

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017:

**DEVELOPMENT CONTROL
COMMITTEE
2 FEBRUARY 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 6
APPLICATIONS RECOMMENDED FOR APPROVAL	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

To approve the applications subject to the conditions outlined in Appendix 1.

1. Application No: 15/1048 Demolition of existing building and erection of a 1,758 sq m (gross) Class A1 (Shops) limited assortment discount foodstore with associated access, parking, landscaping and ancillary works, Remploy, Dinas Enterprise Centre, Cymmer Road, Dinas, Porth.
2. Application No: 16/1284 - Rebuilding of fire damaged bus workshop, 4 Foundry Road Industrial Estate, Foundry Road, Trealaw, Tonypany.

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APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 15/1048/10 (SF)
APPLICANT: ALDI Stores Limited
DEVELOPMENT: Demolition of existing building and erection of a 1,758 sq m (gross) Class A1 (Shops) limited assortment discount foodstore with associated access, parking, landscaping and ancillary works
LOCATION: REMPLOY, DINAS ENTERPRISE CENTRE, CYMMER ROAD, DINAS, PORTH, CF39 9BW
DATE REGISTERED: 18/08/2015
ELECTORAL DIVISION: Porth

RECOMMENDATION: Approve, subject to conditions and the completion of a Section 106 Agreement.

REASONS: The principle of redeveloping the site for retail purposes is considered acceptable and the proposed scheme will enable a redundant commercial site to be brought back into active use, result in a number of employment opportunities in the local area and significant visual improvement to site.

Whilst concerns were initially raised in relation to the proposed new access, this issue has been overcome through amendments to the scheme and the applicant contributing towards highways improvements in the town centre. The applicant has also offered a financial contribution towards activities in Porth Town Centre, in order to mitigate the impact of the new store on existing businesses.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

This is a full application for the demolition of the existing former Remploy factory building (5,450 sqm) and the construction of a discount food store (ALDI) with an associated new access, parking, landscaping and ancillary works. The proposed store will have total floor area of 1,758 sqm, which provides a retail area of 1,254 sqm, a warehouse with loading bay of 337 sqm and the remaining 167 sqm to provide office and staff facilities. The store will be located centrally within the existing site, with the proposed parking facilities positioned to the south and east of the store. An area of land between the store and commercial premises to the west of approximately 0.3 hectares will remain undeveloped.

The proposed store is a rectangular shaped building with maximum dimensions of 64 metres in width by 33 metres in depth and a height of 5.5 metres. The main

elevations will be constructed from rendered block work walls with a white masonry finish and the front (south-west) and side (south-east) elevations will accommodate a dark grey canopy fascia and windows finished in dark grey powder coated aluminium frames. The main entrance, located towards the eastern end of the south-west elevation will project out from the building by 3 metres. The majority of the south-east side elevation, the most visible elevation, will include a fully glazed shop front which will be finished with the same dark grey powder coated aluminium windows.

Access to the site for staff and customers will be directly off the A4058 Cymmer Road. The southern part of the site immediately fronting onto Cymmer Road and the eastern part of the site will accommodate a total of 112 car parking spaces including 8 no. disabled spaces and also secure bicycle and motorcycle parking. A separate pedestrian access is also proposed immediately off the existing public footpath along the front of the site, opposite the main entrance. The proposed access for delivery vehicles to the site will be via the existing vehicular access to the north, from where vehicles will utilise the existing access to the adjoining commercial premises and then access the loading bay on the north-west side of the building. It is proposed that a scheme of soft landscaping will be provided around the site and appropriate fencing around all boundaries.

The proposed hours of opening are between 8am - 10pm Mondays to Saturdays and 10am - 6pm Sundays and Public Holidays. Additional information submitted as part of the application suggests that between 30-40 full and part-time jobs will be created.

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

- Design and Access Statement (DAS) - July 2015
- Transport Statement (Entran) - July 2015
- Planning and Retail Assessment (Turley) - July 2015
- Preliminary Ecological Assessment (RSK) - July 2015
- Arboricultural Impact Assessment & Tree Protection Plan (Bosky Trees) - June 2015
- Surface Water and Foul Water Drainage Strategy (Craddys) - July 2015
- Geo-Environmental Assessment Report (Brownfield Solutions Ltd) - June 2015
- Gas Assessment Report (Brownfield Solutions Ltd) - August 2015

Following an objection to the original scheme from the Transportation Section, further information including a Transport Assessment, revised plans and Road Safety Audits have been submitted from the applicant's transport consultants in relation to the proposed scheme.

SITE APPRAISAL

The application site, which has an area of approximately 0.9 ha is an irregular area of land which is located approximately 200 metres to the north-west of Porth Town Centre. It is located between the Rhondda River to the north and the A4058 Cymmer Road to the south. To the west of the site lies a number of retail and commercial premises including LIDL, KFC, Farmfoods, a vehicle repair and tyre shop, carpet and factory shop, which already have a separate accesses off the A4058. To the south-

east of the site lies the roundabout which links the A4058 running north to the Rhondda Fawr and south to Pontypridd, with the A4233 running north over the bridge to the Rhondda Fach. Under the current scheme, the proposed store would occupy 0.6 ha of the site, whilst the remaining 0.3 ha of the site would come forward at a later stage.

