



PLANNING & DEVELOPMENT COMMITTEE

17 OCTOBER 2019

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0914/10 (EL)
APPLICANT: Oakwood Furniture
DEVELOPMENT: Construction of replacement fire destroyed workshop building (Class B2).
LOCATION: OAKWOOD FURNITURE, OLD PARISH ROAD, YNYSYBWL, PONTYPRIDD, CF37 3EY
DATE REGISTERED: 30/08/2019
ELECTORAL DIVISION: YnysybwI

Recommendation: Approve subject to conditions

Reasons:

The proposal is in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the use of the site for commercial purposes has been established by earlier consents and the building itself is acceptable in terms of its scale, design; impact on residential amenity and highway safety.

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 new industrial building (use Class B2) on a parcel of land off Old Parish Road, YnysybwI. The application has been submitted following the loss of the previous unit on site, as a result of significant fire damage.

The building would appear rectangular in plan, measuring 32.0 metres in length and 17.5 metres in width. It would have a shallow ridge roof construction extending to 5.5 metres at its highest point and 3.7 metres at its eaves. The building would be a modular frame construction, with both roof and elevations would be clad in colour coated aluminum profile panels (in goosewing grey). Internally the majority of the space would accommodate a

large open plan 'factory floor work space'. At the southern end of the building space would be reserved for a spray shop and at the northern end of the building an area would be created for 3 no. offices, a kitchen and w.c. facilities. The proposed building would be located close to the south western boundary of the site, with space available to the front (north) of the unit to provide access and car parking. Vehicular access to the site would be gained via the existing means of access which serves the site and connects with Old Parish Road.

The applicant has indicated that the building would operate in conjunction with the existing timber mill that remains on the site (and is still operational). The proposed building would be used for a combination of uses although primarily as a joinery, with a secondary spray shop for finishing products. The building would also accommodate supporting office functions associated with the business.

As noted above, the application represents a replacement building, which would extend to a similar footprint and scale and occupy broadly the same position within the site as that of the one lost. It is noted that at the time of the site inspection, the business was still trading but from a number of temporary buildings that have been sited on adjacent land (to the south of the application site.)

Site Appraisal

The application site consist of a parcel of land that extends to approximately 2430m². The site is located toward the south eastern end of a small industrial area located off Old Parish Road, Ynysybwl. To the west the site is bounded by the highway, with vehicular access also being gained from this point. To the north the site is bounded by a neighbouring commercial use. The eastern site boundary is defined by a band of mature vegetation and trees, which falls to the level of adjacent Nant Clydach watercourse; this area forms part of a wider SINC (Site of Important Nature Conservation). To the south of the site is a footpath, which is defined as a public right of way (footpath 23 Ynysybwl and Coed y Cwm). Within the application site, the land is relatively level, with the footprint of the building, which previously occupied the site, still being visible on the ground at the southern extent of the plot. Toward the north of the site are two further buildings, these being a timber mill and wood store. It is noted that at the time of the site inspection, the business was still trading but from a number of temporary buildings that have been sited on adjacent land (to the south of the application site.) A range of other commercial businesses operate from neighbouring plots to the north along Old Parish Road, these include a scaffolding company, tyre garage and civil engineering company. A small number of residential dwellings are located to the far south of the site, also being served off Old Parish Road.

Planning History

Relevant planning history is outlined below:

98/4569	Oakwood Furniture Manufacturers, Old Parish Road, Ynysybwl	Extension to existing factory and new parking area.	Granted	18/12/98
98/4394	Old Parish Road, Ynysybwl	Demolition of two derelict former garages and erection of a light industrial unit.	Consent required	03/08/98
80/0044	Old Parish Road, Ynysybwl	Extension to existing building for manufacture of thermometers.	Granted with conditions	19/03/80

Plot 12 Old Parish Road

88/0534	Plot 12 Evans Autos, Old Parish Road, Ynysybwl	Retention of car repairs / construction from kit.	Granted with conditions
88/0533	Plot 12 Evans Autos, Old Parish Road, Ynysybwl	Retention of siting of residential caravans	Refused

Publicity

The application was advertised by direct neighbour notifications and site notices. No representations have been received in response to the publicity.

Consultation

Highways and Transportation - no objections raised.

Land Reclamation & Drainage – no objections raised, informative note recommended advising the applicant that SAB approval will be required.

