RHONDDA CYNON TAF

PLANNING & DEVELOPMENT COMMITTEE

19 SEPTEMBER 2019

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO:	18/1090/10 **(CHJ)**
APPLICANT:	**Mr P Mortimer**
DEVELOPMENT:	Construction of 20no industrial starter and hybrid industrial/office units incorporating B1 (Business), B2 (General Industrial) and B8 (Storage & Distribution) class uses (Additional information received 15/07/2019)
LOCATION:	**LAND AT WELLINGTON STREET, ROBERTSTOWN, ABERDARE**
DATE REGISTERED:	**15/07/2019**
ELECTORAL DIVISION:	**Aberdare West/Llwydcoed**

RECOMMENDATION: Approve subject to Conditions

REASONS: The proposal will bring a beneficial and much sought after use to a vacant and overgrown area of land in addition to it being a significant investment in the continued economic prosperity of Aberdare Town Centre and its environs.

The proposal is broadly in accord with the allocation in the Local Development Plan although the built development does result in some minor additional increases in flooding in an extreme event. However, it is considered that the risk associated with the increased flooding is acceptable although it is fully acknowledged that NRW have objected to the development.

REASONS THAT THE APPLICATION IS REPORTED TO COMMITTEE

The nature and scale of the application is such that it is not a candidate to be determined under the Scheme of Delegation (the Council is the applicant / developer).

APPLICATION DETAILS

The application proposes the construction of 20 “starter units” – that is to say that the units will be suitable to accommodate and incubate both established businesses looking to relocate to new premises but especially the new and fledgling businesses looking to establish themselves within a commercial market.

The units are arranged in three banks of four units, two banks of three units and one bank of two units. All of the banks run parallel to each other.

Two vehicular access roads are proposed off Wellington Street – one at the northern (north-western) end of the site and one from the south (south-eastern) end. Once within the site, vehicles are served from a linear estate road with a series of cul-de-sacs serving each respective bank of units. Parking to serve each bank is located within each cul-de-sac with the design of each enabling access and egress in a forward gear (thereby minimising the need for any vehicle to reverse out onto the estate road or onto Wellington Street).

As well as the plans and drawings, the applicant has also submitted a

- PAC Report,
- Flood Consequences Assessment (FCA),
- Coal Mining Risk Assessment (CMRA),
- Transport Assessment (TA) and a
- Baseline Ecological Assessment

In addition, the applicant has also commissioned a short “fly-by” animation which will be available as part of the Committee presentation material and is a useful tool in helping to visualise how the development would look after construction.

While the overall design of the units is the same, there are subtle variations in the size (width) of each unit to accommodate different business needs. The partition walling has been designed so as to enable further modification as businesses grow or contract.

The applicant proposes to offer the units for B1 (Light Industry), B2 (General Industry) and B8 (Storage and Distribution) uses within the 1987 Town & Country Planning (Use Classes) Order. Committee is advised that most industrial estates / business parks throughout the County Borough (and across the country) have this “standard” range of uses.

Committee is advised that this designation will not preclude other uses from seeking to locate there however, it may be that planning permission will be required so that any implications (positive or negative) can be identified.

SITE APPRAISAL

The application site is a linear strip of land bordered by Wellington Street and the (former) mineral railway line on its longest sides and the Coleg y Cymoedd car park and the residential properties of Bridge Street on its shorter sides.

The land is predominantly flat in profile (but with some significant localised undulations) and is characterised by self-seeded trees and bushes. An area of Japanese Knotweed sits within the centre of the site. Parts of the site have been partially cleared (and the Japanese Knotweed area fenced-off) to enable site investigations to take place.

The site is located within an area of “High Risk” from past coal mining activity which statutorily required the submission of a Coal Mining Risk Assessment (CMRA) as part of the application. The site is nearly all located within a C2 Flood Zone and required the submission of a Flood Consequence Assessment (FCA) - although Committee is advised that the proposed uses **do not fall within the “highly vulnerable” category**.

Access to the site can be made from both the north and the south. Access from the north is made via the railway crossing and through the existing industrial buildings and residential streets. Access from the south is made from the town centre / Cwmbach and Abernant past the Railway Station and Coleg Y Cymoedd.

The wider area itself is characterised by a mix of uses including the residential streets of Robertstown, a furniture warehouse, Coleg y Cymoedd (and associated car parking), and Aberdare Railway Station.

Aberdare Town Centre, Aberdare Community School and the Sports Complex are located a short distance to the east. Members may recall an application several years ago for a supermarket on an area of land opposite (and partially including) the application site. The application was approved but has never been constructed and consent has now lapsed.

CONSULTATION

In addition to the PUBLICITY exercise (below) the following were also consulted as part of the proposal. A brief précis of replies have been included for Committee’s information and consideration:

RCT Transportation – no objections subject to conditions
RCT Drainage – no objection subject to conditions
RCT Public Health & Protection – no objections
RCT Countryside – no objections
NRW – “object” in respect to the implications of flooding *
Welsh Water/Dwr Cymru – no objections subject to conditions
Utilities Providers (Gas & Electricity) – advise on the location of their respective apparatus.
Fire Service – no objections but provide “standard” advice
Coal Authority – no objections
Police Authority – welcome the site will be to a “Secure by Design” standard
Network Rail – no objection subject to conditions.

*A copy of the NRW consultation response has been included as APPENDIX 1

Committee is advised that, in the interests of consistency, the same organisations were consulted as part of this application as were consulted as part of the PAC.

PUBLICITY

Committee is advised that the scale of this development required the applicant to undertake a Pre-Application Consultation (PAC) procedure. Committee is also advised

that, in the interests of consistency, the same residential properties were consulted as part of this application as were consulted as part of the PAC.

As part of this application a total of 90 properties were notified by letter of the proposal in addition to notices being placed on and in the vicinity of the site and in the press (Western Mail).

A further public consultation (including site notices) was carried out upon receipt of an amended FCA.

As a result of these exercises 4 individual letters were received. In addition, a 21 name petition from 13 individual properties in Bridge Street and Orchard Drive was also received.

The material planning considerations in the responses can be summarised as follows;

- The area floods already and this development must not make it worse. The application site acts as a "soakaway" and its development will reduce its ability to perform this function.

- There is a concern over the ability of the site to accommodate all of the vehicular activity associated with it (deliveries, visitors, customers, workers, etc.)

- There is concern about the development being accessed from Wellington Street through the residential area of Robertstown and that access should be made from the "Tesco Roundabout".

- Some concerns do not relate to the development of the units, *per se,* but is critical of the location of the vehicular access into the site being so close to a "dangerous bend" and also that the additional traffic caused by the development will result in both highway safety issues and a loss of amenity.

PLANNING HISTORY

There is no planning history of direct relevance to the consideration / determination of this application although Committee is reminded of the application for a supermarket on land opposite which did encompass part of this site. That consent has now expired

POLICY CONTEXT

The application site is:

- within the settlement boundary of the Principal Town of Aberdare;
- part of Strategic Site NSA7.

The adjoining former mineral railway is identified for rail network improvements which may, in the future include the extension of the passenger line service up to Hirwaun.

The application site is part of an area of 3.7 hectares (gross) allocated for "employment and leisure" development.

The application site is (virtually) wholly within a C2 flood risk zone.

Core Policies

Policy CS1 emphasises building strong, sustainable communities in the Northern Strategy Area, by means that include:

- Promoting commercial development in locations that support the principal towns (1);
- Promoting re-use of under-used and previously developed land and buildings (3);
- Promoting large-scale regeneration schemes in Aberdare (4).

Policy CS3 allocates land for development at 8 strategic sites, including Robertstown / Abernant. Development must have regard to the Indicative Concept Plans.

Paragraph 4.36 states that the proposals for the Robertstown / Abernant Strategic Sites are 500-600 dwellings and employment / leisure (3.7 hectares).

Area Wide Policies

Policy AW2 promotes development in sustainable locations, which include those:

- That accord with policy NSA12 (settlement boundaries) (1),
- Have good accessibility by a range of transport modes (3),
- Where development in a Zone C2 floodplain has been justified (5),
- That support Principal Towns (6), and
- That support development of the strategic sites (7).

Policy AW4 provides for planning obligations to be sought to make proposals acceptable in land use terms.

Policies AW5 and AW 6 give general criteria for new development.

Policy AW10 states that development will not be permitted where it would cause or result in unacceptable environmental risk, including flooding.

Strategy Area Policies

Policy NSA7 allocates the Robertstown / Abernant Strategic Site for 500-600 dwellings, 3.7 hectares of employment / leisure, a new primary school, a medical centre and associated informal amenity space in a parkland setting.

Policy NSA22 proposes rail network improvements, affecting the mineral railway adjacent to the application site.

SPG

- Design & Placemaking

- Planning Obligations
- Delivering Placemaking – Access, Circulation & Parking Requirements

Planning Policy Wales (Edition 10) paragraphs:

1.11 – 1.17 – criteria for sustainable development.

3.3 – promotes good design.

Figure 7 & paragraphs 3.5 - 3.18 – explains the objectives of good design.

3.51 – promotes the re-use of previously developed (brownfield) land wherever possible, in preference to Greenfield sites.

4.1.11 – 4.1.17 – requires the use of a Sustainable Transport Hierarchy in proposals for new development.

4.1.39 – encourages planning authorities to seek a minimum of 10% of car parking spaces to have ULEV charging points for new non-residential development. The paragraph gives criteria for how many ULEV charging points should be sought.

5.3 – Transport infrastructure and new development

5.4 – Economic development

5.4.4 – Wherever possible, planning authorities should encourage and support development which generate economic prosperity and regeneration.

5.4.15 – *Whilst employment and residential uses can be compatible, planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.*

6.6.17 - New developments where the area covered by construction work equals or exceeds 100 square metres require approval from the Local Authority's SuDS Approval Body (SAB) before construction can commence.

6.6.22 - 6.6.29 – development management and flood risk

6.9.16 – 6.9.21 – development management and contaminated land

6.9.22 - 6.9.28 – development management and physical ground conditions and land instability

TAN 15 – Development and Flood Risk

REASONS FOR REACHING THE DECISION

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 planning considerations indicate otherwise*.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material planning consideration justify the grant of planning permission.