The site is currently occupied by a factory building which was previously used by Remploy for general industrial / factory purposes (Use Class B2) and following its closure, was used temporarily for paper recycling between 2014 and 2016. It currently accommodates a substantial purpose built single storey factory building with a floor area of 5,450 sqm, which is constructed from concrete blocks and metal cladding. The majority of the external areas are finished in tarmac or concrete hardstanding and provide the parking and loading areas associated with the factory. Vehicular access is gained from the access to the north, which currently serves KFC and Farmfoods and then runs south past the vehicle repairs and factory shop.

The site is generally flat and there is currently no physical boundary to separate the Remploy factory from the retail premises to the north. The north-eastern boundary separates the site from the Rhondda River and is defined by brick retaining walls and high palisade fence. The land in between the factory and river slopes down to the riverbed, which is approximately 5-6 metres below the floor level of the proposed store and trees and shrubs within this area also partially screen the factory from the north. The south-east boundary is defined by a high palisade fence which separates the factory site from a tarmac access road leading down to the river bank. This forms part of an existing right of way allowing access to the bridge and together with an adjoining hardstanding, will therefore be retained. The south-west boundary of the site adjacent to the A4058 is defined by low metal railings, which run along the whole frontage of the site and separate it from the public footpath connecting the existing retail and commercial premises with the town centre. A number of residential properties and bus stop are located on the south side of the A4058.

PLANNING HISTORY

08/0598	Change of use to include the reception, storage and treatment of Waste Electrical and Electronic Equipment (WEEE) for the purpose of refurbishment, repair and reuse.	Approved 10/06/08
93/0187	Porch extension	Permitted Development 15/03/93
87/0119	Refurbishment of existing factory and construction of a new factory production shop and dispatch area	See 86/1161
86/1161	Refurbishment of existing factory premises and building of new factory premises	Approved 17/08/87
75/0041	Formation of access	Approved 05/03/75

74/0618 Advert

Approved
18/10/74**PUBLICITY**

The application has been advertised by means of a press notice and the display of site notices however no responses have been received.

APPLICANT'S PUBLIC CONSULTATION EXERCISE

In February 2016, the applicant's agent undertook their own public consultation exercise by distributing a leaflet on behalf of ALDI's to around 1,000 properties within residential areas surrounding the application site. The purpose of this was to raise awareness of the proposal, gather an understanding of whether residents were in support of the new food store and to provide the opportunity for comments to be made.

The applicant has submitted the 62 responses received from residents for consideration as part of this application and has advised that in response to the first question, which asked whether residents supported a new ALDI food store on the site, 55 respondents (90%) identified that they were in support. Six respondents were against the proposed development and 1 person did not respond to this question.

In response to the second question, the applicant's agent has provided the following summary of the responses received:

- The majority of the responses provided overall support for the proposal, noting that the proposal is a good idea; will be an asset to the local area and is very welcome.
- Supporting comments were provided for the ALDI brand to be introduced into Porth and requests were made for the store to be opened sooner.
- Support was given to the creation of new, local, job opportunities at the proposed store and specific requests were made for individuals to be considered during the recruitment stage.
- Supporting comments were provided for the potential growth created by the proposals to the local economy, in turn having a positive impact on Porth town centre by bringing customers back into the community.
- Support was given to the diversity created in the local retail offer through the delivery of the proposal, noting that Porth has been dominated by one large supermarket.
- Supporting comments were provided to developing an unused, brownfield, site, which is not aesthetically pleasing.

- Concerns were raised with regard to increased traffic on the main road and access to and from the site. A request for a safe road crossing and more disabled parking was made.
- It was noted that there could be an increase in noise level created by the proposals.
- An objection was made to the ALDI brand being introduced into Porth as it is not a local, independent store and could impact upon Porth town centre.
- The need for an ALDI store was questioned, noting that the existing retail offer is sufficient.

The applicant's agent maintains that the feedback received demonstrates an overwhelming local support for the application proposal for a number of reasons including employment generation, the impact on Porth town centre and the re-development of a brownfield site.

With regard to the concerns raised the applicant's agent confirms that a Planning and Retail Assessment was submitted in support of the planning application in July 2015, which set out that the proposal is in accordance with planning policy, including the key retail policy tests of need, sequential approach to site selection and impact. It is noted that one respondent felt that there could be an increase in noise level created by the proposals, however the application site is a former employment site and it is considered that the proposed development will not give rise to a detrimental impact on residential amenity.

CONSULTATION

Transportation Section - following an initial objection to the original scheme and the submission of amended plans, no highway objections are raised subject to the imposition of a number of conditions and the developer entering into a Section 106 Legal Agreement to provide a financial contribution of £40k towards highway improvement works for Porth Town Centre.

Natural Resources Wales - initially raised an objection due to lack of information regarding the risk of pollution to controlled waters, however following the submission of additional information by the applicant in the form of a Geo-Environmental Assessment Report and Gas Assessment Report, no objection is raised subject to a condition to deal with any undetected contamination found during the course of development.

In respect of flood risk, it is confirmed that the application site lies partially 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). The Flood Map information confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Rhondda. It is acknowledged however that the proposed discount food store is outside of this Zone and no development is proposed within the Flood Zone itself. It is therefore concluded that the risk could be acceptable subject to the developer being made aware of the potential flood risks.

Dwr Cymru / Welsh Water - has raised no objection but requested conditions to require foul and surface water to be drainage separately from the site and to prevent connection with the public sewerage network. The site is also crossed by a public sewer and further advice is therefore provided regarding the location of any operational development within the site.

Wales and West Utilities – has raised no objection, but has identified the presence of their infrastructure in the vicinity of the application site and requested the applicant to contact them directly to discuss their requirements in detail. Any diversion works will be fully chargeable.

Public Health and Protection Section - has raised no objections subject to conditions to control potential contamination. Further advice is also provided in relation to noise, dust, waste disposal and lighting.

Countryside, Landscape and Ecology Section - the Council's Ecologist has confirmed that the Ecology report for this site is a basic Phase 1 Habitat Survey and which includes an assessment of protected species potential. This assessment has shown that the old Remploy building has little bat potential, having few or no crevices, cracks or access points that bats might utilise and it is considered that the conclusion of the report, that bat potential is very limited bat potential and no detailed bat survey is needed, is a reasonable assessment.

The most important ecological feature is the adjacent Rhondda River (SINC 142) and the woodland which extends up to the northern side of the Remploy building and whilst this woodland is mainly avoided in the new layout, further confirmation of how this habitat will be affected will be required. The Ecology report also highlights the problems of invasive plants Himalayan Balsam and Japanese knotweed on the site and adjacent woodland and therefore, a scheme of long-term woodland management is recommended to appropriately deal with tree issues, on-going invasive plant issues and litter generated from the supermarket site which could be secured via a S106 agreement. The Report considers other protected species, but doesn't identify any specific requirements and a Wildlife Protection Plan condition is also recommended in order to cover site clearance (e.g. nesting birds), protection of the adjacent woodland and a scheme for the removal of invasive species from the development site.

Land Reclamation and Engineering Section - as the site is identified as within an area susceptible to surface water flooding and the applicant proposes to discharge surface water drainage into a mains sewer, consultation with NRW is recommended. No objections are raised subject to a condition to require the submission and approval of drainage details.

Porth Chamber of Trade - following the consideration of the applicant's Retail Assessment, the Chair of the Porth Chamber of Trade was consulted in order to determine the feeling of Porth shopkeepers towards the proposal and, in view of the forecasted diversion of trade from the town centre, whether they could identify any measures that ALDI could assist in funding. In response, three ideas were put forward through the Regeneration Team as a way of minimising footfall from the town centre. Firstly, it was suggested that some form of free limited parking could be

funded, secondly the introduction of improved signage around the town centre and thirdly, assistance with funding for marketing, promotions and town centre events, which were previously facilitated through Welsh Government funding.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is identified as being inside the settlement boundary NSA12 and is unallocated. A small strip of land located immediately to the rear of the existing Remploy building and the Rhondda River falls within a Site of Importance for Nature Conservation (SINC) under policy AW 8.142, which includes the Taff and Rhondda Rivers.

Policy CS1 – advises that in the Northern Strategy Area, emphasis will be given to building strong, sustainable communities and promoting commercial development in locations which reinforce the roles of Key Settlements, including Porth. This will also be achieved by ensuring the removal and remediation of dereliction by promoting the re-use of under used and previously developed land and buildings and also, promoting and enhancing transport infrastructure services to support growth and investment.

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

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

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

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

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

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

Policy AW11 – provides for alternative uses on existing employment sites, subject to certain criteria.

Policy NSA2 - proposals for commercial development within Key Settlements including Porth, will be permitted where it supports and reinforces the role of the Settlement, is of a high standard of design and integrates positively with existing development, supports the provision of local services and promotes accessibility to services by a range of sustainable modes of transport.

Policy NSA18 - supports retail development within the retail centre of Porth which maintains or enhances the centre's position in the retail hierarchy.

SPG - Nature Conservation
SPG - Design and Placemaking
SPG - Delivering Design and Placemaking: Access, Circulation & Parking Requirements.
SPG - Planning Obligations
SPG - Employment and Skills

National Guidance

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

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions) Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 10 (Retail and Commercial Development), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retail and Commercial Development;
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk
PPW Technical Advice Note 18: Transport.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the proposed development

The application site is located within the settlement boundary of the Key Settlement of Porth, where new development is subject to assessment against a number of policy constraints. Both local and national planning policy support a presumption in favour of sustainable development and see the planning system as the key to providing for society's future needs. The core strategy Policy CS1 of the Rhondda Cynon Taf Local Development Plan (LDP) relating to development in the north, places an emphasis on providing strong sustainable communities and identifies the removal of dereliction and the re-use of previously developed land as one of the means of achieving this. In this case, the application proposes the removal of a large commercial building from the site and its development for retail purposes and as such, is considered to comply with this core strategy, as well as the general

presumption for developing previously developed land contained in other local and national policies.

In identifying sites in sustainable locations, Policy AW2 also sets out a number of criteria to be taken in account including supporting locations that are within the settlement boundary, have good accessibility by a range of sustainable transport options and have good access to key services and facilities. The site is not within the defined retail centre, however it is located centrally within Porth with good access to key services and is accessible by foot and public transport and is therefore considered to comply with Policy AW2.

In considering applications for alternative uses on employment sites, there is also a requirement under Policy AW11 of the LDP, for information accompanying the application to demonstrate that the site is not longer required for employment purposes and this is designed to protect against the unjustified loss of employment land. Under the policy, provision is made for alternative uses on existing employment sites, subject to certain criteria which include that the retention of the sites for employment purposes has been fully explored without success by way of marketing at a reasonable market rate and a minimum of 12 months. In respect of this, information submitted in support of the application confirms that appropriate marketing of the property has been undertaken since September 2013 and it is therefore considered that the requirements of Policy AW11 have been satisfied.