Public Health & Protection – no objections raised, conditions suggested including those relating to site investigations.

Natural Resources Wales - no objections raised subject to conditions relating to limiting contamination impacts.

Countryside, Landscape & Ecology – no objections raised subject to conditions to limit potential impacts on adjacent SINC and Nant Clydach watercourse.

Glamorgan Ramblers – footpath Ynysybwl & Coed-y-Cwm 26 runs next to south of the application site. No objections raised, it is commented that the development would improve the visual aspect of the path.

Public Rights of Way Officer – no objections raised, informative note recommended advising the developer that the public right of way must be

protected at all times and the development must not interfere or obstruct the footpath.

Dwr Cymru – no objections raised conditions suggested. It is noted that a sewer is located in the highway that adjoins the application site. No development will be permitted within a protection zone for this sewer. An informative note to this effect is recommended.

Wales & West Utilities – no objections raised. Wales & West Utilities has assets in the area, which may be affected during construction works. The applicant must contact Wales & West Utilities to discuss their requirements.

South Wales Fire & Rescue – no objections raised, informative note recommended.

Policy Context

Rhondda Cynon Taf Local Development Plan

Indicates that the site is inside settlement limits and is unallocated.

Policy CS2 sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

AW2 promotes development in sustainable locations.

AW 5 sets out criteria for new development in relation to amenity and accessibility.

AW6 sets out the criteria for new development in terms of design and place-making.

AW8 sets out the criteria for protection and enhancement of the natural environment.

AW10 sets out the criteria for environmental protection and public health.

NSA12 sets out the criteria for development within and adjacent to settlement boundaries in the Northern Strategy Area.

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 Edition 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations Act in to planning.

It is considered that the current proposals meet the seven wellbeing of future generation's goals inasmuch as they relate to the proposed development and the site is being brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as defined by chapter 2 people and places: Achieving Wellbeing through Placemaking of the policy document and that the proposal is also consistent with the following insofar as they relate to the development proposed –

- Chapter 1 managing new development.
- Chapter 2 achieving wellbeing through placemaking
- Chapter 3 strategic and spatial choices.
- Chapter 4 active and social places
- Chapter 5 productive and enterprising places
- Chapter 6 distinctive and natural places.

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

The application site lies within settlement limits and in an area with a history of commercial activity. The proposal seeks to develop a new industrial building on a parcel of land that is currently vacant, but was previously occupied by a unit comparable to the proposal. As such, the key considerations in the determination of the planning application are the compatibility of the proposed building and uses with the established area, along with the potential impact upon the amenity of neighbouring occupiers. The impact of the proposals upon both the character of the area, highway safety and ecology are further considerations.

Principle and amenity impacts

The application site is a parcel of land that forms part of a wider area that is in use for commercial/ industrial purposes. The wider site, which is accessed off Old Parish Road, houses a range of commercial uses including, a scaffolding

company, tyre garage and civil engineering company. The application site lies toward the southern extent of this area and is located within settlement limits, albeit that the eastern site boundary defines the line of the settlement boundary.

A review of the history of the site has revealed a number of planning applications relating to previous commercial uses at the site. The most relevant of these relates to a 1998 permission for the construction of an extension to an existing factory and new parking area, this was made by the same applicants, those being Oakwood furniture manufacturers. Prior to this applications dating back to 1980 illustrate a history of commercial manufacturing uses being operational from the site. As such, there is clearly a well-documented history of industrial uses under Classes B1/ B2 operating from the site.

The current application has been submitted following the loss of the previous building due to fire damage. The scheme seeks to construct a replacement building in broadly the same location and with broadly the same footprint of that which previously occupied the site. The existing furniture manufacturing business wish to retain a presence at the site, with the building layout indicating that the premises would be used for all aspects of the manufacturing business; ranging from the use of the closely linked sawmill on the same land parcel through to fabrication and finishing. The building would also accommodate supporting functions such as office space.