The principal issues in the consideration of this application are (in no particular order) flood risk, highway safety, its allocation in the LDP and compatibility of the proposed use with other uses in the area, ecology and visual amenity. Other issues include proximity to a railway line and the presence of Japanese Knotweed. Committee is advised that "flood risk" is, perhaps, the most important consideration (and most complex) in the determination of this application.

The application is **RECOMMENDED** for **APPROVAL** subject to the inclusion of appropriate conditions.

If Committee is minded to approve the application in accordance with the **RECOMMENDATION** it will be necessary to include a time limit for the consent to be implemented (this is a requirement of ALL consents).

There would not appear to be any considerations that suggest that a shorter or longer period is warranted therefore, it is reasonable to add the "standard" condition which allows 5 years – although this will not preclude commencement of the scheme immediately upon discharging any "pre-commencement" conditions (and any other consents or permits required outside of the Planning system).

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

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

It is also a requirement to list the documents and plans that formed part of the application – these used to be referred to (and stamped) as "approved plans" but in more recent times where there is less reliance on paper copies and the use of ink stamps, and the modern equivalent is to list the individual documents. Where there are multiple documents (as in this case) it is normal to condition a letter from the applicant where such plans and documents are listed. If Committee is minded to approve the application, the following condition is proposed:

Condition: The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority and listed in the letters from Darnton B3 and JBA Consultants dated 23 August 2019 and 02 September 2019 respectively unless otherwise to be approved and superseded by details required by any other condition attached to this consent..

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

Ecology (including invasive species)

As part of the application process the applicant has submitted an Ecological Assessment. It concluded that the site was home to species that require mitigation (nesting birds, reptiles, invasive plants, etc.) and supported a habitat of local ecology value.

It also concluded that the site does not achieve SINC (a **S**ite of **I**mportance for **N**ature **C**onservation) status nor does it have any ecological features that cannot be adequately mitigated or require a species licence.

The Council's Ecologist is satisfied with the extent of the survey work and agrees with its conclusions.

The Ecology surveys identified a series of mitigation recommendations in relation to controlled site clearance. Site clearance to remove nesting bird habitat and reptile translocation were completed in the Autumn of 2018. The area of Japanese knotweed has been fenced off and has been undergoing treatment to ensure its control before construction works commence. It is understood that the Knotweed will be removed from site rather than treated in-situ.

The Ecology reports notes that while much mitigation has been completed, a "watching" programme is required to oversee re-growth of any nesting bird habitat, the maintenance of reptile mitigation, invasive plant control (Japanese knotweed) and the details of "bat-sensitive" lighting, landscaping and bird and bat box provision in the new buildings.

Accordingly, no objections are raised and the following condition is proposed in respect of the provision of a wildlife protection plan:

Condition: No development shall take place until a Wildlife Protection Plan has been submitted and approved in writing by the Local Planning Authority. The plan shall include:

a) An appropriate scale plan showing "Protection Zones" where construction activities are restricted and where protective measures will be installed or implemented;
b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed
d) Details of specific species and habitat mitigation measures for key species including maintenance of reptile mitigation, watching brief regarding nesting bird habitat, details of bat and bird boxes and ecologically sensitive landscaping
e) Details of bat sensitive lighting proposals
f) Invasive plant control; and

Persons responsible for:
i) Compliance with legal consents relating to nature conservation;
ii) Compliance with planning conditions relating to nature conservation

iii) Installation of physical protection measures and management during construction;
iv) Implementation of sensitive working practices during construction;
v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
vi) Specific species and Habitat Mitigation measures
vii) Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan 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.

Flood Risk

a) NRW Consultation Response

Committee is asked to have particular regard to the potential of increased flood risk as a result of the development.

As part of the consultation process, NRW have **objected** in respect of the proposal. **A copy of their full consultation response has been included as APPENDIX 1.**

NRW have stated that they object to the proposed development "*as it has not been demonstrated that the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15".* Committee is advised that the applicant (through advice received from their flood consultants - JBA) disagrees with this opinion and that the risks associated with the development are acceptable.

In reaching a decision, Committee will need to balance these opposing views and decide whether such "risk" is acceptable.

NRWs principal (and principle) concern is that the whole site is not designed to be flood free during a 1:100 year (plus climate change) flood event and, the development would result in an increase in flood risk elsewhere – outside of the development site.

During the application process, NRW expressed some concern over the "robustness" of the model submitted to them by the applicant's consultants. There was, and still is, an element of professional disagreement over the information that was required to be submitted and the conclusions that have been drawn from this information. While there is, inevitably, some scope for alternative views in any professional assessment, the applicant was strongly advised to instruct their consultants to carry out whatever work NRW required/requested. In the NRW response (APPENDIX 1) reference is made to their "*detailed comments on the flood modelling*" that were attached to their consultation response. Committee is advised that this is a technical working paper that steered the FCA through its various iterations up to the point where NRW have now accepted the model (of predicted flooding events) and that the applicant has also

considered the possibility of a 1/3 and 2/3 blockage scenario of the 3-arch railway bridge downstream of Wellington Street. The paper hasn't been appended to this report however Members will have received a copy by e-mail as a background paper. Committee is also advised that both this and the NRW consultation response are in the "public domain" and have been added to the documents that support the application and are available on the Council's web-site.

NRW confirm that the application site lies "*almost entirely*" within the C2 zone with the risk of flooding coming from the proximity of the site to the Afon / River Cynon.

NRW acknowledge that the industrial buildings will be raised so as to be above the predicted 1:100 year (+ CC) event although concern is expressed that the areas surrounding the units (internal access roads and car parking) are predicted to be at risk from flooding in the same event. The FCA indicates that these levels can be up to 0.6m (24 inches). NRW advise that the Flood Hazard Rating for the site is shown to be "danger to some" in the north of the site increasing to "danger to most" in the south. NRW state that the maximum velocity of the flood waters is 2.21 m/s (just under 5 mph) but do acknowledge that they are generally less than 0.4 m/s (less than 1 mph) across the site.

NRW also advise that the buildings are designed to be flood free during a 1:1000 year event but, again, the areas surrounding the units are predicted to flood with flood depths on the access road and within the site predicted to be between 0.42m (16 ½ inches) and 0.63m (24 ¾ inches) respectively. In such an event the Flood Hazard Rating is "danger to most" with velocities generally at 0.4 m/s (less than 1 mph) rising to 0.6 m/s (just over 1 mph).

The external access from Wellington Street would flood to depths between 0.1 (4 inches) and 0.3m (12 inches) during a 1:100 year (+ CC) event and between 0.3m (12 inches) and 0.6m (24 inches) during a 1:1000 year event.

NRW also express concern over the impact of flood risk elsewhere (off the site). They advise that during the 1:100 year (+ CC) event there is an increase in flood depth of 0.04 metres (just over 1 ½ inches) on the railway line to the west of the development with the adjacent road (A4959) increasing by 0.08m (just over 3 inches). NRW advise that "*these areas are already at risk of flooding during this event with flood depths ranging from 300-900mm. We note that there would be no change in flood hazard rating for these area".* (Committee is advised that 300mm-900mm is approximately 12 inches and 36 inches respectively).

During a 1:1000 year flood event, NRW advise that "*its impact on flood risk elsewhere is more widespread with large areas to the east of the site experiencing increases in flood depth ranging from 9mm – 50mm. We note that there is no change in hazard rating for these areas*" (Committee is advised that 9mm – 50mm is approximately less than half an inch to 2 inches respectively). It is as a result of this increase in flooding off site that the development is not in line with Section A1.12 of TAN 15. NRW conclude by stating;

"In summary, the whole site is not designed to be flood free during a 1 in 100 year plus climate change flood event (without blockage) and the development

would result in an increase in flood risk elsewhere, outside of the development site."

In their consultation response, NRW state: "….. *it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding."*

(a) Consideration of the Flood Risk

In respect of flooding generally, employment uses are considered to be 'less vulnerable' uses for TAN 15 purposes, but must pass the justification test in TAN 15 (para. 6.2) which states:-

"*New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied recognising, however that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-*

- *Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or local authority strategy required to sustain an existing settlement;* ***or***

- *Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;*

and

- *It concurs with the aims of PPW and meets the needs of previously developed land and,*

- *The potential consequences of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 & 7 and appendix 1 found to be acceptable."*

In this case, the proposal can clearly be seen to be part of the Council's initiative to regenerate Aberdare, and also forms part of the LDP strategy (since 2011) to sustain a Principal Town in the Northern Strategy Area.

The proposal also concurs with the aims of PPW to promote economic development.

New employment development would actively contribute to the implementation of proposals for a strategic site in a Principal Town in the Northern Strategy area of Rhondda Cynon Taf and would complement other recent investment in the strategic site by Coleg y Cymoedd and in the Sobell site and the town centre by the Council.

In light of the above comments it is clear that the proposal is entirely in accord with the aims, objectives and policies within the LDP and should be afforded considerable weight within the decision making process.

The site has been formally identified for development for the last 8 years (since the adoption of the LDP) with aspirations for the site being included within earlier draft stages of the LDP from 2006 onwards. The previous use of the land (as railway sidings) is such that it is considered that it meets the definition of brownfield development (previously developed land) as set out in PPW10.

In light of the above, i**t is considered that the "justification test" set out in TAN 15 is therefore clearly met, provided that the FCA submitted in conjunction with the application is considered acceptable in accordance with Section 7 and Appendix 1 of TAN 15.**

Appendix 1 of TAN 15 advises that "*Any new development on a flood plain will generally result in additional risks. The main criteria for deciding whether such a development is acceptable will depend on whether those factors can be effectively managed"*

It further advises "*To satisfy these criteria a site should only be considered for development if the following conditions can be satisfied;*

- *Flood defences must be shown by the developer to be structurally adequate under extreme overtopping conditions*
- *The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with the Environment Agency (NRW now)*
- *The developer must ensure that future occupiers of development are aware of the flooding risks and consequences*
- *Effective flood warnings are provided at the site*
- *Escape/evacuation routes are shown by the developer to be operational under all conditions*
- *Flood emergency plans and procedures produced by the developer must be in place*
- *The development is designed by the developer to allow the occupier of the facility for rapid movements of goods/possessions to areas away from the floodwaters*
- *Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood*
- *No flooding elsewhere*

Responsibility for satisfying the above criteria primarily will be the developer".