Whilst the principle of developing the site is considered acceptable, an assessment of the application in relation to retail policy is also required and further consideration of other relevant policy criteria is provided below.

Retail Impact

As the site is not located within the retail centre but in an edge of centre location, the determination of the acceptability of a retail use on the site requires assessment of the proposal against the criteria set out in Chapter 10 of Planning Policy Wales (Retail and Commercial Development), the main ones being the consideration of the need for the development, the sequential approach to site selection and the impact of the proposal on the existing centre.

The application is accompanied by a Planning and Retail Assessment, which the applicant states demonstrates that the proposal meets the requirements of both national and local planning policy, will be of benefit to the residents of Porth and will result in sustainable social, economic and environmental benefits for the local community. The assessment provides details of the proposal and also, the nature of ALDI as an operator, which it maintains is a material consideration in the determination of the application.

In respect of quantitative need, the information provided forecasts that in 2020, residents in the Porth catchment area will be spending £141m p.a. on convenience goods, although shops will only have the capacity for half that expenditure and therefore, there will be substantial residual expenditure capacity to support additional retail floorspace.

As part of the qualitative assessment, a review of Porth town centre and neighbouring town centres at Ferndale, Tonypany and Tonyrefail is provided. This concludes that within Porth town centre, the predominant use at 40.7% of units was Class A1 comparison goods (non-food related items / household goods etc.), whilst Class A1 convenience goods (food / newspapers / confectionary etc.) accounted for 10.6% of units. Other non-retail units such as A2 financial and professional and A3 food and drink also account for 23.9% of units. The sequential assessment identifies that the adopted LDP does not identify or allocate any specific sites within Porth for new retail provision it is therefore considered by the applicant that the application site is the most sequentially preferable site located relatively centrally within the community. In relation to alternative sites, the applicant has also sought to identify whether there any sites either within or on the edge of Porth town centre that could accommodate the new store, but has concluded that there are no sites capable of accommodating the floorspace required and the proposal therefore satisfies a realistic interpretation of the sequential approach to site selection.

An assessment of the economic implications of the proposed store is also provided and it is confirmed that as only 20% of the floorspace would be used for comparison items, the assessment has been focused upon convenience goods. A number of tables are included within the impact assessment, which contains information in respect of the convenience turnover of existing stores, the projected turnover of the proposal and the anticipated trade draw resulting from the new store. As a result, it is advised that stores catering primarily for main food shopping, such as the Morrisons in Porth and Asda in Tonypany, are estimated to experience the greatest competitive effects as a result of trade diversion from the new ALDI store. The proposal is also likely to draw a disproportionate amount of its trade from directly competing stores, such as the LIDL stores in Porth, Ferndale and Treorchy and from the ALDI store in Pontypridd, as existing ALDI customers will shop in the nearest store to where they live. It is anticipated that the small convenience retailers within Porth district centre and other similar centres will experience lower levels of trade diversion. The summary of the impact on convenience goods estimates a diversion of -7.9% in 2020 for Porth district centre and figures of -4.9% on Tonyrefail, -2.4% on Tonypany and -1.7% on Ferndale. Whilst no assessment on comparison goods has been provided, it is suggested that the anticipated turnover of the new store will have an imperceptible impact on existing retailers.

Overall, it is suggested by the applicant that although the new ALDI store will divert some expenditure from in-centre convenience stores in the district centres, the level of diversion for centres is negligible and therefore, the impact represents no threat to the vitality or viability of Porth or other nearby centres. Furthermore, from the analysis undertaken, the applicant maintains that the proposal represents no threat to investment and there is a quantitative need for the development, which complies with national retail policy.

Following an assessment of the submitted information and consultation with colleagues in the Spatial Development Team, the applicant was asked to address further issues arising from the qualitative need assessment. Firstly, it was considered that due to the number of existing limited assortment discounts stores in nearby centres (including LIDL and ALDI), there was no obvious qualitative need for another store of this kind and the impact on existing retail centres forecast was also considered to be significant, rather than low. In respect of the sequential approach to

site selection offered by the applicant, whilst it was accepted that there were no other suitable sites closer to Porth retail centre, as a result of the announcement that Morrisons may close some stores, it was considered that it was necessary to examine the possibility that the existing Morrisons store at Porth might become available for redevelopment. The resulting response received from the applicant provided satisfactory confirmation however that the Morrison's store was not at risk of closure and therefore that the site was not potentially available for the proposed development. In relation to the issue of retail impact arising from the proposed new store, whilst the applicant maintained that an impact of -10% or greater would need to be reached before an adverse consequence on a town centre might be anticipated, it is not considered that the examples referred to in the applicant's response were comparable with Porth and therefore, that the town centre was sensitive to the retail impact created by the new ALDI store.

In order to mitigate the identified impact of the new store on Porth Town Centre resulting from the ALDI food store and following further consultation with Regeneration colleagues, it was suggested that the applicant could assist in funding the Summer carnival and Christmas events in Porth for the next 3 years (6 events) and a contribution of £30,000 through a Section 106 Legal Agreement towards funding these events and marketing in the town centre has been agreed. This would have the effect of attracting more visitors into the town centre to the benefit of existing traders and thereby, mitigate the retail impact of the ALDI store. Subject to the completion of this agreement, it is therefore considered that the policy concerns raised in relation to compliance with the requirements of paragraph 10.3.1 of Planning Policy Wales 9 have been satisfactorily addressed.

Access and highway safety

The application originally proposed to provide a new single site entrance at the western end of the site off the A4085 Cymmer Road, together with a right turn filter lane to minimise disruption to traffic heading west. This would be provided in addition to the two existing site accesses which are located to the north and serve LIDL, KFC, Farmfoods and the other commercial premises to the north-west of the application site. This resulted in an objection from the Transportation Section, as it was considered that the proposed creation of a further new access off the A4058 would be contrary to the general presumption of allowing further accesses off strategic routes. As a result of these concerns and the impact on highway safety resulting from the sub-standard access, further extensive discussions were however undertaken with the applicant's Highway consultants and an acceptable alternative has now been agreed.

The amended scheme still includes the creation of a new access off the A4058 Cymmer Road to serve the new ALDI store which will provide access to the car park, however this will be used by customers and staff only and is considered adequate to accommodate cars and light vehicles. The right hand filter lane has also been extended by 10 metres to reduce the impact of queuing traffic on the A4058. All commercial, service and delivery vehicles will now use the existing vehicular access to the north which also serves KFC and Farmfoods and then use the private access road which runs in front of the other commercial premises to the north-west of the site. This alternative scheme for service and delivery vehicles effectively provides the same access that was used by both staff and commercial vehicles when the

Remploy factory was operated from the site and is therefore considered acceptable for servicing the new store. The amended plans also indicate the provision of a turning area for delivery vehicles and segregated access to the loading bay, which will provide sufficient parking for 3 commercial vehicles in accordance with the SPG. There will therefore be no access to the loading dock from the store entrance and this addresses previous concerns regarding the accommodation of heavy goods delivery vehicles and associated reversing movements into the loading bay close to the site access. It is also proposed to relocate the existing pedestrian crossing point on the A4058 to a location in line with the existing bus stops which will create a shorter crossing point and improve visibility.

In order to mitigate against the impact of the new access, the developer has also agreed to contribute £40,000 towards highway improvement works within Porth Town Centre. These will involve removing the right hand turn manoeuvre for north bound traffic off the A4058 into the town centre. It is considered that the removal of this manoeuvre with its associated delays will help mitigate the impact of the new access and is therefore necessary to make the development acceptable. Whilst it is also noted that no information has been submitted in respect of the development of the entire site, this area will be accessible via the existing access and private access road.

The scheme provides for a total of 112 car parking spaces which include 8 disabled customer parking bays and 9 parent and child bays. A space for secure cycle parking and 6 motorcycle spaces is also provided. It is considered that the internal car park circulation and parking provision is acceptable for the proposed store. Furthermore, a pedestrian access point is also located along the Cymmer Road to enable easy access for pedestrians from the town centre or bus stop located opposite the site.

It is therefore considered that the amended scheme, together with the financial contribution to mitigate the impact of the new access is acceptable and the close proximity of the site to the town centre, will enable the site to be accessed by a range of different sustainable transport modes. Subject to the imposition of a number of highway conditions suggested below and the satisfactory completion of a S106 Legal Agreement, the proposal is considered to comply with Policy AW5 of the LDP.

Impact on the character and appearance of the area

The site occupies land on the edge of Porth Town Centre which is characterised by commercial premises to the north of the A4058, with some residential properties to the south. Whilst the site still accommodates the former Remploy factory building, it is a number of years since the site has been actively used and the buildings therefore present an unattractive feature on the northern approach to the town centre. Its removal and replacement with a modern building which covers less than a third of the floor space of the existing building, will therefore improve the visual appearance of the site.

The proposed store is a single storey flat roofed building that is located centrally within the site and is similar in scale with the adjoining commercial buildings. The south-east elevation of the proposed building, which is the most visible when approaching the store from the town centre, contains a full height glazed elevation

which continues around to the store entrance located fronting the A4058. The remaining elevations to side and rear are mainly blank, apart from a few door and windows which serve the warehouse and staff areas, however these areas will not be readily visible from the public domain. The proposed materials and colour scheme, which is white render with contrasting grey powder coated glazing and grey canopy and contemporary design is considered to be appropriate in this prominent location, particularly as the adjoining commercial buildings all differ in design and appearance.

The remaining external areas which will accommodate the access and car park to the south east of the building will be finished in black tarmac and dark grey tiles, however the scheme also proposes soft landscaping around the site boundaries consisting of shrubs, grass verges and fencing which is considered appropriate. The rear boundary which accommodates the wooded river bank will remain as existing, apart from the removal of some conifer trees and will therefore provide partially screening from the north.

In conclusion it is considered that the proposed scheme will secure the removal of a large redundant building from the site and its replacement with the proposed scheme will result in an improvement to the appearance of the area in compliance with Policy AW6 of the LDP.

Impact on residential amenity and privacy

The design and layout of the scheme is not considered to raise any issues in relation to existing residential properties. Although there are residential properties located both opposite the site and also further to the north-west, these properties already front onto existing commercial premises, although are separated from them by the A4058. The proposed new store is also set back some distance from the A4058 and will therefore have less visual impact than the existing factory building.

It is noted that no objections have been received resulting from the statutory public consultation carried out from any neighbouring property. Furthermore, as a result of the applicant's public consultation exercise which was undertaken with a far larger number of properties in the surrounding residential areas, the majority (90%) were in support of the proposal. Other issues raised by those who did not support the scheme relating to potential impact on the town centre and additional traffic to the site have already been addressed earlier in this report and appropriate mitigation agreed with the applicant to address these issues. The only other issues raised was in relation to noise and given the location of the site and its former use, it is not considered that there will be any significant increase in noise generated from the site. No other adverse comments have been received in respect of this application and it is therefore considered that the proposal complies with Policy AW5 of the LDP.

Ecology

In relation to the ecological impact of the scheme, the application is accompanied by a Preliminary Ecological Assessment which provides the results of a Phase 1 Habitat Survey and initial bat inspections. This concludes that following appropriate inspections, no protected habitats are likely to be affected by the proposed works. The buildings and trees on the site are unsuitable for bat roosts and no evidence of

any protected species were found however, any vegetation clearance should occur outside of the nesting bird season, otherwise the site should be checked in advance of clearance works. The report also identifies that the invasive species Japanese Knotweed and Himalayan Balsam were found and a detailed survey and method statement for remedial treatment of these by a specialist contractor would ensure that these species are not spread by the site works.

The Arboricultural Impact Assessment and Tree Protection Plan identifies 6 trees that will need to be removed to facilitate the proposed development. These comprise 1 Goat Willow and 5 Cypress trees and have been defined as 'C' grade trees which are of low quality. It is not however considered that there will be any significant impact arising from the removal of these trees as they are located at the rear of the existing building and have low visual amenity value.

The Council's Ecologist has confirmed that the Ecology report provides an acceptable assessment of the site however, in view of the Rhondda River SINC, further information has been requested regarding how this habitat will be affected which can be secured through a Wildlife Protection Plan condition. In relation to the Japanese Knotweed and Himalayan Balsam identified, it is recommended that a scheme of long-term woodland management is put in place secured through a Section 106 Agreement in order to appropriately deal with tree maintenance issues, on-going invasive plant issues and litter generated from the supermarket site. In view of the presence of the SINC, it is considered that this would be an appropriate approach in response to the ecological issues that have been raised and is considered to comply with Policy AW8 of the LDP.

Other Issues

Historic Landscape

The application site is located within the Rhondda Registered Landscape of Historic interest published by Cadw. Guidance produced by Cadw identifies the need to assess the potential effects of a development in relation to the whole of the historic landscape and advises that development can have an adverse effect on the amenity and value of the landscape well beyond the site of the development itself. The floor area of the proposed store (1,758 sqm) will however cover a far smaller area than the existing building (5,450 sqm) and even from distant views, it is considered that the proposed scheme will have less effect on the historic landscape than the existing factory and will result in visual improvements to the site.

Drainage and flooding

The application is accompanied by a Surface Water and Foul Drainage Strategy which confirms that soakaways are not suitable for the site and therefore it is proposed to connect into the existing system with a control device with attenuation in order to discharge the surface water at an improved discharge rate. Foul water will be discharged offsite using a new foul drain connecting with the existing public sewer along the northern boundary. The submitted strategy confirms that the detailed design of both schemes are to be developed and Land Reclamation and Engineering Officers have not raised any issues in relation to this strategy, subject to the imposition of appropriate conditions, which are included below.

In respect of flood risk, whilst it is confirmed that the application site lies partially within Zone C2 as defined by the Development Advice Map (DAM) referred to under TAN 15: Development and Flood Risk (TAN15) (July 2004), NRW has advised that as the proposed store lies outside of this Zone, provided the developer is made aware of the potential flood risks, the risk of flooding is acceptable.

Public Health and Protection

It has been identified that due to the former use of the site as a factory premises, there is a potential for contamination to exist within the site and following advice received from the Public Health Section and NRW, it is considered reasonable for this to be dealt with by condition in order to secure compliance with Policy AW10 of the LDP.

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

Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Rhondda Cynon Taf Community Infrastructure Levy (CIL) came into effect on 31st December 2014 for all existing and new planning applications. This replaces all but site specific S106 requirements and affordable housing and may mean that in some areas of the County Borough where there is a nil liability, it will no longer be appropriate to pursue contributions via Section 106 Agreements.

The Section 106 requirements in this case

Highways Infrastructure Contribution - as detailed above, the proposed creation of a new access off the A4085 to serve the proposed development is considered to be contrary to the general presumption of allowing further accesses off strategic routes. A contribution of £40,000 has therefore been agreed by the applicant towards the removal of the right turn manoeuvre for north bound traffic along the A4058 into Porth Town Centre. The removal of this manoeuvre with its associated delays would help mitigate the impact of the proposed new access and is therefore directly related to the development and necessary to make the development acceptable in planning terms. The cost of carrying out these junction improvements are expected to exceed the sum of the contribution sought and it is therefore considered that this is a fair and reasonable request in order to mitigate the consequences of the development and is in accordance with Policy AW4 of the LDP and the SPG in respect of Planning Obligations.

Town Centre Contribution - as detailed above, it has been identified that there will be a retail impact on Porth Town Centre resulting from the ALDI food store. In order to address this impact, the applicant has agreed to make a contribution of £30,000 towards funding various event and marketing in the town centre. This sum would assist in funding the Summer carnival and Christmas event for the next 3 years, which will result in more visitors being encouraged into the town centre to the benefit of existing traders and thereby help mitigate the retail impact of the ALDI store. In view of the identified impact, it is considered that this contribution is necessary in order to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development and in accordance with Policy AW4 of the LDP and the SPG in respect of Planning Obligations.

Woodland Management Plan - as detailed above, it has been identified that there is the problem of invasive plants species - Japanese Knotweed and Himalayan Balsam within the site and adjacent woodland and a scheme of long-term woodland management is required to appropriately deal with tree maintenance issues, on-going invasive plant issues and litter generated from the food store site.

