



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

PLANNING & DEVELOPMENT COMMITTEE

13th JUNE 2019

SITE MEETING

APPLICATION NO. 19/0071 - INSTALL PROFILE STEEL CLADDING AND ACOUSTIC AND THERMAL INSULATION OVER THE EXISTING CLADDING ON THE WALLS OF THE HIGHBAY UNIT & INSTALL 3 SILOS ON WEST SIDE OF UNIT AND 1 SILO ON THE SOUTH EAST SIDE OF THE UNIT (SOUTHERN END) (AMENDED PLANS RECEIVED 07/03/2019). FORMER CRABTREE AND EVELYN OVERSEAS LTD, COWBRIDGE ROAD, TALBOT GREEN, PONTYCLUN, CF72 8HL.

REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION

Author: Hannah Williams, Council Business Unit.

1. PURPOSE OF THE REPORT

- 1.1 To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Director, Prosperity & Development, attached at Appendix 1.

2. RECOMMENDATION

It is recommended that Members:

- 2.1 Approve the application in accordance with the recommendation of the Director, Prosperity & Development.

3. BACKGROUND

- 3.1 In accordance with Minute No 275 (Planning and Development Committee – 9th May 2019) a site inspection was undertaken on Monday 3rd June 2019 to both the proposed development site and the Concrete Canvas site at Treforest Industrial Estate to consider environmental issues and the

potential impact of silos on the character and appearance of the surrounding area.

- 3.2 The meeting was attended by the Planning and Development Committee Members County Borough Councillors S. Rees, G. Caple, G. Hughes, D. Grehan, P. Jarman and S. Powell.
- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors J. Williams, R. Yeo, S. Morgans, W. Owen and J. Bonetto.
- 3.4 Members initially met at the Concrete Canvas Ltd Site, Treforest Industrial Estate to gain a better understanding of the impact and the appearance of an operating silo. Members gave consideration to the size and colour of the 100-ton silo at its current site, and were informed by the Planning Officer in attendance, that planning permission is sought for the erection of 4 silos of similar dimensions at the industrial unit, Talbot Green, Pontyclun.
- 3.5 The applicant was present at the site and provided Members with an overview of the purpose and benefits of the silos.
- 3.6 Members raised concerns regarding the potential for noise disturbance caused by the silo and were informed that the noise they could hear was coming from the extraction unit and not the silo itself. When questioned about the proposal for the new site, the Planning Officer advised that acoustic rated cladding would be installed on the external walls of the southern elevation of the highbay unit, which would reduce the noise levels to those previously occurring at the site.
- 3.7 Members asked questions in respect of issues raised by objectors in terms of the colour and appearance of the silos. It was explained that the applicant was flexible on the colour of the silos and the cladding, and would be willing to take advice on a more suitable colour.
- 3.8 Members of the Planning & Development Committee reconvened their meeting at the large factory unit, leading to the village of Pontyclun. Members learned that the site at Pontyclun was currently being used by the applicant on a small scale but should permission be granted, the site would be brought back into full beneficial use.
- 3.9 Members were provided with an overview of the application by the planning officer in attendance, advising that the proposal was to site three silos adjacent to the western facing rear elevation, with the fourth proposed to be sited to the south of the unit on the eastern facing elevation. Each silo would either contain cement in dry powder form, sand, or polymer pellets. The officer reminded Members that the previous use at

the site when it was occupied by Crabtree & Evelyn fell within use class B2, and that the proposed use of the site falls within use class B2 and consequently no change of use would occur.