In respect of this proposal, Members are advised that in reaching a decision Committee need to (a) acknowledge that the development **does not comply** with TAN15, (b) accept that **there are risks** in approving the development and (c) **be**

satisfied that these risks are acceptable taking into account all other material planning considerations.

Committee is advised that approving any development that is contrary to TAN15 should never be taken lightly, **however desirable the proposed development may be**, especially as the Council are also the applicants.

In respect of the potential of the site to flood or cause flooding elsewhere, the applicant commissioned a Flood Consequence Assessment (FCA).

This report provides a brief summary explaining the impact of the proposed industrial/commercial development on land in and around Wellington Street and further afield*. Detailed information can be found in the FCA and the supplementary documents provided in support of the FCA – all of which were sent to NRW as part of the application process.

*Committee is advised that the metric measurements are correct and the imperial measurements have been included for convenience but have been "rounded" for ease of understanding. Buildings A-F (referred to below) are identified in the plan below.

The site is located within Flood Zone 3, as is much of the surrounding land to the north and east. The FCA determined that it has a "negligible impact" on the majority of the town, although there is some detriment on roads and the railway line, however the maximum "off-site" increase in flood depth is approximately 0.06m (2 1/3 inches).

The proposed development site is shown to flood during a 1 in 100-year flood event with an adaption for climate change during both the "pre" and "post" development flood scenarios.

During the 1:100 year plus climate change "pre-development" scenario the flood depths on site predominantly remain below 0.1m (4 inches). The topography of the site is as not flat as it may appear. Areas of raised ground to the north of the site are "flood free", while flood depths increase to between 0.1m-0.3m (4 inches - 2 inches) and a maximum depth of approximately 0.6m (24 inches) at the southern boundary.

Maximum water levels on the site reach approximately 128.2m AOD* (Above Ordnance Datum) in the north west corner.

During the **post-development** scenario, the ground directly around the two buildings located towards the north of the site (A & B) remains dry, with low level flooding of between 0.04m (just over 1 ½ inches) and 0.09m (just over 3 ½ inches) within the vicinity of buildings C and D. Some slightly deeper areas of flooding were identified due to low points in the existing site topography. The two buildings towards the south of the site are surrounded by flood water but again, depths remain low - between 0.19 and 0.35m (7 ½ inches to 13 ¾ inches). Water levels reach approximately 127.10m AOD at the south of the site and 128.25m AOD at the north*.

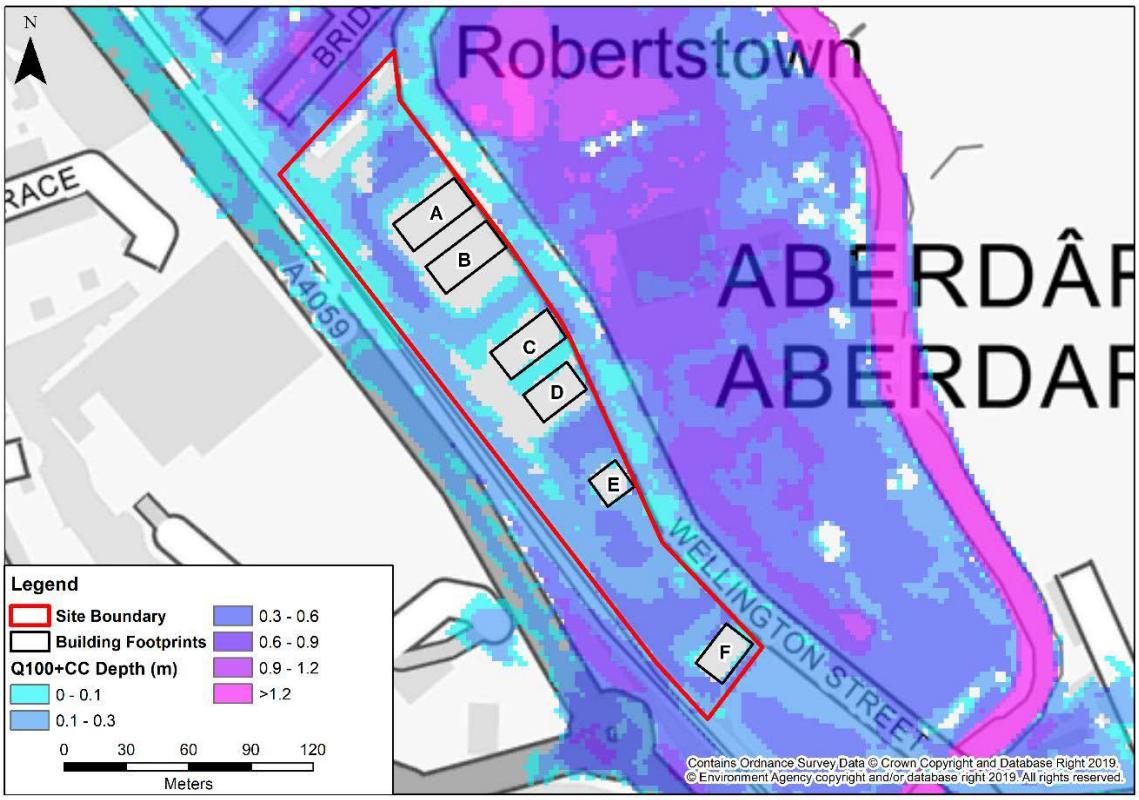
*Committee is advised that AOD means **A**bove **O**rdnance **D**atum and is a measurement taken from the sea level in Newlyn, Cornwall and is the recognised British scale for measuring height "above sea level".

The table below provides a comparison of the water level and depth data during the 1:100 year plus climate change and the 1:1000 year events at different locations around the site and compares both "pre" and "post" development scenarios. As the topography of the site will be altered as a result of the development, in some cases the depth of flooding on site appears reduces while the water level increases. Committee is advised that the change in water levels on the site is minimal, with some instances of reduced water levels due to the change in flow route as a result iof the development.

Table 1-1 Water level and depth comparison

Location		Flood Event	Pre-development		Post-development		Change in water level (m)
			Depth (m)	Level (mAOD)	Depth (m)	Level (mAOD)	
1.	North of site (NW corner)	100 yr +CC	0.04	128.00	0.04	127.99	-0.01
		1000 yr	0.13	128.09	0.15	128.11	0.02
2.	North of site (north of building A)	100 yr +CC	0.21	127.71	0.09	127.95	0.24
		1000 yr	0.52	128.02	0.28	128.14	0.12
3.	South of site (west of building F)	100 yr +CC	0.33	126.97	0.31	126.95	-0.02
		1000 yr	0.58	127.22	0.53	127.18	-0.04
4.	South of site (north of building F)	100 yr +CC	0.39	127.01	0.18	127.06	0.05
		1000 yr	0.63	127.25	0.41	127.29	0.04

*In addition to the depth of water, the speed at which it flows is also an important factor. Velocities are expressed in metres-per-second (m/s) but for Member's understanding are also shown in miles-per-hour (mph).



Maximum flood water velocities at the site are generally low, remaining less than 0.4m/s (0.89 mph) during the 1% AEP event plus climate change and are marginally higher during the 0.1% AEP event. During this event velocities mainly remain below

0.4m/s throughout the site but are shown to increase to approximately 0.6m/s (1.3 mph) toward the western boundary for a short period around the flood peak which occurs 5 hours into the simulation. This increase in velocity is located away from the site access and as such will not impede safe evacuation from the site if necessary.

The post-development flood risk is clearly identified and discussed in the FCA and determines that the development has negligible impact on the surrounding flood risk. To minimise any impact on third parties, raising of the whole site was not considered appropriate and only site-levelling and selective raising of each building was proposed. The development does not change flood frequency, extent or flood hazard, and will only have negligible and localised effects on flood depth within areas already flooding to significant depths. This is an important consideration in the determination of this application.

The areas of residential development located around the proposed development site, including areas of land directly to the north are not shown to suffer from any significant (or "reportable") changes in flood depth (+/- 5mm) as a result of the development.

Table 1-2 (below) provides a comparison of the water level and depth data at different locations on the railway line and A4059, which run along the western boundary of the site, during the 1 in 100-year (plus climate change) and 1 in 1000-year events (as identified in Figure 1-2).

Again, this data shows that there is very little change in water levels between the pre and post-development scenarios. The change in flood depth is shown to be greatest at the more northerly sample locations (locations 1 & 3) where flood depths are generally lower, remaining at ~0.32m (12 ½ inches) along the railway line and ~0.38m (15 inches) on the road during the 1 in 1000-year post-development scenario. The more southern locations (locations 2 & 4), which are approximately 150m further south show no change in water levels as a result of the development during the 1 in 100-year (plus climate change) event and a small reduction in water levels during the 1 in 1000-year event. As flood depths are most significant at the southern locations, it is here that any increase would have most effect; triggering road and rail closures. As the proposals have no negative effects in this area it can be concluded that the proposals will not increase the flood risk on the road and rail network or the frequency or timing of the road and rail closures that will be necessary in any case.

Location	Flood Event	Pre-development		Post-development		Change in water level (m)
		Depth (m)	Level (mAOD)	Depth (m)	Level (mAOD)	
1. Railway line to west of development	100 yr +CC	0.05	127.53	0.13	127.62	0.09
	1000 yr	0.17	127.65	0.32	127.81	0.16
2. Railway line to west of development	100 yr +CC	0.34	126.96	0.33	126.96	0.00
	1000 yr	0.60	127.22	0.58	127.20	-0.02
3. A4059 to the west of the development	100 yr +CC	0.15	127.61	0.18	127.64	0.03
	1000 yr	0.25	127.71	0.38	127.84	0.13
4. A4059 to the west of the development	100 yr +CC	0.48	126.79	0.48	126.79	0.00
	1000 yr	0.74	127.06	0.73	127.04	-0.02

Table 1-2 Water level and depth comparison

With regard to how quickly the area will flood, the “flow routes” and “time to peak” are very similar for both the 0.1% and 1%+CC simulations. During the 0.1% AEP **pre-development** scenario, flood water breaches the banks of the Afon Cynon to the east of the proposed development approximately 2 3/4 hours into the simulation and travels in a westerly direction towards the site. Water fills the area of vacant land to the east, before crossing Wellington Street and entering the site from the south at 3 ½ hours. There is also a breach of the channel to the north of the proposed development which floods the surrounding streets before entering the site from the north. The peak flood depths experienced on the proposed development site occur approximately 5 hours into the simulation.

In respect of the time it will take for the flooding to disburse, by the 6th hour of the simulation, flood waters start to recede and are shown to slowly dissipate. Within 8 hours, the flood waters are significantly lower and have predominantly drained from the proposed development site. In summary, flooding is relatively rapid but will be short lived.

The roads serving the site are liable to flooding. It is ALWAYS advisable that nobody drives through flood water unless absolutely necessary. In such cases, it is difficult to judge the depth of these waters and the possible presence of hidden dangers such as lifted manholes and other obstacles.

There is some debate about the depth of water that could be considered “safe” to drive through but, generally, depths of up to approximately 0.3m (12 inches) are considered safe for all vehicles. Depths up to 0.6m (24 inches) are typically safe for emergency vehicles. TAN15 (Development and Flood Risk) states that (A1.15) the maximum acceptable flood depth for residential property access is 0.6m (24 inches) and 1.0m (39 inches) for industrial development. However, as any danger from flood water is a function of BOTH flood depth and velocity, the UK Flood Hazard Rating System offers a more meaningful measure of danger posed by flood water. In reaching its recommendations, the FCA submitted as part of the application, provides a detailed account of the flood depths, velocities and hazard.

Wellington Street, which runs along the eastern boundary of the site is shown to flood to shallow depths of approximately 0.3m (12 inches) during the 1%AEP+CC event, increasing to 0.4m (16 inches) during the 0.1%AEP event. Travelling down Wellington Street in a south easterly direction to the junction with Abernant Road, which experiences similarly shallow flood depths, provides a means of evacuation in the event of a flood.

Committee is also advised that the area benefits from an Active Flood Warning Service (Afon / River Cynon at Aberdare) which aims to provide two hours of advance warning of flooding to enable “dry evacuation”. Should evacuation not occur, peak depths are not experienced until approximately 5 hours into the flood event.

In considering the “risks” associated with locating a development within a flood plain, Committee is advised that the applicant has prepared a “Flood Action Plan”. This has been developed and adopted to ensure appropriate action is taken in the event of a flood warning being issued and includes a hierarchy of actions which propose:

- Evacuation ahead of flooding.
- Stay put during short period of flooding (less than 3hrs) in flood free buildings.
- Evacuation down partially flooded Wellington Street only if essential

Committee is also advised that the core text of TAN-15 (Section 7.3) states that development should have "***minimal*** *impact of the proposed development on flood risk generally*". JBA (the applicant's FCA consultants) have advised that Section A1.12 is "additional guidance" and should therefore not carry the same weight as the core text. It is a matter for Committee to decide how much weight should be given to the "core text" and "additional guidance".

NRW's 'Guidance Note: Modelling for Flood Consequence Assessments' provides guidance on the measurable limits of hydraulic models. It goes on to explain that in cases where changes in model outputs are greater than the recommended measurable limit "*all appropriate evidence must be provided within the FCA to enable NRW to advise the LPA on the merits and acceptability of the development proposal in comparison to any demonstrated increased flood risk elsewhere. The FCA must therefore clearly identify the residual increase in flood risk elsewhere and provide comprehensive detail on depth, velocity, rate of rise, speed of inundation and /or extent and the number and type of property and/or infrastructure affected*." Section 4.5.4 of the FCA (pages 23-27) reports on third party impacts in considerable detail in order to allow the Council (as LPA) to reach an informed decision. However, in the opinion of the applicant's consultants, NRW have not justified their advice to the LPA why the very small increases in flood depths largely limited to the 0.1% AEP constitute an increase in <u>flood risk</u> per Section 7.3 of TAN-15.

The applicant's FCA consultants clearly maintain that the development **does not change flood frequency, extent or flood hazard, and will have only negligible and localised effects on flood depths within areas already flooding to significant depths**.

In light of the above it is considered that the risks associated with this development are relatively minor and have been mitigated as far as possible. The applicants (the Council) have a clear plan in the event of a flood and NRWs "early warning" system should provide sufficient time to prepare for such an event so that any risk to life and limb is minimised.

While acknowledging NRWs objection in respect of the development's performance against TAN15 it is considered that it is in accordance with Policy AW2 of the Rhondda Cynon Taf Local Development Plan and that the risks associated with the development are both limited and acceptable.

<u>The allocation within the LDP and compatibility of the proposed use with other uses in the area (including proximity to the rail line)</u>

The application site is part of an area of 3.7 hectares (gross) allocated for "employment and leisure" development.

The proposal for the construction of industrial / business units is entirely compatible with the LDP allocation and, during its preparation, was subject to extensive consultation and scrutiny before its adoption and ascendance to the status of the Council's Policy.

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 planning considerations indicate otherwise*. In the determination of this application, there is a strong presumption in favour of the development.

Should Committee not wish to approve the application then it would need to cite the material considerations that indicate otherwise (for example; flood risk could be such a consideration).

The site is a relatively flat, overgrown, elongated area of approximately 1.75 hectares. It has a long frontage to Wellington Street, which has connections at both ends to the A4059, which in turn connects to the A465 and A470 trunk roads. Aberdare railway station with its park and ride car park is approximately 330 metres south of the site.

The new Aberdare campus of Coleg y Cymoedd, comprising 5,875 square metres of floor-space and 133 car parking spaces, was completed in 2017 on a site approximately 100 metres south of the site. The buildings have been set above predicted flood levels and part of the site has been lowered for flood water storage.

Directly opposite the site in Wellington Street, the Universal Furnishings shop, factory and adjoining land had outline planning permission for redevelopment to provide a retail food store (5,410 square metre gross floor-space), a petrol filling station and 325 parking spaces. Planning permission for this development expired on 31st March 2018. The proposals included the lowering of a substantial proportion of the site for flood water storage, and a flood water conveyance ditch along the Wellington Street frontage.

The former mineral railway alongside the site was used to transport coal from Tower Colliery and is subject to the potential to extend passenger rail services to Hirwaun, although the newly appointed rail franchisee has no immediate plans to offer this service. That said, no part of this development would prevent that service from being provided in the future.

Network Rail have been consulted in respect of this application and have not offered any objections although Committee is advised that developments in the vicinity of railway lines are often subject to safeguards which restrict any developer locating buildings or structures within an exclusion zone from the track (which is the case in this development). A copy of the Network Rail requirements have been forwarded to the applicant however it is not considered that these are reasonably required as part of the Planning process.

It is considered that the proposals for B1, B2 and B8 employment uses are compatible with the LDP strategic site allocation, which envisages employment and commercial leisure development on this land.

The units are in relatively close proximity to some residential properties and it is possible for some uses, especially within the B2 (General Industry) Use Class, to be a potential for nuisance – especially if operated on a 24 hour a day basis - although it is possible for uses within the B1 Use Class to operate at all times of day without causing any disruption.

Committee is advised that a balance needs to be reached where the commercial necessities are flexible enough to nurture and expand new business but with safeguards built in to help protect those residents that live in close proximity. It would therefore seem reasonable to include a condition that restricts the use of any unit such that they may not operate outside of the hours of 0600 - 2100 hours unless a noise survey is submitted which would demonstrate that the nature of the use would not give rise to any undue nuisance. Committee is advised that this condition would be in addition to any rights that may exist under Public Health & Protection legislation (Statutory Nuisance) that seeks to protect residential amenity. Similarly, it is considered necessary to include other conditions to help protect residential amenity including hours of construction, the use of external lighting at the site and how the site will drain both foul and surface water.

Condition: The uses hereby permitted shall not operate outside the hours of 0600 and 2100 hours Monday to Saturday unless written consent is given by the Local Planning Authority. Any authorisation will be given in association with a formal written request containing a noise survey (prepared by a suitably qualified person) that concludes that the nature and duration of the uses within the respective unit will not give rise noise such as to cause any problems for nearby residents.

Any written consent from the Local Planning Authority shall be limited to that company applying for such consent and shall expire upon cessation of that use at the unit.

Reason: To ensure that the noise emitted from the development is not a source of nuisance to occupants of nearby residential properties in accordance with AW10 of the Rhondda Cynon Taf Local Development Plan.

Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no external lighting shall be erected or installed unless details have first been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To prevent light pollution and to protect the amenities of neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

Condition: 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;

- ***the means of access into the site for all construction traffic,***
- ***the parking of vehicles of site operatives and visitors,***
- ***the management of vehicular and pedestrian traffic,***
- ***loading and unloading of plant and materials,***
- ***storage of plant and materials used in constructing the development,***
- ***wheel cleansing facilities,***
- ***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.

Condition: Construction works on the development shall not take place other than during the following times:

- ***Monday to Friday 0800-1800 hours***
- ***Saturday 0800-1300 hours***
- ***Not at any time on Sundays or Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.***

Reason: To ensure that the noise emitted from the construction of this development is not a source of nuisance to occupiers of nearby residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

Condition: No development shall take place until the drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. No unit 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.

<u>Visual Amenity (including Design and Placemaking)</u>
As part of the application, the applicant has prepared a Design and Access Statement.

A Design and Access (DAS) statement is a short report accompanying and supporting a planning application. It provides a framework for applicants to explain how a proposed development is a suitable response to the site and its setting, and demonstrate that it can be adequately accessed by prospective users.

A DAS must explain the design principles and concepts that have been applied to the development. It must also demonstrate how the proposed development's context has influenced the design. The Statement must explain the applicant's approach to access and how relevant Local Plan policies have been taken into account, any consultation undertaken in relation to access issues, and how the outcome of this consultation has informed the proposed development. Applicants must also explain how any specific issues which might affect access to the proposed development have been addressed.

The application site sits within a prominent location. It is close to Aberdare Town Centre, the Railway Station and Coleg Y Cymoedd and, as such will be viewed by large numbers of people coming to the town. The site also sits close to a number of residential properties, the outlook from which will be less transitory than visitors and will be a permanent feature within everyday life so it is important that the design of the units and the layout of the site provides an attractive backdrop so as not to be detrimental to the standards of visual amenity that occupiers of these properties can reasonably expect to enjoy.

The applicant has proposed a design and layout that is considered appropriate. The layout helps to reduce the mass of the development and there are large spaces between the built development within which the use of soft landscaping can add character and interest. The units are of an interesting design with a "cat-slide" type roof that adds interest when viewed from walking, cycling or driving along Wellington Street and the use of appropriate cladding softened by planting is considered both attractive and interesting with a change of seasons.

While it is acknowledged that the development of industrial or business units brings with it a necessity for an utilitarian design (they primarily need to be functional for prospective tenants) it is not to say that it cannot be attractive through the use of appropriate materials and both hard and soft landscaping with an appropriate means of enclosure (if proposed). Accordingly it is considered necessary to add the following conditions.

Condition: Prior to the commencement of built development, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to, and approved in writing by, the Local Planning Authority.

The boundary treatment shall be completed in accordance with any approval and prior to the first beneficial occupation of the development.

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

Condition: Prior to the commencement of any built development a comprehensive scheme of landscaping (both "hard" and "soft") shall be submitted to, and approved in writing by, the Local Planning Authority.

The approved "hard" landscaping scheme shall be carried out prior to the first beneficial occupation of any unit. The "soft" landscaping shall be carried out no later than the first planting season following the first beneficial use of the units

and retained thereafter. 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 available planting season, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the proposed development will be acceptable in this prominent location in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Condition: Notwithstanding the details submitted and prior to incorporation into the building hereby approved, samples of all external finish materials shall be submitted to, and approved in writing by, the Local Planning Authority. The building shall be constructed in accordance with the materials as approved.

Reason: To ensure that the appearance of the proposed development will be acceptable in this prominent location in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Condition: There shall be no outside storage whatsoever on the site unless it is otherwise screened in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority.

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

Transportation and Highway Safety

The proposed development is served via Wellington Street which, from the technical advice received from the Council's Transportation Section, has sufficient carriageway width to serve the proposed development.

There are a number of existing industrial units served off Wellington Street as well as the recently constructed Coleg y Cymoedd.

There is some concern regarding the location of the northern vehicular access point off Wellington Street with regards the forward visibility around the existing road bend. This concern has also been expressed by some residents of the area. As part of the proposal, and in an attempt to allay these concerns, the applicant has proposed extending the TRO (Traffic Regulation Order) that are in place and provide speed humps thereby reducing vehicular speeds to (in the region of) 20 mph. This can be conditioned accordingly. Similarly, a condition requiring the submission of technical details in respect of both the existing and proposed highways is proposed.

Condition: Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering design and details of the road layout, traffic calming along Wellington Street, footpath links, street lighting, surface water drainage and any highway structures including longitudinal and cross

sections have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved engineering to the satisfaction of the Local Planning Authority.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety, in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Condition: The development shall not be occupied until a scheme for traffic calming and measures for the prevention of parking along Wellington Street is submitted to, and approved in writing by, the Local Planning Authority The scheme shall be implemented in accordance with any approval prior to the first beneficial occupation of any unit.

Reason: To ensure deliverability of Traffic Management measures and restrictions in the interests of highway safety, in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

The location of the site access junctions have a 15 metre junction radii, 2.4m X 56m vision splays, 7.3m wide carriageway and 2m wide footways which is considered acceptable for safe vehicular and pedestrian movements.

The internal access and circulation with a 7.3m wide access road and space within the shared yard areas for all types of vehicle to access / egress each cul-de-sac. Internally vehicular access and circulation is also considered acceptable.

All junctions internally and out onto Wellington Street will require appropriate junction road markings which is capable of being conditioned as part of the full engineering design and detail.

Pedestrian Access

The proposal will increase pedestrian movement along Wellington Street in both directions to and from the proposed units. The pedestrian footway fronting the site is 1.8 m which is considered acceptable. The footways within the site are 2.0m wide in compliance with Manual for Streets, which is also acceptable.

Parking SPG Access, Circulation & Parking 2011.

The Council's Transportation Section has advised that the proposed 20 industrial units with mixed use B1, B2 and B8 requires the following off-street car parking provision.

B1 class (c)
B2 2 car parking spaces & 1 van Space.
B8 1 Per 80m^2 with 35% GFA for circulatory space.

Use Class		**Required**	**Proposed**	**Difference**
B1 Class (c)	**Light Industry**	40 car spaces 20 van Spaces	43 car parking spaces	+ 3 car spaces 20 van spaces

B2	**Gen Ind**	40 car spaces 20 van Spaces	43 car parking spaces	+ 3 car spaces - 20 van spaces
B8	**Storage / Distribution**	40 spaces 35% GFA Circulatory space	43 car parking spaces and satisfactory circulation	+ 3 car spaces and satisfactory circulatory space.

As above table 1 indicates that the proposed level of off-street car parking is in accordance with the SPG (Access, Circulation & Parking 2011).

The car parking as set out in the Transport Assessment does not take into account that B1 use could potentially be office / business which states 1 space per 22.5m^2 GFA. Should the full use class B1 be sought the off-street car parking provided would be substantially short.

The applicant has indicated in the revised Transport Assessment that office use would not be provided within the site and therefore the proposed off-street car parking is acceptable.

However, there is concern that, should on-street car parking take place, this would be to the front on Wellington Street which serves a number of industrial units and on this basis the existing TRO preventing on-street parking (double yellow lines) should be extended past the northern junction which would also protect the proposed visibility splays from the proposed junction.

Sustainable Development

To promote sustainable modes of travel and to reduce reliance on the private motor vehicle the Transportation Section have advised that a secure cycle parking facility should be provided in accordance with the Council's SPG (Access, Circulation & Parking 2011). The proposed is well located with access to National Cycle Network (NCN) Route 478 passes within close proximity of the site. This is a regional cycle route which runs between the Taff Trail (NCN8) at Abercynon to the south and the Heads of the Valleys (NCN46) at Hirwaun to the north. Whether it is likely that visitors to the site will actually arrive by cycle is questionable, however the provision of secure parking is seen to encourage cycling as a means of transport and is contained in the Council's own guidance and encouraged as part of PPW and the Well Being of Future Generations Act. Members are advised that this provision *is* a material planning consideration although probably of limited weight to the consideration of other, more likely, means of transport.

Wellington Street (fronting the site) is a bus route. There are no dedicated bus stops for staff and customers located within the vicinity of the site. In order to promote sustainable modes of travel the Transportation Section have advised that the developer should provide two bus stops (one on both side of Wellington Street) to include a flag, pole, raised border kerbing and shelters for use by able and less-able bodied pedestrians. A condition to secure this provision is proposed.

There are (at the time of writing the report) 16 buses between the hours of 8:00am and 19:00pm to and from Wellington Street in the vicinity of the site which would promote sustainable modes of travel and encourage able and less-able bodied pedestrians to use public transport and, on this basis, a condition requiring this bus stop provision has been included.

Condition: Notwithstanding the submitted layout plan, no works shall commence on site until the design and construction details of two bus stops in the vicinity of the site have been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented in accordance with any approval prior to beneficial occupation of the first unit.

Reason: To promote sustainable mode of travel and to mitigate the impact of the proposal on the existing highway network.

In addition to the provision of bus stops, PPW (Edition 10, December 2018) requires that a minimum of 10% of car parking spaces in non-residential developments have ULEV (**U**ltra **L**ow Emission **V**ehicles) charging points. While this doesn't do anything to reduce the number of vehicles using the site it does encourage the use of electric vehicles thereby reducing both noise and emissions.

Condition: Notwithstanding the details shown on the approved plans, a minimum of 10% of the car / vehicle parking spaces shall be suitable for charging ULEV vehicles. The charging points shall be fully operational for such time as the development is in beneficial use.

Reason: To comply with the requirements of PPW 10 and to help reduce the amount of noise and pollutants at the site.

The proposal is located in close proximity to both bus and rail stations with safe pedestrian routes to both. Aberdare Town Centre is a short walk to the proposed development which offers a variety of local facilities and, on this basis, the proposal is acceptable.

<u>Travel Plan</u>

The applicant has also submitted a Travel Plan the contents of which is considered acceptable. The use of such information such as bus times, train times, cycle routes, locations and potential car sharing schemes would promote sustainable modes of travel and is also considered to be acceptable.

<u>Transport Assessment.</u>

The proposals are to accommodate up to 20 industrial units on-site for B1(c), B2 and / or B8 land uses. The Gross Floor Area (GFA) of all of the units on the site would be up to approximately 3,000 square metres (sq.m.)

The proposed development will be accessed from Wellington Street from two new priority junctions situated at either end of the site which would be connected via an internal access road.

As a broad overview the submitted TA includes the following:

- Description of the location of the site as well as a review of the existing conditions of the surrounding local highway network including access and parking, existing traffic flow patterns and highway safety;

- Review of walking and cycling routes in accordance with the Active Travel Act and analysis of the connectivity of the site with regard to local facilities, walking, cycling and public transport networks;

- Development proposals, in particular access by all modes, site design principles, car parking and servicing and delivery arrangements;

- Trip generation and distribution;

- Traffic growth factors for baseline traffic flows and committed developments;

- Analysis of the impact on the local highway network;

- Transport Implementation Strategy including mitigation measures, where required.

Traffic Flows and speed survey results.

The applicant has submitted existing traffic flows and speed survey data of the existing situation along Wellington Street the results of which are contained in Table 2 below:-

Direction	AM Peak (0800-0900)	PM Peak (1700-1800)	Weekday Average	Average Speed (mph)	85th Percentile Speed (mph)
Northbound	78	118	1047	31.3	36.7
Southbound	73	64	852	31.0	36.0
Two-Way	151	182	1900	N/A	N/A

The traffic flows on Wellington Street are between 151 and 182 two-way movements in the AM and PM peak hours and 1900 movements over a weekday average period. The survey also showed approximately 1% of the traffic flows were HGVs.

