



PLANNING & DEVELOPMENT COMMITTEE

27 JUNE 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0313/10
(SF)
APPLICANT: Actoris Clubland Ltd
DEVELOPMENT: Proposed two Class A1 (retail) units, three Class A3 (food and drink) units, highways infrastructure, car parking, servicing arrangements and associated works
LOCATION: LAND TO THE EAST OF MILL STREET, TONYREFAIL
DATE REGISTERED: 23/03/2018
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: APPROVE

REASONS:

The application site is allocated under Policy CS7 and SSA15.3 for retail development and the principle of redeveloping the site for retail uses is therefore considered appropriate. Whilst a number objections have been received from local residents, it is not considered that either the location of the development or proposed new access arrangements will have an adverse impact on local residents. The scheme will make effective use of an undeveloped area of land within the settlement boundary, will generate economic growth by providing a number of employment opportunities in local area and will result in visual improvements to the site.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

This is a full application for the redevelopment of the site to provide two Class A1 (retail) units and three Class A3 (food and drink) units, together with and associated

highways infrastructure, parking and servicing. The development comprises 2 buildings positioned in a right angled formation and providing a total floor area of 763 sq.m as follows:

Building 1 - a single storey building with approximate dimensions of 30m in width by 14.5m in depth and 7.5m in height. The building is shown divided into 4 units with Unit 1 providing 112 sq.m of A1 (retail) floor space and Units 2, 3 and 4 each providing 93 sq.m of A3 (food and drink) floor space. The building is mainly rectangular with Unit 1 projecting slightly at the northern end and would be of a brick construction with reconstituted stone features and clear glazed shop front and have a pitched roof finished in cement fibre slate. It would be located towards the northern end of the site backing onto the north-eastern boundary.

Building 2 - a single storey building with approximate dimensions of 15m in width by 24.5m in depth and 7.5m in height. The building is shown as Unit 5 providing 372 sq.m of A1 (retail) floor space. The building is rectangular and of the same brick and reconstituted stone construction as building 1 and would be located towards the southern end of the site but still backing onto the north-eastern boundary. A 2m high close boarded fence is located adjacent to the north-eastern boundary and provides a 2m wide service corridor which links the 2 buildings.

Access to the development for customers and servicing would be via a new junction arrangement and access road leading from the existing access of Mill Street, which would include culverting the existing watercourse. The internal access road is shown to provide access into the retail site and also to form part of a future link road running both to the south and east of the site. A car parking providing 28 spaces (including 2 disabled spaces) is provided in front of the retail units with 2 separate delivery bays located to the north and south to serve each building. New footways are also provided either side of the new access with a footpath link to the north of the site. To the south of the new access road an area is identified which will enable rear access to a number of properties in Mill Street to be maintained and 4 car parking spaces are also provided, to replace those displaced from Mill Street.

The supporting letter confirms that the application site is allocated under Local Development Plan Policy CS7 and Policy SSA15.3 for new retail development as part of a comprehensive development of land east of Mill Street that will also include 185 new dwellings (Policies SSA10.6 and SSA10.9). It is confirmed that due to a fundamental change in the market for larger supermarkets it has proven challenging to identify any large format store interest, however, interest has been secured from the Co-op for a 372 sq m food store with a further 112 sq.m retail store and three A3 units with a total floorspace of 279 sq m. It is maintained that these units together can provide an attractive local centre that accords with the policy expectation. Although the specific occupiers of the buildings and the proposed hours of opening are not yet known, it is anticipated that 20 full-time employees would be created through the development.

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

- Transportation Assessment (Corun) - March 2018

- Flood Consequences Assessment & Drainage Report (Shear Design) - March 2018
- Preliminary Ecological Appraisal (Building Ecology Consulting) - February 2018.
- Non-Residential Coal Mining Report (The Coal Authority) - February 2018.

SITE APPRAISAL

The application site which extends to an area of approximately 0.53ha, consists of a roughly rectangular shaped area of land to the north of the existing access track from Mill Street and an irregular shaped area of land to the south located within the settlement boundary of Tonyrefail. The site lies to the east of Mill Street, which serves as the main road linking the southern part of the town with the High Street to the north. It is understood that the northern part of the site was previously occupied by a dwelling (no 43 High Street), but this has been demolished to facilitate access into the site. The southern section lying immediately to the rear of no's 45-57 Mill Street comprises areas of hardstanding and scrubland, but previously accommodated the non political clubhouse building and its car park, with hardcore from its demolition remaining on site. Access is provided from the adopted highway leading from Mill Street across a vehicular bridge which crosses a culverted watercourse running along the northern boundary of the site.