- 3.10 Following queries from Members in relation to the proposal for one of the silos to be located on the elevation nearest to Pant y Dderwen, the officer explained that the developer is unable to position the silo on the northern elevation due to the close proximity of Dwr Cymru Welsh Water assets.
- 3.11 The Senior Environmental Officer present took questions from Members in relation to the potential for noise and dust at the site, which was a cause for concern for neighbouring residential properties located at Pant Y Dderwen and Ynysddu. The officer stated that in terms of Public Health and Protection, the proposal was considered satisfactory, subject to the implementation of conditions. In respect of the noise concerns, the officer advised that Condition 3 of the original report would permit the applicant to submit an acoustic report for approval by the Local Authority, which details any mitigation measures required to minimise any noise nuisance that may arise during the operation of the proposed silos. The officer went on to explain that Condition 4 of the original report would ensure that the applicant only undertakes deliveries between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 16:00 on Saturdays, to prevent noise disturbance to the neighbouring residents, however these time limits could be tightened if Members sought it necessary to do so.
- 3.12 The Senior Environmental Officer advised Members that a separate environmental permit under the LAPPC (Local Air Pollution Prevention and Control) for the application was currently out for consultation, which if approved, would contain further conditions in respect of the maintenance of the site and operational issues such as cement unloading. Members learned that given the low number of issues at the Treforest site, the permit would be issued as low risk with an annual inspection made by the Local Authority, and as such, there should be no detectable effect on air quality outside of the site as a result of the silos. However, should any future complaints be made by residents, the officer spoke of statutory powers to investigate the issues, whereby the permit could be increased to high risk with further inspections made to the site. The officer added that notification of the consultation had been included outside of the site and within the nearby estates.
- 3.13 The Chair thanked the officers for the report and closed the meeting.



PLANNING & DEVELOPMENT COMMITTEE

9 MAY 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0071/10
(LJH)
APPLICANT: **Concrete Canvas Group Ltd.**
DEVELOPMENT: Install profile steel cladding and acoustic and thermal insulation over the existing cladding on the walls of the highbay unit & install 3 silos on west side of unit and 1 silo on the south east side of the unit (southern end) (amended plans received 07/03/2019).
LOCATION: **FORMER CRABTREE AND EVELYN OVERSEAS LTD, COWBRIDGE ROAD, TALBOT GREEN, PONTYCLUN, CF72 8HL**
DATE REGISTERED: 18/01/2019
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

REASONS:

The proposed re-cladding and installation of the silos would support the continued use of an industrial unit. The proposal raises no adverse planning concerns and the application is therefore considered to comply with the relevant policies of the Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

The application is presented to Committee as three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the erection of 4 no. silos and installation of cladding to an existing industrial unit on Cowbridge Road, Talbot Green, Pontyclun. Three silos (nos. 2, 3, & 4) are proposed to be sited adjacent to the western facing rear elevation and the fourth (no. 1) is proposed to be sited to the south of the unit on

the eastern facing elevation of the highbay section. Silos 1 & 2 would contain cement in dry powder form, silo 3 would contain sand, and silo 4 would contain polymer pellets. Silos 1 & 2 would measure 13.625m in height with a diameter of 3.5m and silos 3 & 4 would measure 15.010m in height with a diameter of 3.66m.

The proposed cladding and thermal insulation would be installed on the walls of the highbay unit only and would be installed over the existing steel profile cladding. The south elevation of the highbay would also have acoustic rated insulation installed.

SITE APPRAISAL

The application site relates to a large factory unit located on the main road leading to the village of Pontyclun. The site is accessed from Cowbridge Road and has a large parking area to the north. The unit is split into two distinct elements with a single storey area along its front and a larger two storey area to the rear. The site is currently used by the applicant on a small scale however these changes would allow for the unit to be brought back fully into beneficial use. The site is well screened from Cowbridge Road by existing boundary fencing and hedges. The unit is set back from the highway by a minimum of 23 metres with car parking and the external breakout area located between.

Immediate neighbouring properties are commercial units with the closest neighbouring residential properties located at Pant Y Dderwen and Ynysddu. The closest property in Pant Y Dderwen to the south-west corner of the Concrete Canvas building being 14 metres to the south and the closest property in Ynysddu being 42 metres away to the west on the other side of the River Ely.

PLANNING HISTORY

The most recent planning applications that have been made at the site are as follows:

18/1067	Minor internal & external alterations including raising existing flat roof, replacement windows and external doors, new glazed entrance lobby, alterations to external break-out area and site signage.	Approved with Conditions 19/11/18
17/1358	Certificate of Lawful Development for a proposed B2 usage.	Approved with Conditions 19/01/18
12/0756	The renewal/upgrade of plastic coated steel mesh fencing (113m) to palisade fencing at the rear of Crabtree & Evelyn to match the existing front perimeter fencing.	Approved with Conditions 03/09/12

CONSULTATIONS

Highways and Transportation Section – no objections or conditions suggested

Public Health and Protection – no objection subject to conditions and an informative note.