The 85th %tile vehicular speeds indicate speeds up-to 37Mph. Taking the above into consideration and the local highway network and location of the northern junction and forward visibility around the existing road bend Wellington Street would be required to be traffic calmed reducing vehicular speeds to in the region of 20Mph in the interests of safety of all highway users and can be conditioned accordingly.

Accident Data

The applicant has provided accident data supplied by the Department for Transport (DFT) which indicates there are no accident clusters within the vicinity of the site and wider highway network.

The Council has run its own accident data analysis and can confirm that there are no accident clusters within the vicinity of the site and it is not anticipated due to the limited additional traffic that the proposed development would increase the likelihood of additional accidents and therefore the proposal is acceptable.

Trip Generation and Distribution

The Trip Rate Information Computer System (TRICS) online database has been analysed for sites with similar characteristics to the proposed development site in terms of scale, location, accessibility and surrounding population numbers.

TRICS is industry standard software, used to forecast trips likely to be generated by development sites. The TRICS database predicts the likely numbers of arrivals and departures by utilising surveys of existing developments of a similar size and characteristics across the UK.

Trip rates have been obtained and applied to establish the forecast trip generation for the proposed development during peak hours and over a daily period. The generation has assumed a development of 3,000 sq.m, comprised of 20 units.

The peak hours have been calculated as 08:00 to 09:00 and 17:00 to 18:00 within the TRICS database which coincides with the network peak hours.

The vehicular trip generation for the proposed is set out in table 3 below:-

Table 3 Trip Rate Analysis

Time Period	Trip Rates (per 100 sqm)			Trip Generation (3,000 sqm)		
	ARR	DEP	TOT	ARR	DEP	TOT
AM Peak (0800-0900)	0.569	0.347	0.916	17	10	27
PM Peak (1700-1800)	0.310	0.652	0.962	9	20	29
12 Hour (0700-1900)	4.887	4.909	9.796	147	147	294

Table 3 shows that the industrial units are forecast to generate 27 two-way vehicle trips in the AM peak (0800-0900), 29 two-way vehicle trips in the PM peak (1700-1800) and 294 two-way vehicle trips over a 12 hour period (0700-1900).

The TRICS database has been used to estimate the number of HGV movements which could be associated with the proposed development. For this the OGV trip rate derived from TRICS has been applied.

The resultant trip rates and HGV trips over a 12 hour period are summarised in Table 4

Table 4

Time Period	Trip Rates (per 100 sqm)			Trip Generation (3,000 sqm)		
	ARR	DEP	TOT	ARR	DEP	TOT
12 Hour (0700-1900)	0.304	0.268	0.572	9	8	17

The TRICS analysis demonstrates that the site could be associated with around 17 HGV movements over a 12 hour period. On average, this would relate to around 1.5 HGV movements per hour across the 12 hour period. This is likely to consist of a mixture of different sized vehicles over 3.5 tonnes. This level of HGV generation is unlikely to have a material impact on the routes used to and from the site and on this basis is acceptable.

There is a broadly similar split between vehicle trips that are likely to travel north and south to and from the site.

- A4059 north – 47%
- Merion Street – 5%
- A4059 South (via Canal Road) – 5%
- A4059 South (via Abernant Road) – 38%
- Aberdare (north from Abernant Road / A4059 roundabout) – 5%

Table 5 Forecast Modal Splits.

Mode of Travel	Modal Split %			Person trips by mode		
	TRICS	Census	Adjusted	AM Peak	PM Peak	12 Hour
Public Transport	0%	9%	5%	2	2	20
Vehicle Driver	82%	59%	71%	27	29	294
Passenger	6%	11%	9%	3	4	36
Cycle	2%	2%	2%	1	1	7
Walk	4%	16%	10%	4	4	41
Other	5%	3%	4%	2	2	17
TOTAL	100%	100%	100%	39	41	415

The modal split percentages and the vehicle trip generation forecast within this analysis do not consider the reduction in car use and increase in trips by other modes which would be targeted through measures within the Travel Plan. In addition, there will be sustainable measures adopted as part of the site design to facilitate sustainable travel including the provision of cycle parking. Finally, considering the close proximity to the rail station and bus stops with frequent services the level of public transport use is considered low for users of this site. As such, the level of sustainable trips could be higher than shown in Table 5 and vehicle trips may be constrained to a lower level accordingly.

Future Year Traffic Flows.

The AM and PM peak hours on the surrounding local highway network have been assessed. These occurred between 08:00 – 09:00 and 17:00 – 18:00.

A base year assessment of 2018 has been undertaken to verify and calibrate the junction models to ensure they reflect the observed operation and queue levels as recorded within the traffic surveys.

In addition to a 2018 base year assessment, an assessment has been undertaken in 2023, being five years after the planning submission.

To take account of background traffic growth on the local highway network within the vicinity of the site between 2018 and 2023, growth factors have been applied to 2018 obtained traffic flow data.

Traffic Impacts

This section sets out the scope of the local highway network over which the impact of the proposed development has been assessed, the assessment scenarios, the results of percentage impact assessments considering all movements through each junction and a summary of the operational assessments of key junctions.

The TA considers the impact of the proposed development at the following junctions:

1. A4059 / Wellington Street Roundabout
2. A4059 / Canal Road Roundabout
3. Wellington Street / Abernant Road / Cwmbach Road Roundabout
4. A4059 / Abernant Road Roundabout (Ynys Roundabout)

As set out in Section 2, the peak hours on the network have been calculated based on the observed turning movements on the network. As such, assessments have been undertaken during the AM (08:00– 09:00) and PM (17:00-18:00) peak hours. The resultant scenarios which have been assessed within this TA are summarised as follows:

- 2018 Base
- 2023 Baseline
- 2023 Baseline + Development (with development scenario)

The Transport Statement indicates that there will be limited operational impact on the existing highway network.

Percentage Impact Assessments

An assessment has been carried out of the forecast percentage increase in traffic flows that would be associated with the proposed development. This compares the development traffic flow against the 2018 baseline position for a robust worst case analysis.

The resultant percentage increase of traffic flows through the individual junctions in the AM and PM peak periods is summarised in Table 6.

Table 6

Junction	AM Peak (0800 – 0900)			PM Peak (1700 – 1800)		
	2018 Baseline Flows	Dev Traffic Flows	Percentage Increase	2018 Baseline Flows	Dev Traffic Flows	Percentage Increase
A4059 / Wellington Street Roundabout	1822	14	0.8%	2039	15	0.7%
A4059 / Canal Road Roundabout	2057	2	0.1%	2236	1	0.0%
Wellington Street / Abernant Road / Cwmbach Road Roundabout	967	13	1.3%	1200	13	1.1%
A4059 / Abernant Road Roundabout (Ynys Roundabout)	2207	11	0.5%	2667	12	0.4%

Table 6 demonstrates that the development traffic has a minimal percentage increase in total traffic flows through a number of the junctions within the study area, even when considering against 2018 flows as a worst case. RCTCBC Transportation Section has confirmed through discussions following the pre-application consultation (PAC) submission that where increases in background traffic flows are less than 5%, junction assessments would not be required and the site would not have a material impact on the capacity of the highway.

As such, Table 6 demonstrates that the site would not have a material impact on traffic flows on the network and no junction assessments should be required.

Operational Assessments

Detailed operational assessments have been carried out to determine the potential impact of the proposed development on the capacity of the local highway network. This has been undertaken using the industry standard software package Junctions 9 as all junctions are Priority and Roundabout junctions.

The results of each junction have been set out separately and all models are considered robust due to the following:

A comparison of the 2018 base modelled queue lengths against the surveyed queue lengths has been made to assist with model validation and ensure that the model robustly represents existing conditions. It is noted that the queue lengths in both the model and from the surveys represent average conditions on one day and that there are typical daily fluctuations in queues and flows, however it is considered that this is an appropriate and accepted method to determine the impact of the development at a junction and identify potential mitigation.

The outputs of Junctions 9 provide a number of measurements to ascertain information of a junction's operation. The key measurements which are considered in this assessment are:

- 'Ratio of Flow to Capacity' (RFC)
- Maximum queue length in PCUs
- Delay in seconds per vehicle

- Level of Service indicated by a letter between A (well within capacity) and F (at or over capacity)

The main indication of the performance of a junction is given by the RFC for each lane. The peak capacity is realised when the demand flow at the entry is great enough to cause a continuous queue of vehicles to wait on approach to the stop line. This is reached when the RFC attains a value of 0.85.

When considering the change in the operation of the junctions all of these factors will be considered to form a view as to whether the impact of development generated traffic would be material and require mitigation. The tables below represent the base line (existing), 2023 forecast and 2023 plus development and the impact assessed which is acceptable.