Vehicular access to the site is gained from Mill Street to the west via the adopted highway, which leads to the Western Power substation and power plant depot located adjacent to the northern boundary and then runs north to the rear of properties in Mill Street. A number of overhead power cables run along the north-east boundary of the site and beyond this, the land is overgrown. The south-west corner of the site lies adjacent to a number of allotments and the tarmac access from the site entrance also provides access to a number of garages belonging to properties in Mill Street (no's 49, 53 and 55). The site is relatively flat and free from vegetation, having been cleared following demolition of the club house building.

PLANNING HISTORY

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

14/0408	Former Tonyrefail Demolition works of the former club, single Prior Non Political Clubstorey building with flat and mono pitch	Prior approval Not required
08/0274	Tonyrefail Non-Political Club Retention of fascia sign over entrance (advertisement application).	18/04/11 Granted
08/0274	Land off Mill Street, Tonyrefail, Proposed residential development, replacement social club and new relief road.	26/03/08 Withdrawn

07/1686	Car park, Tonyrefail Non-Political Club 2 no portable shipping containers sited in car park	01/11/07 Granted
06/1918	Tonyrefail Non-Political Club Two portable shipping containers sited in car park	01/12/06 Refused

PUBLICITY

The application has been advertised by means of direct notification of properties surrounding the site and the display of site notices.

In response, **six letters of objection** have been received against the planning application, which raise the following concerns:

Access point onto Mill Street

- Mill Street is already very congested with substantial parking issues for residents and visitors of retail premises.
- The exit onto Mill Street is usually a blind spot with near misses.
- Access road is also used as a short cut to the adopted lane but is not suitable for this level of traffic.
- There are already 4 access points onto Mill Street and the development will increase the accidents and problems.
- Fuel delivery lorries to the petrol station already find this difficult to access.
- A previous proposal to build houses was dropped as the impact on the local area with the extra traffic was too great.
- Due to future housing and the 'super school' more traffic is likely to pass through Mill Street.
- Crossing the road in Mill Street is already a problem.

Parking

- Parking in Mill Street is problematic for businesses and residents and results in illegal on street parking.
- On street parking reduces the flow of traffic to one lane for most of the day with the only passing place outside of the garage and opposite the proposed access and any waiting traffic will make the situation worse.
- Limited waiting times in the retail areas means that businesses or visitors are using residential areas.
- The proposed parking will be insufficient and displace existing problems.
- Most sections of Mill Street have cars continually parked and double yellow lines are not enforced.
- Currently 6-7 cars park on the access lane and more double yellow lines are proposed, so resident will not be able to park near their homes.
- The proposal includes 4 parking spaces for residents, however the double yellow lines will displace 9 cars.
- Increased parking restrictions will have an adverse impact on the town centre.
- The management of the car park by a private company will have a negative impact on residents.
- More retail units with inadequate parking will be detrimental to the area.
- Travelling to a supermarket with easy and free parking is a big draw.

- Less units and more parking spaces will encourage more people to use local services and support the community.

Noise / Dust

- There is no information about the hours these units will be in use.
- Whilst there are other retail units further up the street, they are small units and do not have big deliveries.
- Tonyrefail has a daytime economy with only a few food and retail outlets open later.
- There are elderly residents and young families, whose quality of life will be affected.
- The retail outlets are likely to be part of a national chain and queries are raised over the size of lorries and delivery times.
- Delivery lorries may access the site in the early morning or late at night.
- Queries are raised whether noise impact studies have been undertaken and this has not been addressed in the application.
- Also, what measures will be put in place regarding noise, dust and other nuisances during construction?

Litter problems / Pollution

- A real problem already occurs with food outlets / take-aways in Tonyrefail.
- There is already a problem with smells and other pollution from other take-aways and this will be exacerbated.
- Queries are raised over the facilities for the disposal of food waste – there is already a vermin problem in the area.
- Currently the area is not lit by street lights, however any additional street lamps to light the access road and retail units may cause light pollution.

Loss of privacy and impact on amenities

- Location of the access road opposite existing residential properties may affect privacy.
- The use of the existing access road is limited, however there will be a substantial increase from early morning to late night and existing front windows overlooked.
- There will also be an increase in people congregating in the area outside residential properties.

Flooding Issues

- The site is next to a river which frequently floods the access road in periods of high rainfall.
- Littering may also result in issues with the river and culvert being blocked.
- Queries raised over the impact on and management of the river.

Design Issues

- Properties in the area are of a traditional appearance.
- The modern design proposed is not in keeping with the locality.

Need for the development

- Whilst it is understood that the land was acquired for housing development, queries are raised over who is going to gain from this proposal.
- The residents of Mill Street / Prichard Street will be blighted by such a development.
- It would take footfall from existing businesses in Tonyrefail, leaving existing commercial areas vacant and falling into disrepair.
- For people who can't drive the existing shops are essential and could never compete with a retail park.
- The existing shops would miss the passing trade and are already suffering from the loss of the banks and post office, as people spend their money elsewhere.
- If the petrol station closed, the nearest would be in Talbot Green, Tonypany or Blackmill, the journeys to which would have an environmental impact.
- It's like Tonyrefail has been put on a life support machine – pass this application and RCT will be turning this machine off.
- The increased traffic problems and littering would impact on the wider community.
- When shops shut in the town they will become boarded up and a hive for anti-social behaviour.
- The 20 expected low pay / zero-hour jobs to be created will lead to 30+ jobs lost in the town.
- The emergency services already have a nightmare getting through Mill Street when needed.
- The people in Tonyrefail do not want this development to go ahead, surely a new health centre and extra parking would be a better plan to adopt.

CONSULTATION

Transportation Section – initially raised an objection to the application primarily due to concerns raised regarding the junction of the proposed access. However following the consideration and assessment of further information submitted, officers have raised no objections to the application subject to the imposition of a number of conditions, including one requiring that a new roundabout is constructed at the junction of the application site with Mill Street prior to development commencing that will cater for the traffic requirements of the proposed development and that of any future development.

Natural Resources Wales - it is identified that the application site lies partially within Zone C2 and that the FCA accompanying the application identifies that the buildings and car parking areas are predicted to be flood free. The access road is within the predicted 0.1% (1 in 1000 year) annual probability fluvial flood outlines, however following the submission of further information confirming that only small sections of the road are proposed to be raised above the existing level, it has been confirmed that the impact of this raising will be minimal and has therefore no objection is raised from a flood risk perspective.

Dwr Cymru / Welsh Water - has raised no objection but has requested conditions to require the submission of a drainage scheme and that no foul and surface water and land drainage is allowed to connect with the public sewerage system. The site is also

crossed by a public sewer and further advice is therefore provided regarding the location of any operational development within the site.

Wales and West Utilities - has raised no objection, but has identified the presence of their infrastructure in the vicinity of the application site and it is confirmed that other infrastructure may not be shown but should be anticipated and safe digging practices are therefore recommended.

Western Power Distribution – has raised no objections, but has advised that an application to WPD would be required for a new connection or service diversion.

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

South Wales Fire and Rescue Authority – has raised no objections but has advised that the developer should consider the need for the provision of adequate water supplies on the site for fire-fighting purposes and access for emergency fire-fighting appliances.

Countryside, Landscape and Ecology Section - the Council's Ecologist has raised no objection and has identified that the ecology impacts appear minimal, however the site is adjacent to habitat which may be of more ecological value and therefore a condition is requested to require the provision of a scheme of ecological mitigation.

Land Reclamation and Engineering Section – has raised no objections to the proposal subject to conditions requiring the submission of drainage details and a hydrological impact assessment. The works will also require a separate Ordinary Watercourse Consent from the authority.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located within the Southern Strategy Area and within the defined settlement boundary. The application boundary lies within an allocation for new retail development under Policy SSA15.3 and also forms part of a comprehensive development of land east of Mill Street that will include 185 new dwellings (Policies SSA10.6 and SSA10.9). Land to the west, but outside of the application site, forms part of a Site of Importance for Nature Conservation (SINC AW 8.92) and is also located within a C2 Flood Zone.

Policy CS2 – advises that in the Southern Strategy Area, emphasis will be on sustainable growth, focusing development within defined settlement boundaries and promoting the reuse of under used and previously developed land and buildings. This will also be achieved by realising the importance of the Principal Towns and Key Settlements as areas of social and economic growth and providing opportunities for significant inwards investment in sustainable locations.

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

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

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

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

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

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

Policy SSA4 – proposals for commercial development within the Key Settlement of Tonyrefail will be permitted where the development reinforces its roles as a Key Settlement, is of a high standard of design, integrates positively with existing development.

Policy SSA10.6 - provides for residential development at Land East of Mill Street, Tonyrefail (100 dwellings).

Policy SSA5.3 - in accordance with policy CS 7, land is allocated in the Southern Strategy Area for retail development at Land East of Mill Street Tonyrefail (2000 m²).

SPG - Nature Conservation

SPG - Design and Placemaking

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

SPG - Employment and Skills

National Guidance

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

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 (Wales) 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 - Strategic and Spatial Choices (good design making better places, sustainable management of natural resources, accessibility, supporting infrastructure);

Chapter 4 - Active and Social Places (community facilities and recreational spaces);

Chapter 5 - Productive and Enterprising Places (economic development, reducing energy demand and use of energy efficiency);

Chapter 6 - Distinctive and Natural Places (landscape, biodiversity and ecological network, air quality and soundscape and lighting).

Paragraph 4.3.2 advises that:

'Retail and commercial centres should be identified in development plans and include established city, town, district, local, village and neighbourhood centres, which provide a range of shopping, commercial and leisure opportunities as well as places of employment, education, civic identity and social interaction.'

Paragraph 5.3.10 goes on to advise that:

At any location, traffic flow and safety can be assisted by good junction design. The number of accesses permitted will depend upon the type and nature of the road. Similarly, the type of access provided should reflect the type of road and the volume and character of traffic likely to use the access and the road. '

Paragraph 6.4.3 also confirms that:

Development plan strategies, policies and development proposals must consider the need to:

Safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them...'

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 15: Development and Flood Risk

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development.

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.

Principle of the proposed development

The application site is located within the settlement boundary of Tonyrefail, where new development is subject to assessment against a number of policy constraints. Both local and national planning policy support a presumption in favour of sustainable development and see the planning system as the key to providing for society's future needs. The core strategy Policy CS 2 of the Rhondda Cynon Taf Local Development Plan (LDP) relating to development in the south, places an emphasis on providing sustainable growth and identifies the promotion the reuse of under used and previously developed land as one of the means of achieving this. In this case, the application proposes the redevelopment of an area of land previously used for a community / institutional use (non-political club) and as such, is considered to comply with this core strategy, as well as the general presumption for developing previously developed land contained in other local and national policies.

In identifying sites in sustainable locations, Policy AW 2 also sets out a number of criteria to be taken in account including supporting locations that are within the settlement boundary, have good accessibility by a range of sustainable transport options and have good access to key services and facilities. The site is within the settlement boundary where it is accessible by foot and public transport and also forms part of a larger site allocated for retail and housing in the LDP and as such, is considered to comply with Policy AW2

In respect of the specific LDP allocation under Policies SSA 15.3 and SSA 10.6, this relates to circa 100 dwellings and 2000 sq.m of retail floorspace and it is therefore considered that the current proposal which is for a total of 763 sq.m of floorspace is in conformity with the principles and strategy set out in the LDP. Whilst it is acknowledged that the retail element of the allocation was for 2000 sq.m of retail floorspace and it was previously envisaged that the site would accommodate a small local supermarket, given the more recent changes in the retail market, it is considered that the current proposal (763 sq.m) is appropriate for the Key Settlement and retail centre of Tonyrefail and in accordance with Policy SSA 15.3 of the LDP. It is also considered that the retail development proposed and associated access works could also act as a catalyst for the housing element of the allocation to come forward. It is therefore concluded that the proposed development will make a valuable contribution to the retail offer of Tonyrefail and that the principal of the development is therefore acceptable.

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

Access and highway safety

The application is accompanied by a Transport Assessment (TA) which provides details of the proposed access and parking arrangements required in association with

the proposed development. This identifies that as the Council's SPG sets a threshold of >2000 sq.m for a such an Assessment, the report provides more information than would otherwise be required, however it is recognised that due to the Council's aspirations regarding the wider site, it is considered appropriate that the Highways Authority is well informed in relation to the existing highway network capacity. The Assessment identifies the pedestrian, cycling and public transport opportunities, concluding that the site is in a highly sustainable location and therefore compliant with local and national planning policy.

The scheme proposes that the existing adopted highway leading from Mill Street and some of the surrounding land within the applicant's ownership is used to provide a T-junction arrangement which, subject to various safety and accessibility enhancements, is considered sufficient to serve the proposed development. The Transport Assessment acknowledges that the Highways Authority would prefer a mini roundabout in this location if the wider strategic site development or link road materialise, however, based on the analysis carried out, it is suggested by the applicant that a T-junction would be acceptable in terms of highway capacity and safety for the retail development proposed.