It is acknowledged that a number of residential properties are located to the far west and south west of the application site. The closest of these include Lynmouth House and Penrhyn, which are also served off Old Parish Road. Whilst these properties are located in relatively close proximity to the application site, views of the proposed development would be largely screened by intervening landscaping, it is also noted that they both occupy a position that is slightly elevated above that of the application site. It is also worthwhile noting that following the publicity of the application, no comments or representations have been received from neighbouring residents or adjacent businesses. Therefore, whilst it is acknowledged that these dwellings lie in close proximity to the proposal, this must be balanced against the fact that commercial activities, undertaken by the current operator, have been conducted from this site for a period in excess of 20 years. As such, it is considered that existing residents would be accustomed to the types of comings and goings associated with the trading of the business. It is also noted the Council's Public Health and Protection Team raise no objections to the application in this regard and do not identify in their observations any history of nuisance complaints associated with this site.

Whilst it is accepted that the current application seeks to restore a building from which uses under Classes B1/B2 would operate, it considered that the potential impacts arising from its operation could be limited by restricting the hours of business. The applicant has indicated under normal circumstances hours of work at the site were between 06.30am – 05.30pm, Monday – Friday, with occasional weekend work, when demand dictates. As such, a condition

which restricts the hours of operation to 06.30am – 06.00pm Monday – Saturday is suggested. This would allow the applicant the flexibility to trade on a Saturday when business demands dictate, whilst still limiting the potential for disturbance to neighbouring occupiers by restricting trade late into the night and during unsociable hours.

Whilst it would not be possible to impose planning conditions which restrict issues such as noise at the site, it is important to note that should any nuisance resulting from such activities arise, these matters could be investigated and controlled under Public Health & Protection legislation.

Therefore, on balance, with the use of conditions, which would limit the operation of the businesses to daytime trade and restrict activities during unsociable hours it is not considered that the impacts resulting from the proposals would result in an adverse impact upon neighbouring amenity that would be so great as to warrant the refusal of the application.

Character and Appearance

As set out above, the proposed building would be sited on broadly the same footprint as the previous property. The building would be sited in a north – south alignment, with its primary (front) elevation facing north, overlooking a service yard and the existing saw mill, which is still present on site.

The building would be uncomplicated and functional in its design, with a shallow ridge roof design and elevations finished in grey colour profile cladding panels. Internally the space would provide a large open ‘factory floor’ with smaller areas subdivided for functions such as ‘finishing’ and ‘spraying’ and office spaces. The building would be served by commercial roller shutter doors and secondary pedestrian doors. As noted above, the area to the north is commercial in character, with existing businesses, operating from a range of buildings all of which are commercial in character. Whilst the building would have a large footprint at 560m², it is not considered that the building would be out of keeping with the general appearance of adjacent commercial properties.

As noted in the preceding section of the report, whilst the site lies close to dwellings to the south west, as a result of the topography of the site and intervening landscaping, the proposed development would be largely screened from view of these properties. As such, overall, it is not considered that the resulting development would appear either harmful to or out of keeping with the character of its setting.

Highway Safety

In order to aid in the assessment of the development upon highway safety, consultation has been undertaken with the Council’s Transportation Section. Their response comments that the proposal represents the construction of a replacement industrial unit, located on broadly the same footprint as that which previously occupied the site but were lost due to fire damage.

It is noted that the means of access to the site would remain unaltered, utilising an existing access that serves the site off Old Parish Road. It is also noted that an area of land is available to the front of the proposed unit, which would allow sufficient space for the parking and turning of vehicles associated with the development. As such, it is not considered that the proposal would result in any adverse impacts upon highway safety in the vicinity of the site, and their response concludes by raising no objections to the scheme.

Ecology

In order to aid in the assessment of the proposal upon matters relating to ecology, consultation was undertaken with the Council's Countryside Section. Their response confirms that whilst the majority of the application site, including the area where the building would be sited, has no ecological value; the land to the east is defined as a site of Important Nature Conservation (SINC). The adjacent land to the east consists of a landscape buffer that separates the site from the adjacent Nant Clydach watercourse. Whilst it is noted that the development does not require the removal of any of the trees, it will be necessary to ensure that the wooded area along the riverbank is protected during the course of construction. It is also noted that it appears some debris from the final demolition of the fire damaged building has encroached into the river corridor and this will require remediation. As such, a condition is suggested which requires the submission of a scheme to ensure the protection of the trees along the Nant Clydach corridor and measures to ensure the removal and remediation of the impacts that have resulted from the demolition of the former building which occupied the site.