Table 7.8: Wellington Street / Abernant Road / Cwmbach Road Roundabout Junction Analysis - 2018 Results

Arm	2018 Base							
	AM (0800-0900)				PM (1700-1800)			
	Queue (Veh)	Delay (s)	RFC	LOS	Queue (Veh)	Delay (s)	RFC	LOS
Arm A – Wellington Street	0.1	4.90	0.11	A	0.2	5.55	0.16	A
Arm B – Abernant Road (N)	0.6	8.47	0.34	A	0.4	8.58	0.31	A
Arm C – Cwmbach Road	0.9	7.14	0.45	A	0.9	7.09	0.48	A
Arm D – Abernant Road (S)	0.6	6.51	0.38	A	1.5	9.69	0.60	A

Table 7.9: Queue Length comparison - Wellington Street / Abernant Road / Cwmbach Road Roundabout

Arm	AM (0800-0900)			PM (1700-1800)		
	Observed Vehicles (Av. max)	Model vehicles	+/-	Observed Vehicles (Av. max)	Model vehicles	+/-
Arm A – Wellington Street	0.1	0.1	0	0.0	0.2	+0.2
Arm B – Abernant Road (N)	0.1	0.6	+0.5	0.8	0.4	-0.4
Arm C – Cwmbach Road	0.0	0.9	+0.9	0.3	0.9	+0.6
Arm D – Abernant Road (S)	0.1	0.6	+0.5	0.2	1.5	+1.3

Table 7.10: Wellington Street / Abernant Road / Cwmbach Road Roundabout Junction Analysis - 2023 Results (with and without development)

Arm	2023 Baseline							
	AM (0800-0900)				PM (1700-1800)			
	Queue (Veh)	Delay (s)	RFC	LOS	Queue (Veh)	Delay (s)	RFC	LOS
Arm A – Wellington Street	0.1	4.99	0.12	A	0.2	5.79	0.17	A
Arm B – Abernant Road (N)	0.6	8.89	0.37	A	0.5	9.15	0.34	A
Arm C – Cwmbach Road	1.0	7.62	0.48	A	1.0	7.60	0.51	A
Arm D – Abernant Road (S)	0.7	6.82	0.41	A	1.7	10.84	0.64	B

Arm	2023 Baseline + Development							
	AM (0800-0900)				PM (1700-1800)			
	Queue (Veh)	Delay (s)	RFC	LOS	Queue (Veh)	Delay (s)	RFC	LOS
Arm A – Wellington Street	0.2	5.08	0.12	A	0.2	5.88	0.19	A
Arm B – Abernant Road (N)	0.6	8.96	0.37	A	0.5	9.27	0.34	A
Arm C – Cwmbach Road	1.0	7.67	0.48	A	1.1	7.67	0.51	A
Arm D – Abernant Road (S)	0.7	6.92	0.42	A	1.8	10.98	0.64	B

Table 7.11: A4059 / Abernant Road Roundabout Junction Analysis - 2018 Results

Arm	2018 Base							
	AM (0800-0900)				PM (1700-1800)			
	Queue (Veh)	Delay (s)	RFC	LOS	Queue (Veh)	Delay (s)	RFC	LOS
Arm A – A4059 (N)	2.3	10.94	0.70	B	4.4	18.11	0.82	C
Arm B – Abernant Road	0.9	7.47	0.48	A	1.2	8.95	0.54	A
Arm C – Aberdare School	0.3	7.59	0.25	A	0.4	9.16	0.30	A
Arm D – A4059 (S)	0.9	4.03	0.48	A	1.1	4.27	0.53	A

Table 7.12: Queue Length comparison - A4059 / Abernant Road Roundabout

Arm	AM (0800-0900)			PM (1700-1800)		
	Observed Vehicles (Av. max)	Model vehicles	+/-	Observed Vehicles (Av. max)	Model vehicles	+/-
Arm A – A4059 (N)	0.2	2.3	+2.1	0.6	4.4	+3.8
Arm B – Abernant Road	1.1	0.9	-0.2	1.7	1.2	-0.5
Arm C – Aberdare School	0.2	0.3	+0.1	0.9	0.4	-0.5
Arm D – A4059 (S)	0.0	0.9	+0.9	0.3	1.1	+0.8

Table 7.13: A4059 / Abernant Road Roundabout Junction Analysis - 2023 Results (with and without development)

Arm	2023 Baseline							
	AM (0800-0900)				PM (1700-1800)			
	Queue (Veh)	Delay (s)	RFC	LOS	Queue (Veh)	Delay (s)	RFC	LOS
Arm A – A4059 (N)	2.9	13.10	0.75	B	6.6	25.97	0.88	D
Arm B – Abernant Road	1.1	8.51	0.52	A	1.5	10.64	0.60	B
Arm C – Aberdare School	0.4	8.42	0.29	A	0.5	10.56	0.34	B
Arm D – A4059 (S)	1.1	4.39	0.52	A	1.3	4.73	0.58	A

Arm	2023 Baseline + Development							
	AM (0800-0900)				PM (1700-1800)			
	Queue (Veh)	Delay (s)	RFC	LOS	Queue (Veh)	Delay (s)	RFC	LOS
Arm A – A4059 (N)	2.9	13.27	0.75	B	6.7	26.39	0.88	D
Arm B – Abernant Road	1.1	8.59	0.53	A	1.5	10.91	0.61	B
Arm C – Aberdare School	0.4	8.47	0.29	A	0.5	10.70	0.34	B
Arm D – A4059 (S)	1.1	4.42	0.52	A	1.4	4.76	0.58	A

There is concern that the RFC for the following 2023 baseline are above 0.85. Arm B A4059 Canal Rd Roundabout shows a RFC of 0.87 with and without development at 2023. There is concern that the projected cue length would increase with a 10 year increase to 2028 with no mitigation measures.

The RFC of Arm A (Abernant Junction) 2023 indicates a RFC of 0.88 which raises cause for concern especially given the proposed will increase with an additional 5 years up-to 2028 with no mitigation measures proposed.

<u>Transportation Section Conclusion</u>

The proposed access, parking and circulation is in accordance with current specification and the Rhondda Cynon Taf Design Guide for Residential & Commercial Estate Roads and on this basis the internal layout and new junctions onto Wellington Street are acceptable subject to a number of highway related conditions.

The developer has proposed traffic calming along Wellington Street to reduce vehicular speeds to in the region of 20 mph for the safety of all highway users and to reduce speeds around the bend at the northern access point to provide satisfactory forward visibility which is acceptable subject to detailed design and, therefore, a condition has been suggested accordingly.

The proposed development will marginally increase traffic on the local and strategic highway network. However, considering the sustainable location and provision of travel plan, cycle parking and improved public transport facilities such as bus stops on Wellington Street to encourage sustainable modes of travel, the proposal is considered acceptable

Taking the above into consideration, no highway objection is raised subject to the conditions referred to earlier in this section.

CONCLUSION

The development is in accord with the LDP allocation and, as such, the principle of which is considered to be acceptable subject, of course, to the details of the scheme.

The objections received are predominantly concerned with access into the site and general parking / operational vehicular activity. To assist Committee in deliberation, the full Transportation Section consultation response has been included. It concludes that, subject to traffic calming measures, and parking restrictions as well as the correct technical specifications to the newly created highway junctions, there is no objection to the proposal.

In matters of visual and residential amenity, the suite of proposed conditions are such that they should ensure that the development is pleasing to look at / live near and, during operation, should not be incompatible with the lives of residents living in that area.

It is suggested that the issue of “flooding” and “flood risk” is the most significant issue in the consideration of the application. Members are asked to have particular regard to the consultation response from NRW (Appendix 1). In respect of this proposal, it is advised that, in reaching a decision, Committee need to (a) acknowledge that the development **does not comply** with TAN15, (b) accept that **there are risks** in approving the development and (c) **be satisfied that these risks are acceptable** taking into account all other material planning considerations.

In reaching a decision, Committee are advised that the proposed use, while being in a C2 flood zone is **NOT** “highly vulnerable” development. It is considered that the development meets the tests contained within TAN15 however, it does result in flooding off the site (it cannot be contained within the site) so cannot comply with TAN 15. That said, it is considered that the amount of off-site flooding is minimal and unlikely to be of any greater or more significant risk than if the site was left undeveloped. The applicant has also submitted a flood risk management plan. This will be given to all tenants of the new units explaining what will happen in the event of a 1:100 (or greater) flood event so that preparations can be made. It is also considered that the time in which it takes for flooding to occur and the time it takes to disburse is

such that it will be possible for preparations to take place. It is considered that, on balance, these risks are acceptable.

The development will represent a significant investment in Robertstown and Aberdare. It is unusual for the (any) Council to be both the applicants and the subsequent landlords and it is important that applications such as this (ie. our own) are treated in exactly the same way as though a private developer was making the application. That said, the development is proposing a use that, left to its own devices, the market is not providing and considerable weight should be afforded to this. If it is successful in attracting new businesses or growing fledgling companies then it is a blueprint that can be copied in other areas of need.

In conclusion, it is considered that the proposed development is acceptable, subject to the conditions proposed.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

RECOMMENDATION: Grant

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 plans and documents received by the Local Planning Authority and listed in the letters from Darnton B3 and JBA Consultants dated 23 August 2019 and 02 September 2019 respectively unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall take place until a Wildlife Protection Plan has been submitted and approved in writing by the Local Planning Authority. The plan shall include:

   a) An appropriate scale plan showing “Protection Zones” where construction activities are restricted and where protective measures will be installed or implemented;

b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed
d) Details of specific species and habitat mitigation measures for key species including maintenance of reptile mitigation, watching brief regarding nesting bird habitat, details of bat and bird boxes and ecologically sensitive landscaping
e) Details of bat sensitive lighting proposals
f) Invasive plant control; and

Persons responsible for:
i) Compliance with legal consents relating to nature conservation;
ii) Compliance with planning conditions relating to nature conservation
iii) Installation of physical protection measures and management during construction;
iv) Implementation of sensitive working practices during construction;
v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
vi) Specific species and Habitat Mitigation measures
vii) Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan 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.

4. The uses hereby permitted shall not operate outside the hours of 0600 and 2100 hours Monday to Saturday unless written consent is given by the Local Planning Authority. Any authorisation will be given in association with a formal written request containing a noise survey (prepared by a suitably qualified person) that concludes that the nature and duration of the uses within the respective unit will not give rise noise such as to cause any problems for nearby residents.

Any written consent from the Local Planning Authority shall be limited to that company applying for such consent and shall expire upon cessation of that use at the unit.

Reason: To ensure that the noise emitted from the development is not a source of nuisance to occupants of nearby residential properties in accordance with AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no external lighting shall be erected or installed unless details

have first been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To prevent light pollution and to protect the amenities of neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. 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;

- the means of access into the site for all construction traffic,
- the parking of vehicles of site operatives and visitors,
- the management of vehicular and pedestrian traffic,
- loading and unloading of plant and materials,
- storage of plant and materials used in constructing the development,
- wheel cleansing facilities,
- 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.

7. Construction works on the development shall not take place other than during the following times:

- Monday to Friday 0800-1800 hours
- Saturday 0800-1300 hours
- Not at any time on Sundays or Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the noise emitted from the construction of this development is not a source of nuisance to occupiers of nearby residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place until the drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. No unit 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.

9. Prior to the commencement of built development, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to, and approved in writing by, the Local Planning Authority.

The boundary treatment shall be completed in accordance with any approval and prior to the first beneficial occupation of the development.

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

10. Prior to the commencement of any built development a comprehensive scheme of landscaping (both “hard” and “soft”) shall be submitted to, and approved in writing by, the Local Planning Authority.

The approved “hard” landscaping scheme shall be carried out prior to the first beneficial occupation of any unit. The “soft” landscaping shall be carried out no later than the first planting season following the first beneficial use of the units and retained thereafter. 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 available planting season, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the proposed development will be acceptable in this prominent location in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

11. Notwithstanding the details submitted and prior to incorporation into the building hereby approved, samples of all external finish materials shall be submitted to, and approved in writing by, the Local Planning Authority. The building shall be constructed in accordance with the materials as approved.

Reason: To ensure that the appearance of the proposed development will be acceptable in this prominent location in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

12. There shall be no outside storage whatsoever on the site unless it is otherwise screened in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority.

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

13. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering design and details of the road layout, traffic calming along Wellington Street, footpath links, street lighting, surface water drainage and any highway structures including longitudinal and cross sections have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in

accordance with the approved engineering to the satisfaction of the Local Planning Authority.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety, in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

14. The development shall not be occupied until a scheme for traffic calming and measures for the prevention of parking along Wellington Street is submitted to, and approved in writing by, the Local Planning Authority The scheme shall be implemented in accordance with any approval prior to the first beneficial occupation of any unit.

Reason: To ensure deliverability of Traffic Management measures and restrictions in the interests of highway safety, in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

15. Notwithstanding the submitted layout plan, no works shall commence on site until the design and construction details of two bus stops in the vicinity of the site have been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented in accordance with any approval prior to beneficial occupation of the first unit.

Reason: .To promote sustainable mode of travel and to mitigate the impact of the proposal on the existing highway network.

16. Notwithstanding the details shown on the approved plans, a minimum of 10% of the car / vehicle parking spaces shall be suitable for charging ULEV vehicles. The charging points shall be fully operational for such time as the development is in beneficial use.

Reason: To comply with the requirements of PPW 10 and to help reduce the amount of noise and pollutants at the site.

APPENDIX A

Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-99325-K3N0
Eich cyf/Your ref:18/1090/10

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Ffôn/Phone: 03000 653018

FAO: Chris Jones

3 September 2019

Annwyl Syr/Madam / Dear Sir/Madam

CONSTRUCTION OF 20 NO. INDUSTRIAL STARTER AND HYBRID INDUSTRIAL/ OFFICE UNITS INCORPORATING B1 (BUSINESS), B2 (GENERAL INDUSTRIAL) AND B8 (STORAGE & DISTRIBUTION) CLASS USES AT LAND AT WELLINGTON STREET, ROBERTSTOWN, ABERDARE

Thank you for referring us to the additional information application above, which we received on 24 June 2019.

We object to the proposed development as submitted as it has not been demonstrated that the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15.

Our advice is one of objection because the whole site is not designed to be flood free during a 1 in 100 year plus climate change flood event and the development would result in an increase in flood risk elsewhere, outside of the development site.

Flood Risk
As you are aware, the application site lies almost entirely within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Cynon, which is a designated main river.

In our previous response to your Authority dated 25 July 2019, we set out that we did not accept the hydraulic model that had been submitted in support of the application. We have now received (on 15 August 2019), and reviewed the updated flood modelling produced by JBA Consulting. All changes and points of clarification have been completed, and we

consider that the model is fit for purpose. Our detailed comments on the flood modelling are attached separately to this letter. The FCA (reference 2019s0518 - Wellington Street, Aberdare FCA v3.0.docx, dated August 2019) has been updated to reflect the changes in the modelling and together we consider they provide a good understanding of the flood risks to and from the proposed development.

The modelling and FCA have considered the potential for the 3 arch railway bridge downstream of Wellington Street to block. Two blockage scenarios have been applied for the 1% plus allowance for climate change flood event. These demonstrate that flood depths would be greater should a 33% blockage or 67% blockage of the bridge occurs during a 1% (1 in 100 year) plus an allowance for climate change event. Our detailed advice below is based on the modelling results without blockage to the bridge:

Predicted flood risk during a 1% (1 in 100 year) plus climate change event

We note the intention to raise the proposed buildings above the predicted 1% (1 in 100 year) plus an allowance for climate change and 0.1% (1 in 1000 year) flood level. The industrial units are therefore designed to be flood free during these events. However, the areas surrounding the units are predicted to be at risk of flooding during these events.

Figure 4-5 of the FCA indicates that flood depths are up to 600mm. These areas include car parking and internal access roads. The site is therefore not designed to be flood free in line with A1.14 of TAN15.

The flood hazard rating for the site is shown to be 'danger to some' in the north of the site, increasing to 'danger to most' in the south (Figure 4-11 of the FCA). The maximum velocity of flood water is 2.21 (m/s), however velocities are generally less than 0.4m/s across the site.

Predicted flood risk during a 0.1% (1 in 1000 year) event

As stated above the industrial units are designed to be flood free during 0.1% (1 in 1000 year) flood event. However, the areas surrounding the units are predicted to be at risk of flooding during this event. Flood depths within the site and access road vary. Flood depths on the access road are predicted to be 420mm, with flood depths reaching a maximum of 630mm along the south east site boundary.

The flood hazard rating for the site is shown to be 'danger to most' (Figure 4-12 of the FCA). The maximum velocity of flood water is 2.44 (m/s), however, velocities are generally less than 0.4m/s across the site, but these are shown to increase to 0.6 m/s towards the western boundary.

The external access from Wellington street would flood to depths of between 100 – 300mm during a 1% (1 in 100 year) plus an allowance for climate change event and 300 - 600mm during a 0.1% (1 in 1000 year) event.

The FCA has assessed when flood waters will reach the site. Modelled results show that at 2:45 hrs into the simulation, flood water breaches the Cynon and travels in westerly direction towards the site, it enters the site from the south at 3:30 hrs. The peak flood depths experienced on the development site occur at 5:05 hrs.

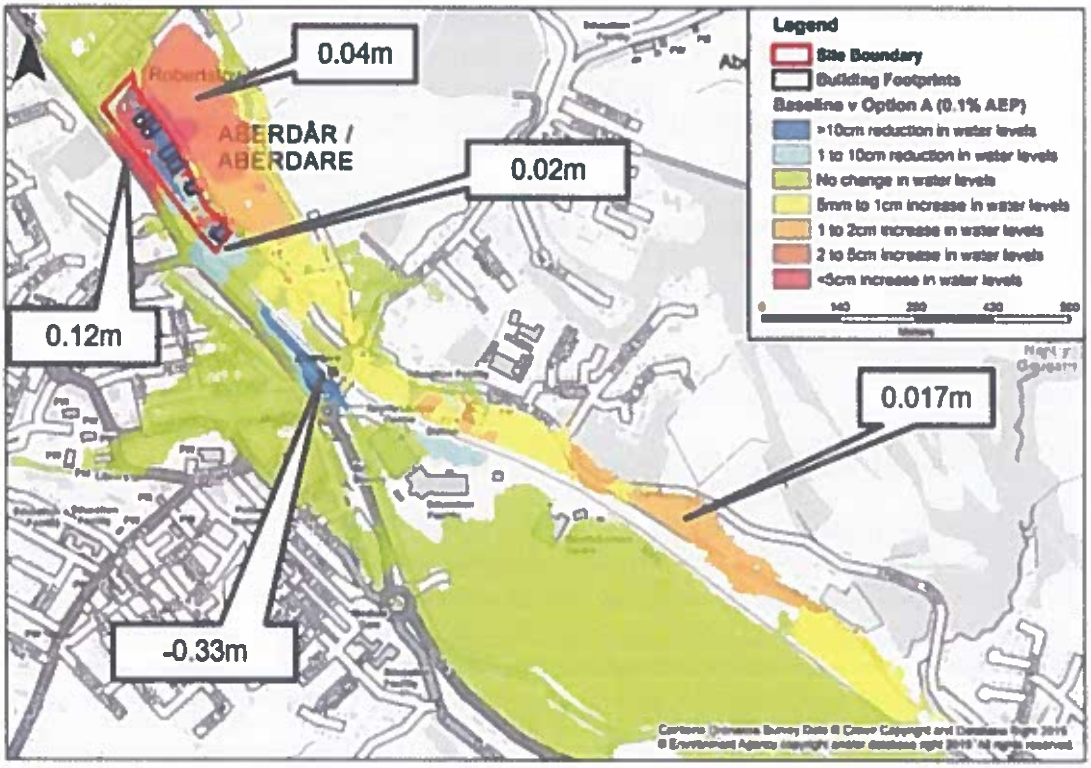
Impact on flood risk elsewhere

As a result of raising the buildings above the predicted flood levels, there is an increase in flood risk elsewhere during the 1% (1 in 100 year) plus an allowance for climate change and 0.1% (1 in 1000 year) flood event.

During the 1% (1 in 100 year) plus an allowance for climate change flood event there is an increase in flood depth of 40mm on the railway line to the west of the development. The flood depth on the A4059, which runs along the western boundary of the site is shown to increase by 80mm. These areas are already at risk of flooding during this event, with flood depths ranging from 300-900mm. We note there would be no change in flood hazard rating for these areas.

During the 0.1% (1 in 1000 year) flood event the impact on flood risk elsewhere is more widespread, with large areas to the east of the site experiencing increases in flood depth ranging from 9 – 50mm. These areas are already at risk of flooding during this event and we note there would be no change in flood hazard rating for these areas.

Figure 4-10 of the FCA (extract below) illustrates the difference in flood depth during a 0.1% as a result of the proposed development.



Our advice is that due to the increase in flood risk outside the development site, this development is not in line with section A1.12 of TAN15.

In summary the whole site is not designed to be flood free during a 1 in 100 year plus climate change flood event (without blockage) and the development would result in an increase in flood risk elsewhere, outside of the development site.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

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

Other matters
Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents relevant to their development. Please refer to our website for further details.

If you have any queries on the above please do not hesitate to contact us.

Yn gywir / Yours faithfully

Gemma Beynon
Arweinydd Tîm Cynllunio Datblygu/Team Leader Development Planning

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