The TA also includes a preliminary design for the junction including vision splays of 2.4m x 41m in each direction and 40 metres of double yellow lining (no waiting at any time) to the north and south of Mill Street. Provision of delivery vehicles is also provided in the form of swept path analysis for a large rigid delivery vehicle and stage 1 Road Safety Audit (RSA) for the proposed T-junction. In relation to provision for pedestrians and cyclists, the new access road includes 2m wide footways either side of the carriageway with dropped curbs and tactile paving crossing points. The submitted details also suggest that the requirement for a Travel Plan by condition would also maximise sustainable travel for staff and that the applicant would also be willing to contribute towards wider transport improvements in order to meet the Council's emerging LDP aspirations. It is confirmed that parking provision has been provided in accordance with the Council's SPG requirements with the provision of 26 non-operations car parking spaces being provided. Four additional parking spaces are shown to be provided located to the south of the internal access road to accommodate the parking which will be displaced from Mill Street and two operational parking bays and 10 cycle parking spaces are also provided. The TA concludes that the proposed development will have a negligible impact on the highway network and therefore complies with transport policy at a local and national level.

Following an initial objection raised by the Council's Transport Section to the scheme and in particular, to the proposed T-junction access arrangements, further Transport Notes and amended drawings have been prepared by the applicant's Transport Consultant and, having considered this additional information, a number of concerns continue to be raised. Transport Section consider firstly that the red line boundary identifying the application site does not include the full area required to construct the proposed access road from Mill Street and other highway or private land may be required, making the scheme undeliverable. This issue was raised with the applicant when the application was first received, however it was confirmed that the land outside of the red edging was highway land and no works were proposed that required planning consent.

It is also considered by Transport Section that the simple T-junction proposed at Mill Street to serve the proposed retail development (in addition to future residential development and the extension of the access road to form a link road to bypass Tonyrefail town centre) gives serious cause for concern. It has been confirmed that side road traffic from the retail development alone exceeds the 300 trip level which would require the provision of a right turning lane at the junction, however there is no space available to accommodate such provision. The junction geometry is considered to be severely sub-standard in terms of the horizontal alignment on approach and junction radii to cater for all types of commercial vehicles such as 12m long rigid HGV as well as 16.5m articulated lorries (the vehicles likely to serve this type of development) and there is insufficient information to demonstrate that the vertical and horizontal alignment of the proposed access road will not adversely impact on the ability to construct any future extension of a link road to bypass Tonyrefail town centre and residential development.

Whilst the proposals indicate the building out of the kerb line and narrowing of Mill Street at the proposed junction, the swept paths of 10.4m rigid chassis vehicles indicate that there would be significant overrunning of the centreline of Mill Street and the proposed access road. The new junction must also accommodate the maximum permissible rigid chassis vehicle with a length of 12 m and articulated vehicle (16.5m length), in order to accommodate future residential traffic and lorries and buses diverted by completion of the link road. (Although it is acknowledged that there are currently no firm proposals for this link road, but it is essential that any proposals do not prejudice the ability to provide this road).

The vision splays of 2.4m by 40m which are proposed are in accordance with TAN 18, however this would rely on the provision of prohibition of parking to maintain adequate vision. This gives serious cause for concern due to the high demand for on street parking at this location which would be increased by the loss of on street parking resulting in indiscriminate parking obscuring junction visibility. Whilst it is noted that the TA states that enforcement would be a matter for the authority, it is considered that it would not be possible to provide the level of enforcement required to ensure that the vision splays were kept clear at all times. The reliance on prohibition of parking markings to ensure highway safety is also not considered acceptable and the resulting removal of on street parking from Mill Street and require public consultation and therefore may not be deliverable.

The trip generation provided within the TA is considered acceptable and residential trip generation has been addressed within Transport Note TN02 to account for residential development SSA 10.6 and 10.9. Although it is indicated that the proposed retail element of 762m² would be the total retail development deliverable under SSA 15.3 (1238m² retail), however, the potential traffic that could use the link road if constructed has not been assessed which gives major cause for concern in terms of capacity, operation and safety of the junctions, in particular the proposed sub-standard junction off Mill Street. It is also considered that limited consideration has been given to the provision of safe and satisfactory access for pedestrians and cyclists in compliance with Active Travel (Wales) Act 2013 and Planning Policy Wales 10th Edition to encourage sustainable modes of travel.

The current application submission, whilst being accompanied by a detailed Transport Assessment and having been supported by additional information has continued to

raise a number of concerns with the Transport Section. Whilst being supportive of the principal of the development, it is considered that the provision of a roundabout to serve the new junction arrangement would be necessary in order to make the scheme acceptable in highway safety terms. Having given further consideration to the nature of this amendments, it has been concluded that this could be secured by means of a 'Grampian style' condition, through which details of the highway improvements, including the provision of a roundabout at the new junction with Mill Street could be required. Members will be aware that such negatively phrased conditions, which require that development is not carried out until certain works have been carried out on land that is not in the control of the applicant, are often used in circumstances such as this and such an approach is also supported in national guidance contained within Circular WGC 016/2014 – The Use of Planning Conditions for Development Management.

