

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2016-2017

**DEVELOPMENT CONTROL
COMMITTEE
23 JUNE 2016**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 7
APPLICATION RECOMMENDED FOR REFUSAL	

1. PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined in Appendix 1.

2. RECOMMENDATION

To refuse the application subject to the reasons outlined in Appendix 1.

1. Application No: 15/0644 - Erect a detached steel portal industrial building (Re-submission) 14/1437. (Amended Flood Consequences Assessment received 04/11/15), Land Adjacent To Unit 1 Meadow Street, 1 Meadow Street, Treforest, Pontypridd

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APPLICATIONS RECOMMENDED FOR REFUSAL

APPLICATION NO: 15/0644/10 (BJW)
APPLICANT: Mr A Beere
DEVELOPMENT: Erect a detached steel portal industrial building (Re-submission) 14/1437. (Amended Flood Consequences Assessment received 04/11/15)
LOCATION: LAND ADJACENT TO UNIT 1 MEADOW STREET, 1 MEADOW STREET, TREFOREST, PONTYPRIDD, CF37 1UD
DATE REGISTERED: 14/05/2015
ELECTORAL DIVISION: Treforest

RECOMMENDATION: Refuse

REASONS:

The development would lead to the intensification of use of a sub-standard access by commercial traffic that would create additional hazards to the detriment of safety of all highway users.

APPLICATION DETAILS

Full planning permission is sought for the erection of a detached steel portal industrial building on land adjacent to Unit 1, Meadow Street, Treforest, Pontypridd, CF37 1UD. The application is a re-submission of application reference no. 14/1437 which was refused permission due to highway safety issues and lack of information in terms of the potential impact on the Site of Importance for Nature Conservation (SINC) and the consequences of flooding.

The application is presented for the consideration of Members at the request of Councillor Powderhill to allow Members to be able to fully consider the highway/traffic implications of the proposal.

The characteristics of the current proposal are similar to the previously refused application however the applicant has attempted to deal with the previous reasons for refusal with the submission of additional details. Details submitted in support of the application are as follows:

- Design and Access Statement
- Flood Consequences Assessment
- Statement regarding Public Right of Way
- Impact Assessment on Site of Importance for Nature Conservation (SINC) 142 – River Taf

The proposed building would be located in the existing south yard area of Unit 1 which is a company which provides cathodic protection, i.e. corrosion protection through the coating of products with corrosion resistant compounds.

The proposal would allow the business to manufacture from the site as Unit 1 has been rented to a joinery business. The building would measure 12m in length by 10m in width by 4.15m in height to the eaves and 5.5m in height to the highest part of the building and would be finished with fair faced brickwork and profiled sheeting to the upper half and roof. Additional details, submitted in support of the application with regard to flood risk, indicate a raise in the building on a slab to a level of 46.8m AOD.

SITE APPRAISAL

The proposed development site is the fenced yard area of an existing industrial property located off Meadow Street, Treforest.

Vehicular access to the site is gained via Meadow Street and John Street to the North of the site while pedestrian access can be obtained via this route and a bridge over the River Taf to the south of the site. The eastern boundary of the site is formed by the River Taf and its embankment.

The yard area is located to the extreme south of an existing industrial unit and appears to be fairly flat and even. There are three other industrial units to the north of the site of various sizes.

PLANNING HISTORY

14/1437	Land adjacent to Unit 1, Meadow Street, Treforest, Pontypridd	Erect a detached steel portal industrial building	REF	06/01/15
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PUBLICITY

This has included site notices and the direct notification of properties surrounding the site however, no responses have been received.

CONSULTATION

Transportation Section – raises an objection to the application. It is considered that the further intensification of use of a sub-standard access leading to the site will create additional hazards to the detriment of safety of all highway users and free flow of traffic. This is due to the existing highway network lacking adequate carriageway width; segregated footway facilities; turning facilities and visibility that would be exacerbated by the commercial traffic generated by the proposed development.

Land Reclamation and Engineering (Drainage) – it was recommended that Natural Resources Wales (NRW) be consulted due to the location of the site being within a Flood Zone (Zone B or C) or identified within an area susceptible to surface water flooding. Raises no objection, subject to a condition requiring details of drainage and flood risk management.

Public Health and Protection Division – no objection subject to a condition restricting the hours of operation during the construction phase of the development. It is also suggested that informative notes be attached in respect of noise, dust and waste.

Natural Resources Wales (NRW) – initially objected to the application however it is noted from the subsequently submitted documents that the applicant intends to raise the building on a slab to a level of 46.8m AOD. At this level the building will be flood free during the 1% (1 in 100 year) plus climate change event and the new building is therefore in line with the guidance set out in A1.14 of TAN 15. The new building will also be flood free during the 0.1% (1 in 1000 year) flood event and is therefore compliant with the guidance set out in A1.15 of TAN 15. NRW therefore confirm that it does not object to the proposal as currently presented and recommends that the finished floor level is secured through any permission granted.

Dwr Cymru Welsh Water – no objection. Advises that should the applicant utilise a cesspit facility that they consult with Building Control. Should the method of sewage disposal alter Dwr Cymru Welsh Water should be re-consulted.

Countryside, Landscape and Ecology – the explanation of the extent of site works, which confirms that the riverbank will not be affected and no trees lost, with development concentrated on the old concrete platform is acknowledged. In this case the impact on the SINC is likely to be limited. If this application gains planning permission it is recommended that a condition related to an approved method of Japanese Knotweed control is imposed.

Public Rights of Way Officer - Public Right of Way - Pontypridd 107/1 runs straight through the proposed development site. However this small section of PROW no longer serves its original purpose which allowed access over a long lost bridge. If the application gains approval then extinguishment/diversion of that short section of path may be required and the applicant will need to proceed with that course of action with the Council's PROW section.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary of Treforest, is unallocated and is in close proximity to several Grade II* Listed Building (Former Treforest Tinplate Works).

Policy CS2 - sets out criteria for achieving sustainable growth.

Policy AW 2 - supports development in sustainable locations.

Policy AW 5 - lists amenity and accessibility criteria that will be supported in new development proposals.

Policy AW 6 - lists design and place making criteria that will be supported in new development proposals.

Policy AW8 – provides criteria for the protection and enhancement of the natural environment including SINC sites.

Policy AW10 – states that development proposals will not be permitted where they would cause or result in a risk or unacceptable harm to health and/or local amenity because of air, noise, light or water pollution; contamination; landfill gas; land instability; flooding or any other identified risk to the environment, local amenity and public health and safety.

National Guidance

Planning Policy Wales

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

Planning Policy Wales, Chapter 2 (development plans), Chapter 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 6 (conserving the historic environment), Chapter 7 (economic development).

Planning Policy Wales Technical Advice Note 15: Development and Flood Risk

Planning Policy Wales Technical Advice Note 18: Transport

The above chapters and Technical Advice Notes set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

Main issues:

Principle of the proposed development

The site and its surroundings consist of three industrial units within a small cluster accessed off existing residential streets within the village of Treforest.

The principle of industrial use at the site is considered to be firmly established by the existing uses in the surrounding site and there is no objection to this.

However, it is considered that the proposal would intensify the use of the site by creating an increase in industrial floorspace which would be served by the existing infrastructure and could have an additional impact on the amenity of neighbouring properties.

These aspects of the development will be evaluated later within the report.

Impact on neighbouring properties

With respect to the impact on neighbouring properties, the proposal is located within an existing industrial area and on an existing vacant yard area. The site is well screened and some distance from the closest residential properties which are over 110m away.

It is recognised that the intensification of the use does have the potential to cause additional impact on the amenity of neighbouring properties, particularly those on Meadow Street and John Street which form the vehicular access to the site and are traditional streets of terrace houses. It is also acknowledged that the most likely form of any adverse impact would be through increased levels of vehicular activity, particularly larger vehicles associated with the heavy industrial use.

This issue is examined fully later in the report when the impact on highway safety considerations would also be considered. It is also acknowledged that there have been no adverse representations received following the public consultation exercise for the area in terms of general amenity issues. Therefore, outside of highway issues, it is not considered that the proposal would have a detrimental impact on the amenities of existing residential properties in the area.

Effect on the visual amenity of the area and the setting of Listed Buildings

In terms of the effect on the visual amenity of the area it is considered that the proposal would represent a visually acceptable industrial unit of a type, scale and design that would be typical of this small industrial area.

The proposed development is largely contained within the existing site and is considered to be of a suitable character, scale and appearance that would be in keeping with the surrounding industrial area.

The site is also close to several buildings that formed the former Treforest Tinplate Works which are Grade II* Listed Buildings. While there is potential for the development to affect the setting of this collection of Listed Buildings the Council's Conservation Officer has evaluated the application and considers that the Listed Buildings are listed for their cohesion and survival as a group and the relevance this has to the industrial process which is considered to provide their primary interest. The retention of the buildings' uninterrupted layout and relationship to each other are the most significant aspects to be conserved.