The Coal Authority – no objection

Natural Resources Wales – no objection.

Western Power – no objection.

Wales & West Utilities - no objection.

Flood Risk Management – no objection or conditions suggested.

Dwr Cymru/Welsh Water – no objection, a plan has been provided indicating apparatus that crosses the site.

Pontyclun Community Council – no comments to make.

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. Thirteen (13) letters of objection have been received from twelve (12) persons and are summarised as follows:

Location and Appearance of Silos

- The southern side of the building is already the closest part to a residential area, the silo will bring it closer. There is ample land on the opposite side of the factory and things could easily be re-shuffled to accommodate the silos and production away from residential properties and the river.
- The plans show all silos as being taller than the current building. I object to the increased proximity of the structure and the increased height which will make it an oppressive structure and impact on the peaceful enjoyment of my property.
- The proposed silos would be located at the end of a number of residents gardens, having a detrimental impact on quality of life and property values.
- The visual appearance of these silos is also a concern, which would each be 42 feet in height and would have an adverse and overbearing effect that would result in an unduly oppressive living environment. At the moment Concrete Canvas is based on the Industrial Estate in Treforest and is totally out of character and not suitable to be situated in a residential area.
- While the rationale for having the same colour for both installations is rational and aesthetically acceptable the choice of a blue colour is inappropriate for a residential setting causing a visual blight for the adjacent residential properties. Presumably the choice of blue based on a desire to perpetuate a corporate colour scheme rather than a colour scheme which is in keeping with the environmental backdrop. Maintaining a consistent base colour in keeping with the overall building would be less objectionable.

Noise

- The increased noise of heavier industrial usage. Crabtree and Evelyn were a quiet manufacturer and in the last couple of years distribution only of beauty products. Production was only previously undertaken inside the factory, but with the silos outside the factory, this is a change of use. I presume this will be a much heavier industrial manufacturing.
- Noise disturbance from the proposed use will affect living conditions. Specifically, an increased number of articulated lorries at the site where large tankers will be transporting cement, sand and granules within a few metres of my back garden.
- The applicant has stated the hours of operation for the non-residential use are unknown. This is evidence that the application is poorly thought through since hours of operation of an industrial activity is a material planning consideration which should be clarified before an application is determined in order for appropriate conditions to be applied if needed.

Deliveries

- The transport of tankers directly behind my back garden. Crabtree and Evelyn the previous owners did not permit lorries or any transport as a right of way or for access behind the back of the factory. They were respectful in this regard and when they did have lorries which wouldn't be every day, they made sure the lorries did not remain for long behind our back gardens and they reversed to the delivery bays.
- There is a huge concern with regards to frequent heavy duty tanker lorries on ground so close to residential properties and the long term effects and damage of vibration potentially cracks in walls, subsidence etc.
- The recent loan of the site to the Postal Service prior to Christmas was unbearable which we had not been notified of either. I have two young children and the lorries at night caused disturbed nights for all. Crabtree and Evelyn only operated in the day and it is a concern if there will be production at night time with Concrete Canvas and tanker deliveries.
- Lorries enter the site via the gate at rear of my house and drive around back of building to silos. The access road gets narrower at the back of the building leaving no room for turning, forcing all lorries to reverse out resulting in noise pollution and vehicle emissions.

Pollution

- We are extremely close to a river which is a habitat for birds and other wildlife and my view is that it is likely concrete dust in the air would have a negative impact on this.
- Pollution and potentially carcinogenic cement dust, tanker petrol fumes etc. are a huge concern and likely a high risk. This is not only a concern for residents, but also for pedestrians using the river bypass path that the council invested in to benefit the town and a lovely river walk used by many of the town's residents and bicycle path for the local community. There are many birds residing in the trees along the river plus bats in the evening and there must be a high pollution risk to wildlife as well as residents. Also a risk to the river and watercourse.

- Also, there is the problem of the children entering and leaving Y Pant school who would also be subjected to this potential air pollution on a daily basis. The area already suffers with heavy congestion at school opening and closing times during the week, and additional articulated lorries will worsen this, again with potential pollution implications. I am also concerned that the dust and pollution could contaminate the River Ely, which is directly adjacent to the proposed silos.
- As you will be aware there are bats around the area of Cowbridge Road. It is illegal to disturb a group of bats or damage or destroy a place used by bats for breeding or resting. There are concerns that this planning application if passed could affect the bats' natural habitat.

Trees

- The application form states that no trees need to be removed.
- Two trees higher than the factory were removed last August by Concrete Canvas, trees which I had previously sought advice from a tree surgeon who advised they were illegally high so close to residential properties. Therefore, the silos would be too high also so close to residential properties and in a storm could collapse and fall onto our properties.

Use of the site

- The change to B2 usage was done in advance of this application. No planning notice was delivered to inform us of this. There is a significant change from a warehouse based packaging/distribution operation to one where industrial processes are used and placed outside the building. The company was clearly aware of the plans to place the silos but chose to deliver this in stages.
- The General Class Use order 1987 and subsequent amendments which the local planning authority have relied upon to suggest that the bulk handling of cement powder falls within B2 – General industrial, also specifies a range of other class uses from B1 to B8. A change of use from one class use to another is not permitted without specific consent. In the case of Class Use B5 - Special Industrial Group C there is clear reference to the production of cement falling within that use group and given that the applicant's business is the production of a cement-based product it follows that at the very least this should have triggered a consideration of a change of use to B5.

Other Issues

- There is no DAS submitted with this application. The Local Planning Authority's failure to ensure, during its validation process, that a DAS was included with the application has the effect of compromising its own ability to determine the application taking into account all material planning considerations. Its omission has also compromised the ability of consultees to comment effectively on the application in relation to the material planning considerations that relate to residential amenity. Finally, and perhaps most significantly, it is noted that when the applicant submitted a planning application (Ref. 13/0595/10) for the installation of a 100 ton silo at its current site at Treforest Industrial Estate in 2013 (which is presumably the silo they are proposing to move to the Pontyclun site), a design and access statement was included with the application. It is surprising and

incongruous that a DAS was considered necessary when applying for consent to install a silo within an industrial estate but not necessary when proposing to install the very same silo within close proximity to residential dwellings.

- It is regrettable that Concrete Canvas did not undertake the requisite consultation with neighbours prior to submitting this planning application. It puts the applicant in a poor light as a considerate neighbour and their approach contrasts poorly with that of the Leekes Store (who is further away and less impactful) who consulted to neighbours in Pant y Dderwen prior to submitting their planning application for developing their site. Had such a pre-application consultation taken place, there would have been an opportunity to resolve some of the concerns this application has raised including the choice of an alternative colour for example, light grey for the proposed cladding and alternatives for locating the silo such as within the confines of the building or the northern side of the unit for example, where there is no impact on residential amenity.

Following receipt of amended plans to move silo 1 to the eastern elevation to the south of the unit, the consultation process was repeated and seven (7) letters of objection have been subsequently received which are summarised as follows:

Location and Appearance of Silos

- Silos 2, 3 and 4 are very close to our house and garden. The proposed location of the silos are only 25 metres from our garden. The filling of these and the associated lorries and machinery needed, will drastically increase the noise and pollution levels for us, our neighbours, and users of the 2 footpaths that run within yards of the proposed site.
- The description of the colour is also significant; blue covers a wide range. The current cladding is light grey making it relatively inconspicuous against the sky. The planned colour is a bright blue. A vivid primary colour is an altogether different vista.
- We would wish to reiterate all the points previously made about the unsuitability of the siting of the silo at the southern elevation since the negative impact on residential amenity has been greatly and unnecessarily magnified by the proposed amendment.
- This proposed revised location of the silo will have the effect of broadening the structure and have a negative impact on the light on my property. It is for this reason I also object to the blue cladding. The factory is currently a very pale grey, which is generally the same colour as the sky. To have a darker blue cladding would also impact upon the light in my property.
- The position of the South end silo is preferable to the original plan but this does not make it desirable. I remain unconvinced that any silo could not be placed elsewhere on the premises and have not seen any evidence that the proximity to the sewer prevents this. If it was the case then much of the building is constructed within the easement zone. I understand that the design takes into account the 3 metre easement area but this does not mean it should be placed in such close proximity to the residential area.