Employment and Skills Plan – the Council's Supplementary Planning Guidance on Employment and Skills requires applications for 1,000 sqm and above of retail floor space to secure a plan that should set out the type of training and employment opportunities that will be offered to people within RCT through the development. The applicant has agreed to the submission of this plan which can be secured by a Section 106 Agreement if permission is granted and would be required at the construction stage of the development.

It is therefore considered appropriate that the applicant should enter into a Section 106 Agreement in relation to this application in order to secure:

- **A Highways Infrastructure contribution of £40,000;**
- **A Town Centre contribution of £30,000;**
- **A Woodland Management Plan in order to deal with tree maintenance issues, on-going invasive plant issues and litter generated from the food store site;**

- **An Employment and Skills Plan.**

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 CIL liable under the CIL Regulations 2010 (as amended). The application proposes new Class A1 retail floorspace where there is a liability of £100 per sq.m. However, as the proposed development involves the demolition of existing buildings the amount due in this case is £nil.

Conclusion

Having taken into account all of the issues identified above, it is considered that subject to the securing of Section 106 Agreement relating to highways infrastructure, a town centre contribution, woodland management plan and Employment and Skills Plan, the proposed re-development of the site to provide a discount food store with associated access, parking, landscaping and ancillary works is acceptable, complies with relevant policies of the Local Development Plan and will result in a significant visual improvement to the area.

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 plan(s) no(s):

- | | |
|-----------------------|---|
| • 140079 P(1)01 | - Site Location Plan - 23/7/15 |
| • 140079 P(1)02 | - Existing Site Plan - 23/7/15 |
| • 140079 P(1)03 Rev C | - Proposed Site Plan - 23/7/15 |
| • 140079 P(1)04 | - Proposed Floor Plan - 23/7/15 |
| • 140079 P(1)05 | - Proposed Roof Plan - 23/7/15 |
| • 140079 P(1)06 | - Existing Building Elevations - 23/7/15 |
| • 140079 P(1)07 | - Store Elevations - 23/7/15 |
| • 140079 P(1)08 | - Street Elevations Proposed and Existing - 23/7/15 |
| • 140079 P(1)09 | - Existing Site Sections - 23/7/15 |
| • 140079 P(1)10 | - Proposed Site Sections - 23/7/15 |
| • 140079 P(1)11 | - Existing Context Site Plan & Street Elevation - 23/7/15 |
| • 140079 P(1)12 Rev C | - Proposed Context Site Plan & Street Elevation - 23/7/15 |
| • SK22 | - Proposed Access and Off-site Highways |

Work Arrangements – 13/9/16

and documents received by the Local Planning Authority on 23 July 2015, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:
 - i) A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 - ii) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
 - iii) A written method statement for the remediation of contamination affecting the site

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

4. The development shall not be occupied until the measures approved in the scheme (referred to in Condition 3) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority

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

5. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

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

Development Plan

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

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

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

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

8. No development shall commence on site until design and construction details of the proposed access and highway improvements as shown on drawings 140079 P(1)12 Rev C by Kendall Kingscott, and drawing number SK22 by Entran have been submitted to and approved in writing. The approved design and details shall be in compliance with the Design Manual for Roads and Bridges including Road safety Audits and implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

9. Before the development is brought into use the means of access to the loading bay, together with turning facilities for calling delivery and service vehicles and parking facilities for commercial vehicles shall be laid out and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site.

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

10. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

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

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

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

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

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

12. No HGV deliveries shall take place during the construction period between the hours of 07:30 am to 08:30 am and 16:30 pm to 17:30 pm on weekdays to and from the site.

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

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

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

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

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

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

sample(s) so approved.

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

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

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

16. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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

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

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

18. The site shall be developed in accordance with the recommendations of the Arboricultural Impact Assessment & Tree Protection Plan prepared by BoskyTrees dated 27 June 2015.

Reason: In order to ensure that the trees on site are adequately protected through the course of construction works in the interests of maintaining biodiversity in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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

- a) An appropriate scale plan mapping the location of features covered in the Plan;
- 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 in relation to protected species
- d) Details of specific mitigation measures for nesting birds.
- e) Details of invasive plant avoidance and /or treatment
- f) 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 during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection monitoring of working practices during construction;
 - vi) Specific species and Habitat Mitigation measures
 - vii) Provision of training and information 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.

20. 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 equipment shall be erected or installed without the prior express permission of 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.

21. The food store hereby approved shall not be open to the public except

08:00 hours to 22:00 hours Mondays to Saturdays;
10:00 hours to 18:00 hours Sundays and Public Holidays;

Reason: To protect the amenities of the occupiers of adjoining properties in

accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 16/1284/10 (KL)
APPLICANT: Laser Travel
DEVELOPMENT: Rebuilding of fire damaged bus workshop.
LOCATION: 4 FOUNDRY ROAD INDUSTRIAL ESTATE, FOUNDRY ROAD, TREALAW, TONYPANDY, CF40 2XD
DATE REGISTERED: 22/11/2016
ELECTORAL DIVISION: Trealaw

RECOMMENDATION: Approve

REASONS: The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, its potential impact upon the amenity and privacy of surrounding neighbouring properties, and its potential impact upon highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the construction of a bus workshop on a plot of land at Foundry Road Industrial Estate in Trealaw. The workshop would replace a previous workshop which has recently been demolished due to fire damage.

