management Section.

Welsh Water acknowledge that the applicant has submitted a Drainage Strategy report in support of the above planning application, and that the development proposes to discharge the surface water via a sustainable drainage system (SUDS) and soakaways. No objection has been raised to the application on this basis, subject to the imposition of conditions and informative notes.

In respect of the proposed use of soakaways the Council's Flood Risk Management (FRM) Section have advised that the applicant will need to demonstrate using BRE 365 methodology (or similar) accompanied by on site percolation tests that this proposed method of drainage is fully workable on the site. It is recommended that a condition be imposed in this regard.

NRW have confirmed that the application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under TAN15: Development and Flood Risk and that their Flood Map information confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Taff, which is a designated main river.

NRW have identified 'significant concerns' with the proposed development as submitted and have recommended that the LPA should only grant planning permission if the scheme can demonstrate that the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15. NRW have confirmed that they would object to the application if the scheme does not meet this requirement.

It is an understood position from the flood risk modelling work undertaken in preparation of the LDO designation that this part of Treforest Industrial Estate could suffer from occurrences of flooding and that it is difficult to fully comply with all the parameters set down in TAN15.

The submitted FCA predicts that in the 1 in 1000 year flood event the car park is predicted to flood to a depth of 1430mm, with a maximum velocity of 1.58m/s. NRW have highlighted the fact that this is contrary to the acceptability criteria set out in

A1.15 of TAN15 (i.e. >600mm depth and >0.15m/s velocity) and would represent a hazard rating of 'Danger for all- includes emergency services'.

NRW, whilst pointing out that the development does not comply with the criteria of TAN15 in respect of the 1 in 1000 year flood event, recognise that it is a matter for the LPA to determine whether the risks and consequences of flooding can be managed in accordance with TAN15.

Our advice is that an amended FCA is required to address these matters and demonstrate that the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15.

In preparing the Treforest Industrial Estate and Parc Nantgarw LDO there was a significant amount of flood modelling work done in consultation with NRW and the challenges for any scheme in this part of Treforest Industrial Estate of fully complying with the parameters set down in TAN are acknowledged. It is understood that if the LPA were to require strict adherence to each parameter in TAN15 then it would in effect mean that there could be no re-development of the estate, thereby sterilising any potential future development. Accordingly, it is proposed that a pragmatic approach be adopted whereby the estate is allowed to deliver significant economic benefit for the county borough and the wider region.

It is however, acknowledged that the applicant needs to undertake further hydraulic modelling and present the outcome of that exercise to the LPA in order that the Council fully understands the implications of flood levels away from the site and velocity flows across the site as a consequence of approving this scheme, prior to any formal permission notice being issued. It is known that the applicant has commenced this modelling exercise. However, at the time of preparing this report the results of this exercise have not been received. It is hoped that these will be available prior to the Committee meeting and Members will be updated orally at the meeting in this regard.

Ecology/Biodiversity

An Ecology Briefing Note/Report has been submitted with the application, the purpose of which is to identify any significant ('in principle') ecological constraints to the future development of the application site. To this end, the Note Report describes the current ecological interest within and around the application site.

No part of the site is covered by any statutory or non-statutory designations. The Taff and Rhondda Rivers SINC (designation AW8.142) follows the course of the river, approx. 50m to the south of the application site. At a greater distance on the opposite, western side of the River Taff lies the Coed y Gedrys and Garth-fawr SINC (designation AW8.156).

The site is dominated by concrete hard standing with the only real opportunity for interests of ecology being along the peripheries of the plot. With respect to Plot

G6.9B scattered scrub is limited to the eastern and south western fence line. Grassland and tall ruderal species have also been identified as being present in association with scrub boundaries (species including: dandelion, hogweed, false oat-grass, redshank and field horsetail). Accordingly, the Note/Report considers the site to be of negligible intrinsic value, although recognises that the scattered vegetation has the potential to support a limited assemblage of nesting birds. Having regard to this point the Note/Report recognises that vegetation clearance works do not take place during the main bird breeding season (i.e. March to August inclusive).