Noise

- My previous concerns still stand especially environmentally, noise disturbance, vibration of the land, and opening/production operational hours which have not been detailed by Concrete Canvas.
- I have major concerns regarding the vibration of the land and potential damage to our homes in the future. I have heard of incidents where ceilings have collapsed in houses next to roads used for heavy lorries for a long period of time and this greatly worries me significantly with the planned proposal for the lorries/tankers passing directly behind my back garden fence. We have not been used to such level of lorries/tankers by the previous owners Crabtree and Evelyn nor did they bring their lorries behind the factory passing the back of our gardens and it is upsetting me now thinking of the impact it will have on our quality of life within our own homes.
- There has been no indication of the opening hours or production hours in the application. It does not state if there will be production at night time which could be a significant noise level even with the proposed sound proofing. I have young children and the Royal Mail lorries throughout the night before Christmas caused disruptive sleep. Crabtree and Evelyn did not have lorries at night time or in the evenings or weekends. This is not an industrial site and is amongst residential properties and surely a duty of care to those residents and community is a priority.

Deliveries

- With regard to the proposal for 3 silos on the West side of the high-bay unit, access to that area is extremely limited, as illustrated in the relevant site plans. Any difficulties in manoeuvring tankers within such a restricted area will inevitably result in increased noise and air pollution. In response to Question 20 on the Application Form, the Applicant states, "The tankers used will reduce the number of vehicle movements and the unloading time when vehicles are on the site..." This seems to imply that taking into account the size of the proposed silos; the tankers will need to be of sufficient size and capacity to meet the demands of the process.

Pollution

- I am greatly concerned regarding the long term effect of emissions on our health and my children's health. A small risk is still a risk and the nature of the production of this company causes me a great concern, also to the many residents in the community who use the path alongside the river behind the factory, plus the many wildlife that surrounds the river.

Drainage

- It must also be noted that the area referred to at 3. above is currently unmade-up ground. Any improvement to the surface within that access area be it concrete, tarmac or any other material, will require adequate drainage in order to deal with resultant surface water. There does not appear to be any reference to such improvements within the application.

Other Issues

- It is still remarkable that the LPA continues to disregard planning regulations and guidance by presenting a planning application without an appropriate Design and Access Statement (DAS) and which still contains the inaccuracies

previously highlighted (such as presence of trees etc.). The lack of a DAS fundamentally compromises the ability of those who wish to comment on the potential impact of the development to do so. This would be an injustice to all residents affected.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary and is unallocated.

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting development within defined settlement boundaries.

Policy AW2 - supports development in sustainable locations and includes sites that are within the defined settlement boundary and would not unacceptably conflict with surrounding uses.

Policy AW5 - lists amenity and accessibility criteria that will be supported in new development proposals.

Policy AW6 - lists design and place making criteria that will be supported in new development proposals.

Policy AW7 - aims to protect and enhance the built environment including public rights of way.

Policy AW10 - states that development will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of issues including air, noise or water pollution.

Policy AW11 - discusses the need to maintain employment uses within existing employment sites.

National Guidance

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

The Welsh Government published Planning Policy Wales 10 on 5th December 2018, and the document aims to incorporate the objectives of the Well-being of Future generations Act into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development.

Chapter 3 (good design and better places, promoting healthier places, sustainable management of natural resources)

Chapter 4 (moving within and between places, transport, living in a place, housing)

Chapter 5 (Reducing energy demand)

Chapter 6 (green infrastructure, landscape, biodiversity and ecological network, water and flood risk, air quality and soundscape, lighting)

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design

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 application site is an established industrial unit which can be lawfully put to a general industrial use (B2) within the Southern Strategy Area. It sits within the settlement boundary. The proposal would enhance and support the re-use of the existing industrial unit that currently lies vacant. A core aim of The Local Development Plan (LDP) seeks to 'realise the importance of the Principal Town of Llantrisant/Talbot Green as an area of social and economic growth with Policy AW 11 of the LDP recognising the need to maintain and improve identified employment sites. The proposal clearly accords with the key requirements of planning policy and is therefore considered acceptable in principle.