The proposed workshop would measure 14.6 metres in width by 14.5 metres in depth with a mono-pitch roof which would measure a maximum of 6.7 metres in height from ground level. It would incorporate 3 galvanised steel roller shutter doors within the south-east facing front elevation with a separate pedestrian access door to the north-east facing side elevation. External materials would consist of green box profile sheeting.

The plans indicate that the proposed workshop would occupy the same footprint as the previous structure and would be of an identical scale in terms of its height. The only visible differences would be 3 smaller garage doors in the front elevation instead of 1 large garage door and the colour of the box profile sheeting (green instead of silver).

SITE APPRAISAL

The application site relates to an irregular shaped plot of land on the Foundry Road Industrial Estate on the outskirts of Trealaw. It is accessed via Foundry Road to the north-eastern boundary which links to the A4058 to the north.

The site is enclosed by timber fencing to the north-east, palisade fencing to the north-west and chain link fencing to the south-west. Ground levels within the site are relatively flat.

The north-western part of the site was previously occupied by a large workshop structure however this has recently been demolished due to fire damage. The remainder of the site is used for the storage of coaches as part of the 'Laser Travel' business.

The surrounding area along Foundry Road is characterised by other industrial-type units with many being of a similar scale and design to the proposed workshop. The nearest residential properties are located at least 55 metres to the north-east (Trealaw Road) with commercial properties being located at least 64 metres away in Tonypandy Town Centre (Dunraven Street) to the south-west and west.

PLANNING HISTORY

No previous planning applications have been submitted at the application site within the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification and two site notices along Foundry Road. No letters of objection or representation have been received.

CONSULTATION

Countryside, Landscape and Ecology – no objection.

Land Reclamation and Engineering – no objection subject to condition.

Natural Resources Wales – no objection subject to advisory note to applicant regarding potential flood risks.

Public Health and Protection – no objection subject to conditions.

Transportation – no objection or condition suggested.

Wales and West Utilities – no objection.

Welsh Water – no objection subject to conditions and advisory notes.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the defined settlement boundary of Trealaw and is unallocated. The site has also been identified as being within a flood risk area (Zone C2).

Policy CS1 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy AW2 - supports development in sustainable locations.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

National Guidance

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

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 8 (Transport) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 15: Development & Floodrisk;

PPW Technical Advice Note 18: Transport.

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 proposal relates to the construction of an industrial unit at the Foundry Road Industrial Estate which is located within the defined settlement boundary. The unit would be used as a bus workshop to be used in conjunction with the existing business ('Laser Travel') and would replace an almost identical structure which previously occupied the site (demolished due to fire damage).

As such, the principle of the proposed development is considered to be acceptable subject to an assessment of other key requirements set out in the Local Development Plan.

Impact on character and appearance of area

The proposed workshop would be identical to the scale and design of the previous structure at the site with the only visual differences being the design of the garage doors to the front elevation and the colour of the box profile sheeting. It is therefore not considered that the proposal would have a significant impact on the character and appearance of the application site or the surrounding area.

Impact on residential amenity and privacy

The proposed workshop would be sited at least 55 metres away from the nearest residential properties in Trealaw Road to the north-east. It is therefore not considered that it would have any impact on the residential amenity and privacy of those properties.

In terms of the impact the workshop would have on adjoining land owners/businesses at Foundry Road Industrial Estate, it would be sited alongside an existing industrial-sized building (to the north-west of the site) and would be of an identical scale and design to that of the previous structure at the site. It is therefore not considered that it would result in any additional impact that would be over and above that created by the previous structure.

Furthermore, no objections have been received in relation to the proposal and it is therefore considered to be acceptable in this regard.

Impact on Highway Safety

The application has been subject to consultation with the Council's Transportation Section with no objection being raised in relation to the proposal. This view acknowledges that the proposed development would be served off Foundry Road which is sub-standard and oversubscribed with on-street car parking narrowing the available width to single file traffic. However, taking into account that the proposal is for a replacement building with no increase in vehicular movements, the proposal is, on balance considered to be acceptable in terms of the impact it would have on highway safety.

Public Health

The Council's Public Health & Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested are not considered necessary. An appropriate informative note is considered to be sufficient in this instance.

Flood Risk

It is noted that the application site is located within a flood risk area (Zone C2) and Natural Resources Wales (NRW) have therefore been consulted on the proposal. The response received raises no objection to the proposal as the development would result in the re-build of an existing building and it was considered that the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development.

Other Issues

Consultation has been undertaken with the Council's Land Reclamation and Engineering and Countryside, Landscape and Ecology Sections with a view to assessing any potential impacts upon land drainage and ecology respectively. The responses received raise no objection to the proposal subject to standard conditions and advice.

It is also noted that no objections were received from Dwr Cymru Welsh Water or Wales and West Utilities subject to standard conditions and advice.

Community Infrastructure Levy 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

It is not considered that the development would have a significant impact upon the character and appearance of the locality or upon the amenity of surrounding properties. Furthermore, there would be no undue impact upon highway safety in the vicinity of the site. As such, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

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 plan(s) no(s) Drawing No. MH0116: Proposed Elevations and Ground Floor Plan, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management including full drainage details have been submitted to and approved in writing by the Local Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage.

4. The unit shall not 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.

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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

2 FEBRUARY 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

**MR J BAILEY
(Tel: 01443 425004)**

See Relevant Application File

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