Were there an historic 'setting' that had remained or the buildings were designed in a formal nature to command views, it could be considered that these proposal impacted on the listed buildings. However, it appears that through clearance and modernisation this is not the case and the site is partially screened by woodland and retaining walls. Consequently, it is considered that the erection of a modern industrial building in a compound of similar modern industrial buildings would be of low impact to the listed complex alongside; despite its proximity.

Consequently, it is considered that there would be no objection to this element of the proposal.

Highway safety

The proposal has been subject to consultation with the Council's Transportation Section which has raised an objection to the proposal due to the sub-standard access leading to the site.

It is considered that the existing access roads leading to the site are sub-standard as a result of the substantial demand for on-street parking along the terraced residential streets. This situation reduces the width of available carriageway resulting in reversing movements taking place to the detriment of highway safety and free flow of traffic.

Any further intensification of use of a sub-standard access, which is congested as a result of the considerable on-street parking demand, could create additional hazards to the detriment of highway safety and free flow of traffic. This impact could be exacerbated by the commercial traffic generated by the proposed development.

The sub-standard access is also lacking in adequate carriageway width; segregated footway facilities; turning facilities and visibility to cater for further intensification of use. This could create additional hazards to the detriment of safety of all highway users and free flow of traffic. Therefore, it is on this basis that the proposal is considered to be unacceptable and highway objections have been raised.

Consequently, it is considered that the increase in traffic would not have a detrimental impact on neighbouring properties in terms of general amenity issues around traffic noise and disturbance. However, the impact on highway safety issues is considered to be unacceptable for the reasons stated above and this would also have a detrimental impact on the living conditions and therefore “amenity” of neighbouring properties in this respect.

Flooding issues

The application was referred to Natural resources Wales (NRW) due to its location close to the River Taf.

The application was submitted with a Flood Consequence Assessment (FCA) which was forwarded to NRW. NRW objected to the initial FCA as it was considered that it failed to demonstrate that the impact of flooding could be managed over the lifetime of the development.

Subsequently the applicant submitted documents indicating that they intend raising the building on a slab to a level of 46.8m AOD. At this level the building will be flood free during the 1% (1 in 100 year) plus climate change event and the new building is therefore in line with the guidance set out in A1.14 of TAN 15. The new building will also be flood free during the 0.1% (1 in 1000 year) flood event and is therefore compliant with the guidance set out in A1.15 of TAN 15. NRW therefore confirmed that they do not object to the proposal as currently presented and recommend the finished floor level be secured through any permission granted.

Consequently, it is considered that the developer has successfully demonstrated that this issue can be adequately addressed and subject to the suggested condition there is no objection to this element of the proposal.

Impact on the Site of Importance for Nature Conservation (SINC)

The site borders the Site of Importance for Nature Conservation (SINC) 142, on the River Taf. The development does have the potential to impact on the SINC.

In this regard the developer submitted a statement regarding the extent of the building operations and confirming their impact on the riverbank and existing ecological features, including invasive species such as Himalayan Balsam and Japanese Knotweed.

These details have been examined by the Council's Ecologist who considers that in this case the impact on the SINC is likely to be limited and states that if the application gains planning permission it is recommended that a condition related to an approved method of Japanese Knotweed control is imposed

Public Rights of Way (PROW) issues

The site is crossed by a Public Right of Way (PROW) – Pontypridd, No 107/1. The PROW led to a crossing of the river however the bridge at this point has been lost and the PROW no longer serves its original purpose. If the application gains approval then extinguishment/diversion of that short section of path may be required and the applicant will need to proceed with that course of action with the Council's PROW section.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

While there is no objection in principle to the provision of an additional industrial building in this location the application would create traffic hazards to the detriment of the safety of all highway users due to the intensification of the use of the existing sub-standard highway network.

Having regard to the above the application is considered to be contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and should be refused.

RECOMMENDATION: Refuse

1. The further intensification of use of a sub-standard access leading to the site that is lacking in adequate carriageway width, segregated footway facilities, turning facilities and visibility will create additional hazards to the detriment of safety of all highway users and free flow of traffic and would be exacerbated by the commercial traffic generated by the proposed development, contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.
2. The further intensification of use by commercial traffic generated by the proposed development of already heavily congested residential streets

leading to the site will create additional reversing movements and hazards to the detriment of highway safety and free flow of traffic, contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

23 JUNE 2016

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR REFUSAL**

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See Relevant Application File