Impact on residential amenity and privacy

The site is situated within an established industrial area with surrounding land uses being a mixture of industrial, commercial, and residential in nature. The re-cladding to the highbay section of the unit will have a minimal material impact on the massing and overall size of the building. The cladding proposed to the south elevation of the highbay unit is acoustic rated cladding and is proposed to be installed to restrict the noise levels to those previously occurring at the site.

With regards to the proposed silos which most of the objections focus on, it is appreciated that the proposed location of silo 1 in particular is in close proximity to the nearest residential properties in Pant Y Dderwen, the relocation of silo 1 has been explored however, due to constraints such as Welsh Water apparatus and the locations of internal plant it is not feasible to relocate it. Furthermore, it is not considered that the scale and design of the silos would be so incongruous as to warrant refusal of the application. The use of the site for B2 purposes is well

established and has been in place before the construction of the residential properties nearby.

Regarding the proposed colour of the cladding and silos which a handful of objectors comment on, the proposed colour is Blue (RAL 5012) which matches the colour of the company logo. It is appreciated that the colour change from the now faded steel cladding to a blue cladding will be quite a difference, however, it is not considered that it would impact so greatly on residential amenity that it warrants refusal of the application.

Given the siting of the planning application on an established industrial site and the nature of the works in this instance, the proposal raises little concern in terms of the likely impact on residential amenity and privacy.

Impact on the character and appearance of the area

The proposal is considered to be in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan in terms of its impact on the character and appearance of the area for the following reasons;

The proposed cladding and silos are considered to have an acceptable impact on the character and appearance of the surrounding area and the proposal for the erection of the silos is considered to be in keeping with the industrial character of the site. Three of the four silos will be sited on the western facing rear elevation of the building and therefore will not be visible from the front of the site and will not impact on the street scene. The silo on the south will be partly visible from the front of the site, however, it is not considered to be so incongruous as to warrant refusal. It is noted that all four silos will be viewable from public areas, mainly from the footpath along the River Ely which follows the rear boundary of the site.

The application proposes improvement works to the existing building that are in-keeping and compatible with the wider industrial setting of the application site. The change proposed as part of the external works is that the walls of the highbay will be re-clad. Such a change raises no significant visual amenity concerns as the proposed colour of the cladding being blue (RAL 5012) is also considered acceptable.

Overall, the development is considered acceptable in visual terms.

Public Health and Protection

Following consultation with the Council's Public Health and Protection Section no objection has been raised subject to conditions relating to demolition, hours of operation, noise, dust, and waste during the construction phase. Whilst these comments are appreciated the issues can be controlled more effectively by other legislation and therefore the conditions will not be appended however the applicant will be made aware of the requirements through informative notes.

Further conditions relating to noise from operations/deliveries are suggested. The first condition requires that an acoustic report including details of any mitigation measures is submitted and agreed in writing by the Local Planning Authority prior to

commencement. This condition will be appended alongside a further condition restricting deliveries to daytime hours only, for example between 08:00 and 18:00 Monday to Friday and 08:00 to 16:00 on Saturdays with no deliveries to take place on Sundays or Bank Holidays.

An informative note regarding contaminated land will also be appended to any consent if Members are of a mind to support the proposals.

Issues raised by objectors

Location of Silos

Many objectors query the need for silo 1 to be located on the elevation nearest to Pant Y Dderwen. The developer has submitted a Welsh Water plan which indicates the line of the public sewer which runs along the north elevation. Therefore the developer is restricted by this and cannot site the silos on the north elevation as many objectors suggest. The developer has also stated that they are restricted by the proposed internal layout of the production line and states that a silo is required on the south elevation to feed that part of the production line hence the proposed location for silo 1. The amendment to place the silo towards the loading bays on the east elevation on the south section of the highbay unit is considered acceptable as it moves the silo further away from the residential properties in Pant Y Dderwen.

Noise and Disturbance

Many objectors raise the issue of noise disturbance and disturbance from deliveries to the site. As stated above the developer will be required to submit an acoustic report to be agreed in writing by the Local Planning Authority and the deliveries will be restricted to daytime hours only by condition.