The presence of a small patch of Japanese Knotweed has been identified along the western boundary of the site near the entrance gate. However, it is considered that a condition requiring that the site be subject to a full check and that a method statement (setting out how it is proposed to control and/or eradicate Japanese Knotweed on the site) be submitted to for the written approval of the LPA.

With respect to roosting bats, there is no suitable roosting habitat present onsite. The Council's Ecologist has considered the submitted Ecology Note/Report and has raised no objections to the application

Impacts on Residential Amenity

The nearest residential properties to the application site are those fronting Oxford Street, the nearest being approx 42m to the east on the opposite side of Main Avenue from the application site. The nearest property in Oxford Street is no.111 (which at ground floor is in occupation by a Home Care Services provider).

Residential properties only front along the north-eastern/eastern side of Oxford Street (A4054), which effectively is the southern gateway into Treforest Industrial Estate. The terraced properties are made of up of three separate lengths of terrace, 1-49, 51-97 and 99-111 (all the properties in Oxford Street have odd numbering only). The terrace of properties 1-49 stands to the south of the junction with Rhyd-yr-Helyg. To the north of this junction the original carriageway of Oxford Street (onto which nos 51-97 and 99-111 front) is distinctly separated from Main Avenue carriageways by a grassed are tree lined highway verge (which at its widest point outside nos. 83/85 is about 8m wide).

Vehicular access to and from Rhyd-yr-Helyg is at a single point running between nos. 49 and 51 Oxford Street.

Having regard to the current and historical use of the site for the parking of lorries and trailers it is not considered that the proposed use of the site as a car park, in connection with the office building proposed on the main site (under 18/0513) will result in any significant adverse impacts on the level of amenity currently enjoyed by the residents of properties in Oxford Street.

Other Issues

Geotechnical Issues

A package of Geotechnical Site Investigation Reports have been submitted with the application. These documents consider issues of previous land use, potential contamination and recommendations for dealing with, ground conditions, hydrogeology, hydrology, the presence of ground gas and its monitoring at the site. Coal Authority records that the property is not within the zone of likely physical influence on the surface from past or present underground workings, ie a 'High Risk' area. Accordingly, in this case a Coal Mining Risk Assessment (CMRA) is not required as part of the application submission.

The Council's Public Health and Protection Section have considered the suite of submitted information and concur with the findings of the Report that previous land uses suggest that contamination could be present on the site. Further PH&P accept that no measures in respect of radon gas are required in this case and that there is no risk from ground gas.

In respect of potential contamination issues PH&P have recommended the imposition of a condition requiring the submission of a scheme to deal with contamination has been submitted to and approved by the LPA.

Heritage Assets and Historic Designations

There are listed buildings within Treforest Industrial Estate, within relatively close proximity to the site. Both of these stand to the north of the application site. The first is the Honeywell Tools Power Division Building (approx. 600m to the north) and the second the Treforest Textile Printers Building (approx. 650m to the north). Both buildings are Grade II Listed as examples of well detailed and well preserved industrial buildings in the mid twentieth century manner of Sir Percy Edwards and partners. Slightly further afield (approx. 680m to the south east) stands Nantgarw House, which is also Grade II Listed.

Having regard to the nature of the proposed development and the distance between the site and the listed buildings it is not considered that the scheme would lead to any adverse impacts on the listed buildings or their settings.

It is not considered that the proposed scheme would cause direct harm or harm to the settings of the identified heritage assets.

Community Safety and Crime Prevention

A further aspect that needs to be assessed in consideration of the treatment of proposed car park is its ability to influence and respond to issues of community safety and crime prevention.

The requirement to have regard to community safety is clearly expressed within TAN12: Design and in PPW. In January 2012 WG also issued revised guidance (originally issued in March 2010) on 'Crowded Places – The Planning System and Counter-Terrorism (2012). This document recognises that different locations and developments will be subject to different levels of risk.

The South Wales Police's Designing Out Crime Officer was consulted in respect of the application and welcomed the opportunity to comment in respect of the scheme. Comments have been made in respect of a number of specific issues (which cover both this car park application and the office building application 18/0513), such as the need for CCTV system coverage, lighting, the use of CCTV, access control, doors and windows, alarms (intruder/smoke/fire) and the position and size of landscape planting. The Designing Out Crime Officer has raised no objections to the development. It is considered that this demonstrates that the scheme does adequately consider and address issues of community safety and crime prevention. It is considered that the scheme is compliant with policy AW5 (criteria 1f) of the Council's LDP and national planning policy and guidance.

Air Quality

An Air Quality Assessment has been submitted with the application. The information contained within this document has been considered and assessed by PH&P.

It is acknowledged that the Air Quality Assessment (AQA) has been undertaken in accordance with the methodology agreed with the Council. It is considered that the Report adequately demonstrates that the impact of the development on air quality will not be significant and as such it is not considered that measures of mitigation are required. It is considered that the development accords with national guidance contained in Planning Policy Wales (PPW) and does not conflict with the requirements of policies AW8 and AW10 of the Rhondda Cynon Taf LDP or the Council's Air Quality Action Plan.

Constructional Activity/Management

The site lies within a busy built up commercial industrial estate setting. However, it should be recognised that residential properties lie in relatively close proximity to the site and accordingly consideration needs to be given to the amenity of surrounding occupiers during the construction period, in terms of mitigating impacts on existing properties (residential and commercial), pedestrians and highway traffic (buses, cars, delivery vehicles etc).

It is recommended that constructional issues of access, impacts on existing network, noise, dust, hours of operation, use of artificial lighting etc be covered under an appropriate condition requiring the submission and approval of a Construction Management Plan (CMP).

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 liable for a charge under the CIL Regulations 2010 (as amended) 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:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and,
- 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.

It is recommended that the grant of planning permission be subject to a Unilateral Undertaking be required to ensure that the owner or the tenant construct the car park if the office development is constructed

Conclusions

It is considered that the proposed creation of the car park is an integral element to the overall development proposed on Treforest Industrial Estate as a new regional headquarters for the Department for Work and Pensions is another positive economic boost for Rhondda Cynon Taf.

As evidenced by the designation of the 'Treforest Industrial Estate and Parc Nantgarw' Local Development Order (LDO) maximising opportunities at the Estate is

a key focus for the regeneration of the Pontypridd and Treforest area and it is considered that the delivery of this investment will provide a major boost to Treforest Industrial Estate by developing a major disused site in a prominent position with a landmark, quality office building which will accommodate 1550 jobs

As highlighted in PPW and TAN23: Economic Development it should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction. Planning should positively and imaginatively seek such 'win-win' outcomes, where development contributes to all dimensions of sustainability. It is considered that the proposed squarely falls within these stated WG aims.

No objections have been raised by any statutory consultees (albeit acknowledging the significant concerns raised by NRW) and it is considered that with appropriate controls (achieved via suggested conditions) the development will incorporate itself well within the fabric of the Treforest Industrial Estate without detriment to existing interests.

Whilst the conflict with TAN15 and the concerns raised by NRW must be recognised in this case it is considered that the applicant has provided sufficient justification to enable the Local Planning Authority to reach the balanced judgement that the development is worthy of support, notwithstanding the fact that the scheme does not strictly adhere to the requirements of TAN15.

RECOMMENDATION: Members are asked **resolve to Grant** the planning application on the following basis:

- a Unilateral Undertaking be provided to ensure that the owner or the tenant construct the car park if the office development is constructed
- subject to the conditions below
- that the Service Director Planning be authorised to undertake further consultation with NRW in respect of the further Flood Risk Modelling Work that is to be submitted (this has not been received at the time of preparing this report) by the applicant and that NRW's further comments be received prior to any Approval Notice being issued;
- that the Service Director Planning be authorised to amend and or add to the conditions as set out in this report as a consequence of the further consultation with NRW

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 within the following approved plans/drawings/documents:

- Site Location Plan - 03 – G1390 P103 Rev B
- Proposed Site Plan – G1357 P01 rev F
- Site Plan – Satellite Car Park – G1390 DWP01-CWA-V2-00-DR-A-0101 Rev C
- Existing Landscape and Tree Protection Plan – 2017-120 rev A
- Existing Landscape Overlay – 2017-121 rev B
- Landscape Proposals Plan – 2017-122 rev B
- Ex Nolan Yard Landscape Plan – 2017-127 rev B
- Design & Access Statement
- Pre-Application Consultation Report (May 2018)
- Planning Statement (May 2018)
- Landscape Planting Methodology, Aftercare Landscape and Ecological Management Plan (rev '4' May 2018)
- Ecology Briefing Note/Report
- Transport Assessment (November 2017 and May 2018 Addendum)
- Interim Travel Plan (November 2017)
- Site G6.9B Treforest Ind. Est. Site Investigation Report (Rev 'C' November 2017)
- Drainage Strategy Report (Rev '1' April 2018)
- Air Quality Assessment (December 2017)
- Flood Consequences Assessment Version 9 (June 2018)

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

Reason: In order to define the extent by the permission hereby granted and in order to ensure that the development is carried out in accordance with the approved plans.

3 No development shall take place, including any works of site clearance/preparation until a Construction Method Statement/Management Plan has been submitted and approved in writing by the Local Planning Authority to provide for:

- the means of access into and egress from the site for all construction traffic;
- the timing of all HGV delivery and construction traffic to and from the site;
- the parking of vehicles of site operatives and visitors;
- the management of vehicular and pedestrian traffic;
- loading and unloading of plant and materials;
- wheel washing facilities;
- the suppression of dust;
- the sheeting of lorries leaving the site;
- details of plant and equipment;
- methods and types of ground compaction;
- mitigation measures for the control of noise;
- mitigation measures to limit disturbance to any animal species on

- or adjacent to the site;
- location of site compounds;
- use of artificial lighting.

The approved Construction Method Statement/Management Plan shall be adhered to throughout the development process unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safe and free flow of traffic and in order to ensure that the amenities of residents in proximity to the site are not unduly impacted upon in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence on site, unless otherwise agreed in writing by the Local Planning Authority, until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- a site investigation to be carried out it shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications.
- a written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. The car park hereby approved shall not be used and/or operated until the measures approved in the scheme (referred to in condition 5) have been implemented, as required. A suitable validation report of the proposed scheme is to be submitted and approved by the Local Planning Authority prior to first beneficial occupation of the building hereby approved.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan

6. If during development works any contamination should be 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 revised contamination proposals shall be submitted for the written approval of the Local Planning Authority.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Any elements of soft landscaping/vegetation within the development hereby agreed which within a period of 5 years from the date planted, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with other(s) of similar size and species unless the Local Planning Authority gives its written consent to any variation

Reason: To ensure that the new development makes the necessary and appropriate provision for public realm in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. Notwithstanding the details submitted as part of the application, no part of the development hereby approved shall be brought into beneficial use until such time as a full site Lighting Strategy has been submitted to and agreed in writing by the Local Planning Authority. Any lighting installed shall be operated in accordance with the approved scheme unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure that the nearest residents, surrounding occupiers and wildlife living and foraging in close proximity to the site are not unduly affected by the levels of light emanating from the proposed development, in accordance with policies AW5 AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the car park is first brought into beneficial use. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

10. 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.

11. The car park shall not be brought into beneficial use until the drainage works have been completed in accordance with the approved plans (*under condition 11*).

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

12. No works (including any works of site clearance) shall take place until such time as details of a Japanese Knotweed and/or Himalayan Balsam, removal and control plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme

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

13. Surface water run-off from the proposed parking areas shall not discharge onto the public highway unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, having regard to policies AW5, AW6 and AW10 of the Rhondda Cynon Taff Local Development Plan.