In response to this suggestion, the applicant's agent has raised a number of further issues regarding the latest Highways consultation response and considers that there is no reasoned justification for requiring a roundabout. It is highlighted that this solution requires third party land and considers that it is not lawful for the Council to impose a Grampian style condition on land outside of the applicant's control. Reference is made to the general advice contained within the Circular, that planning conditions should not be imposed on land that is not under the control of the applicant. No reference has however been made to specific reference contained within the Circular regarding Grampian conditions which, by reference to relevant case law, confirms that a condition can be negatively phrased to prevent development until certain works have been carried out on the land. One of the example conditions provided within the Circular which requires no development to commence until the local sewerage infrastructure system has been upgraded is not dissimilar to what is being requested in this case by the Highways Section. Furthermore, the Circular advises that such conditions should not be imposed if there is no reasonable prospect of the required action to be carried out and the applicant's agent has highlighted that a roundabout arrangement would involve third part land. It is understood however that the land that would be affected is either highways land, or owned by someone who has an interest in bringing forward and developing the remaining allocation to the east and officers have therefore concluded that a reasonable prospect exist of the roundabout being delivered.

The applicant's agent has also requested that the application is reported to Committee without the suggested conditions being imposed and it is advised that if the application were to be subsequently refused, an appeal would be lodged to enable the reasonableness of the Council's position to be independently scrutinised. Whilst it is acknowledged that there remains a fundamental disagreement over the new junction arrangements, it is not however considered that a recommendation of refusal would be the most appropriate course to take for an application which is acceptable in all other respects and can be made acceptable with the imposition of appropriate conditions. Furthermore, the applicant would have the right of appeal to the Planning Inspectorate against any conditions which they considered to be unreasonable and this would still give the applicant the opportunity of having the highways position independently reviewed.

Subject to the imposition of the highways conditions which have been recommended, it is therefore considered that the scheme would be compliant with Policy AW5 of the Local Development Plan.

Impact on the character and appearance of the area

The main application site is located to the east of Mill Street which is one of the main established residential streets and route through Tonyrefail, which also has a petrol filling station opposite the site entrance and other commercial premises (Western Power compound) in the immediate locality. The wider area is also characterised by a mixture of residential properties, with more retail premises along Mill Street to the north leading up to the High Street and land to the south and east accommodates a number of allotments and agricultural land.

As the site previously accommodated a community facility (non-political club), residential properties backing onto the site would have experienced some noise and activity associated with this previous use. Whilst it is acknowledged that the proposed development will also be more visually prominent and the required access arrangements will result in the site entrance being opened up, it is not considered that the introduction of these new retail facilities will detract from the character or appearance of the area, particularly. As identified earlier, the scheme is considered to be compliant with the LDP Policy SSA15.3 for retail use and the development will result in less floor space than that which was allocated (2000 sq.m).

The layout of the scheme is considered acceptable given the constraints which existing surrounding the site and is considered to comprise an appropriate development in the context of the remaining LDP allocation which is anticipated to come forward in the future. The two single storey buildings proposed are considered to be of an appropriate design and appearance and whilst modern in appearance, it is considered that the external finish of the buildings in brick with reconstituted stone features and pitched roof finished in cement fibre slate will be acceptable in this location. The remaining external areas which will accommodate the access point, car parking spaces and servicing areas are shown to be finished in tarmac and block paving, however the scheme also includes new turfed and landscaped areas around the perimeter of the site.

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

Impact on Residential Amenity

It is not considered that the proposed development will result in an unacceptable impact on nearby residential properties, although it is acknowledged that a number of issues relating to amenity have been raised through the public consultation process including the creation of a new access point and parking issues, the creation of noise, dust litter and pollution, design issues and loss of privacy and amenity.

In respect of the issues raised in relation to the proposed new access point onto Mill Street it is acknowledged that Mill Street is already congested and has a number of

access points leading onto it. The constraints that exist have however been acknowledged by the Transport Section and taken into account in providing comments in relation to the application. Whilst it is accepted that the new access arrangements will not resolve all of the existing difficulties which exist, the detail that will be required to be put in place, including the provision of a new roundabout, should ensure that the proposed development can be accommodated without having a significant impact on nearby residential properties. Similarly, it is acknowledged that the proposed scheme will result in the loss of a number of on street spaces over which the Transport Section have raised some concerns, however the current scheme proposes to accommodate 4 spaces within the site to the rear of residential properties in Mill Street. Whilst this will not replace all of the spaces that are likely to be lost, any new junction arrangement in this location required to facilitate the LDP allocation would have this effect and on balance, the provision of 4 alternative spaces is considered acceptable.

In respect of noise, dust and other pollution issues raised, it is acknowledged that residents may experience some noise and disturbance issues during the construction process, however these issues are able to be controlled under legislation and any loss in amenity is expected to be temporary. Whilst no hours of opening hours are included within the application details, it is considered that it would be appropriate to restrict the hours of opening of all of the units and associated deliveries and an appropriate condition is therefore proposed to address this. It is acknowledged that the location of the new access and development will result in more activity, both in terms of vehicular and pedestrian activity in the area, however the proposed new buildings and associated car park is a similar distance from existing residential properties as the former non-political club building and the proposed development is not therefore likely to create an increase in activity that would be significantly harmful, particularly when considering the close proximity of the site to other retail units in Mill Street.

Whilst the issue of flooding has been raised, the details submitted have been considered by both the Council's Drainage Section and NRW and no objections have been raised. It is acknowledged that the proposed development is of a modern appearance, however the site forms the entrance to the wider land allocation where housing schemes are anticipated to be brought forward in the future and it is therefore considered appropriate that the development has a modern appearance. Furthermore, the proposed external appearance of the units in brick with reconstituted stone features and cement fibre slate roofs will not look out of place with surrounding development. Finally, whilst a number of objections have queried the need for the development, this issues would have been considered at the time the LDP was prepared and it has been concluded that a larger retail allocation (up to 2000 sq.m) could be accommodated without having an adverse impact on the existing town centre. It is therefore concluded that the proposal complies with Policy AW5 of the Local Development Plan.

Other Issues

Drainage and flooding

The application is accompanied by a Flood Consequences Assessment (FCA), which identifies the applicant's proposed intentions for the foul and surface water drainage systems to serve the proposed development. This identifies that the proposed finished floor levels will be 125.60m AOD which is higher than the current flood levels of 125m

AOD. Whilst the proposed access is within the flood zone, there will be no commercial development in this location. It is identified that whilst the NRW flood map highlights areas of the development to be at surface water flood risk, surface water will be managed through a new drainage system with attenuation measures to enable it to discharge to the existing watercourse at the northern boundary of the site. Furthermore, the culvert under the site access will be constructed to ensure that there are no changes to the flow within the watercourse.

The Land Reclamation and Engineering Section have not raised any issues in relation to the proposed drainage strategy for the development, subject to the imposition of appropriate conditions to require the submission of a detailed scheme. The response from NRW also confirms that following an initial query raised regarding the potential raising of the access road and the receipt of further information from the applicant confirming that only small sections of the road were proposed to be raised above the existing level and relating to the culvert capacity to demonstrate that the new culvert will not cause an increase in flood risk elsewhere, no objections are raised. Subject to appropriate conditions, it has therefore been concluded that the proposed development is acceptable from a land drainage and flood risk perspective and that the development complies with Policy AW10 of the LDP.

Public Health and Protection

In considering public health issues arising from the proposed development, two issues have been identified, namely the implications of the ground investigations carried out on developing the site and the impact of potential contamination which may exist within the site and the proposed A3 uses in terms of odour and noise control.

The response from the Public Health and Protection Section has identified that as a result of the location of the site within 250m of a landfill site, it is recommended that a condition is attached to deal with any contamination which may have occurred in the intervening period. In relation to the other A3 uses, it is recommended that conditions are imposed to ensure that odour and noise from exhaust ventilation systems are satisfactorily controlled and to prevent waste cooking products from entering the foul drainage system.

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

Ecology

In relation to the ecological impact of the scheme, the application is accompanied by a Preliminary Ecological Appraisal, which was undertaken in order to identify whether the application site included any habitat which would support protected species. The report concludes that the majority of the site comprised areas of tarmac and hardcore that previously accommodated the former working men's club and no protected species were found within the site. It is identified that the site is however located within 500m of 'Rhis Tonyrefail' Site of Special Scientific Interest (SSSI) and it is suggested

that through a series of appropriate steps and mitigations, the effect of the operations on the SSSI and on other habitats and species can be made negligible

The Council's Ecologist has confirmed that as site is adjacent to habitat which may be of more ecological value, a condition should require the provision of details of a scheme of ecological mitigation as set out in section 4 of the report. Subject to the imposition of a suitable condition, it is therefore considered that the requirements of Policy AW8 of the LDP will be satisfied.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended). The application constitutes Class A1 retail development creating over 100 sq.m of floor space, where there is a liability of £100/sq.m.

The CIL (including indexation) for this development is expected to be £64,195.82.

Conclusion

Having taken into account all of the issues identified above, it is considered that the proposed re-development of the site is in accordance with the LDP allocation contained within Policy AW15.3 and will generate economic growth on the site, resulting in a number of employment opportunities in local area. It complies with all relevant policies of the Local Development Plan, whilst bringing significant visual improvements to the area.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)
 - Site Location Plan P100 Rev A – January 2018
 - Proposed Site Plan P02 Rev A – November 2017
 - Proposed Ground Floor Plan P03 – November 2017
 - Proposed Roof Plan P04 – November 2017
 - Proposed Elevations 1 P05 – November 2017

and documents received by the Local Planning Authority on 23rd March 2018. unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Building operations shall not be commenced until a schedule of external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the schedule approved. .

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site

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

5. The Development hereby permitted shall not be occurred until the measures approved in the scheme (referred to in Condition 4 have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority

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

6. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a

different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

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

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

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

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

Reason: Reason: In order to protect the integrity of the foul drainage system in accordance with policy AW10 of the Rhondda Cynon Taff Local Development Plan.

9. 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

10. No building shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

11. No development should be allowed to commence until the Planning Authority has received and approved in writing a Hydrological Impact Assessment, including proposed mitigation, design details and a development program with respect to

- a) Protection of open and culverted sections of the existing watercourse during and after construction.
- b) Protection of properties downstream of the development from increased flood risk during and after construction owing to the development.
- c) Protection of properties within the development from flood risk.

Reason: To ensure that the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties and environment with respect to flood risk in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall commence until: -

(a) precise details of a roundabout, which is to be constructed at the junction of the application site with Mill Street, have been submitted to and approved in writing by the Local Planning Authority; and

(b) the roundabout has been constructed in accordance with those approved details.

Reason: To ensure that a satisfactory means of access will be provided to serve the proposal and any future development (SSA10.6 and SSA15.3), in the interests of highway safety and in accordance with Policy AW5 of the LDP.'

13. No works whatsoever shall commence on site until a Traffic Regulation Order / Notice (TRO/ Notice) in respect of the extension of parking restrictions at Mill Street has been completed to the satisfaction of the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

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

14. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the internal road layout, street lighting and surface-water drainage, highway structures and tie- in to the existing rear lane, including longitudinal sections, contoured plan and construction details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. No development shall commence on site until the adequacy of the culvert conveying the watercourse beneath the proposed access road has been assessed hydraulically and structurally and necessary strengthening or remedial works necessary to accommodate 40 tonne HA/HB loading and secure a design life of 120 years has been approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the highway structure and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. Notwithstanding the submitted layout plans, an area to accommodate a 26 car parking spaces, two commercial vehicles parking spaces and 10 cycle parking stands shall be marked up and constructed in permanent materials in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The parking spaces shall be retained in perpetuity in connection with the business unless otherwise agreed in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

17. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of displaced car parking spaces from Mill Street including, construction details have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

18. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system unless otherwise agreed in writing by the LPA.

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

19. HGV deliveries during the construction period shall take place between the hours of 09:00 and 16:30 on weekdays unless otherwise agreed with the Local Planning Authority.

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

20. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,

- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

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

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

21. Within 6 months following the implementation of this consent or first occupation of the building, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include: -

- a) Travel Plan Co-ordinator.
- b) Targets for the reduction of road traffic and single occupancy car use, the promotion and delivery of more sustainable travel such as walking, cycling, car sharing/pooling and use of public transport.
- c) Management strategy for monitoring and delivering the objectives.
- d) Review Process.
- e) Financial penalties (£376/daily trip) and fall-back position if the targets set have not been achieved.

The Travel Plan shall be implemented within one month following its approval and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

23. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or , and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

25. No development shall take place until details of the a scheme of ecological mitigation as set out in section 4 of the report '[Land behind] Mill Street, Tonyrefail, RCT – Preliminary Ecological Appraisal Report – Feb 2008, Building Ecology Consulting' has been submitted to and approved in writing by the Local Planning Authority. The development of the site shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan

26. The development hereby approved shall not be open to the public or receive any deliveries used except between the hours of:

06:00 and 23:00 hours daily.

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

=====