Pollution

Many objectors also raise concern regarding cement dust entering the air and causing a health risk and polluting the River Ely and local wildlife. The developer has made an application to the Council's Public Health Section for a permit for the handling of bulk powder and cement under the LAPPC (Local Air Pollution Prevention and Control). The environmental permit will involve inspections by the Authority and the developer states that on their current site (Treforest) they have never had a significant release of dust and based on their equipment, procedures and track record from inspections they have the lowest risk rating. Accordingly, there should be no detectable effect on air quality outside the site as a result of the silos.

Hours of operation/Deliveries

Some of the objectors query the hours of operation at the site. The use of the site within the B2 use class is unrestricted due to the history of the use of the site. Therefore it would be unjustified and unreasonable to condition the hours of operation given that the application only relates to the installation of the cladding and the silos and not to the actual use of the site. It is however considered that the hours of deliveries to the site be conditioned to daytime hours only as stated above.

Trees

The objectors state that there were previously two trees at the site which were felled prior to the submission of the planning application. There is evidence on site that this is the case, however, the trees were not subject to a Tree Protection Order and therefore consent was not required to remove the said trees.

Design and Access Statement

Two of the objectors make reference to the fact that they believe that the proposed development requires the submission of a Design and Access Statement and without this the objectors have been prejudiced.

The regulations relating to Design and Access Statements have been considered and officers are of the opinion that a DAS was not required for the type and scale of development proposed. The statutory requirement to submit a Design and Access Statement changed on 16th March 2016, the requirement to submit a DAS now only applies to Major Applications, applications in a Conservation Area or World Heritage Site, and applications for Listed Building Consent. The proposal does not fall within any of these categories and therefore a Design and Access Statement was not required.

Change of Use

Objectors also query whether there has been a change of use at the site. The previous use at the site when it was occupied by Crabtree & Evelyn fell within use class B2, the proposed use of the site by Concrete Canvas also falls within use class B2 and therefore no consent is required for a change of use. In addition a Certificate of Lawful Use application was submitted to determine the Lawful Use of the site and it was deemed that the lawful use was B2 and a Certificate of Lawfulness was issued by the Local Planning Authority.

Whilst objectors have referred to the proposed development as falling within use class B5, Members are reminded that Special Industrial Use Classes B3-B7 were incorporated into the B2 Use Class by the Use Classes (Amendment) Order 1995.

Drainage

One objector raises concern that the area to the rear of the building is 'unmade' ground i.e. has not been laid to hard surface and has concern that if it was to be hard surfaced then adequate drainage will be required. The applicant has not proposed to hard surface this area and therefore this concern is unfounded.

Pre-application Consultation

One objector points at the fact that pre-application consultation was not undertaken prior to the submission of the planning application. Pre-application consultation with neighbours is not a requirement for this type of application and it would have been at the discretion of the Applicant whether to carry out such an exercise

Other Issues

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation:

Flood Risk

Natural Resources Wales noted in their response that the application site lies partially within Zone C2 as defined by the Development Advice Map. Given the nature of the proposed development (alterations to the existing external walls, and the proposed silos are to be located in an elevated position on an open structure), and in the absence of a flood consequence assessment, they consider the risk could be acceptable subject to the developer being made aware of the potential flood risks.

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

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the development, the impact on neighbouring properties, and in visual and highway safety terms

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)

and documents received by the Local Planning Authority on 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. Prior to beneficial use of the silos and their associated plant, an acoustic report detailing any mitigation measures required to minimise any noise

nuisance that may arise during the operation of the proposed silos and their associated plant, must be submitted to the Local Planning Authority for approval. The parameters of the acoustic report must be agreed with the Local Planning Authority beforehand. Any mitigation measures identified must be carried out before beneficial use of the silos and be maintained for so long as the silos and their plant remain operational.

Reason: To ensure that the noise emitted from the development does not become a nuisance to neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taff Local Development Plan.

4. Deliveries to the site shall only take place between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 16:00 on Saturdays, and not at all on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that noise and disturbance from deliveries does not become a nuisance to neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taff Local Development Plan.

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