Their observations also identify that the Japanese knotweed is present at the perimeter of the site, this will need to be treated and its potential spread controlled. Should Members be minded to approve permission, it is suggested that this matter be covered by the use of an informative note attached to the permission, as the control of Japanese Knotweed is covered under the Wildlife and Countryside Act.

Contamination and Flood Risk

As part of the application process, consultation has been undertaken with Natural Resources Wales. Their response confirms that their flood risk map identifies that the application site lies partially within Zone C2 of the Development Advice Maps (DAM) as contained in TAN15 and within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability flood outlines. However, their observations also acknowledge that the application seeks permission to replace a previous building which occupied broadly the same site and that no new development would actually be located within the flood outlines. Therefore, their response concludes that NRW have no adverse comments to make, from a flood risk perspective. Nevertheless, an information note drawing the applicant's attention to the fact that the wider site lies partially within an area at risk from flooding is recommended.

In terms of contamination, both the Council's Public Health and Protection Section and NRW have identified that contamination may be present at the site and that this will require remediation. NRW's comments focus on the fact that the previous building was destroyed by fire and that firefighting foams can contain chemical compounds such as PFAS and PFOS which in this case are of concern given the close proximity of the river. They comment that as it is unclear exactly when the fire occurred and what foams/constituents were used, as such they recommend the use of a site investigations condition, to ensure that any risks present can be adequately investigated and if necessary appropriate remediation measures employed. Similarly, given that it is known that the site has previously been used for industrial and commercial activities, the Councils' Public Health and Protection Section also recommended the use of a similarly worded condition.

As such, whilst neither consultee raise an objection to the planning application, should members be minded to approve planning permission, the use a number of conditions relating to managing potential contamination at the site are suggested.

Finally, given the circumstances surrounding the loss of the previous building, consultation has been undertaken with the Fire Service as part of the planning application. Having assessed the proposals, their response concludes by raising no objection to the application; however, they recommend that matters relating to fire safety be brought to the applicant's attention. As such, should Members be minded to approve planning permission, it is suggested that an informative note be attached to the consent which draws the applicant's attention to the need to ensure the provision of both adequate water supplies on the site for firefighting purposes; and access for emergency firefighting appliances.

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

The proposal represents the construction of a replacement building on the broadly the same footprint as the previous, to be used by the same business for the same use. Whilst it is acknowledged that some residential properties are located in vicinity of the site, it is considered that any impacts resulting from the operation of the units could be adequately managed via controls under public health and protection legislation and conditions, which limit the hours of operation of the business. Furthermore, the application proposal is considered acceptable in terms of its impact upon the character and

appearance of the area, highway safety and ecology and therefore accords with the requirements of the Local Development Plan. Therefore the proposal is recommended for approval, subject to the conditions specified below.

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)
 - Location Plan scale 1:1250
 - Proposed block plan 1:500
 - Drawing No: PDR/606/81/70/9102/C Proposed elevations
 - Drawing No: PDR/606/81/70/9102/B Proposed floor plan factory & offices
 - Drawing No: PDR/606/81/70/9102/A Proposed elevations and plan view.

and documents received by the Local Planning Authority on 21/08/19 and 03/09/19 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant

linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: In the interest of health and safety and environmental amenity, as the controlled waters at this site are of high environmental sensitivity due to the close proximity of the Nant Clydach and as contamination is strongly suspected on site, so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to occupation of any part of the building hereby approved a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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

5. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

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

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

7. No surface water and/or land drainage shall be allowed to connect directly

or indirectly with the public sewerage network, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. The commercial unit hereby approved shall not operate other than between the hours of:

- Monday – Saturdays: 06.30am to 6.00pm,
- Unless agreed otherwise in writing by the Local Planning Authority.

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

9. Before any work is commenced on site, a method statement which includes the following:

- measures for the protection of adjacent trees and the riparian corridor of the adjacent Nant Clydach watercourse;
- measures to prevent run-off and construction pollution of the Nant Clydach during construction;
- measures to remediate the impacts of the site's demolition through the removal of demolition waste from the river bank corridor of the Nant Clydach;

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed method statement and any approved protection measures shall remain in place during the course of the construction period.

Reason: To protect the existing trees and the riparian corridor of the adjacent Nant Clydach watercourse during the course of building work in the interests of amenity and to afford protection to the adjacent SINC in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan