



RHONDDA CYNON TAF

PLANNING & DEVELOPMENT COMMITTEE

3 SEPTEMBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0840/10 (MF)
APPLICANT: Allied Welsh & Ty Carreg Group
DEVELOPMENT: Phase 2 - business/industrial park extension on a green field site off Llantrisant Business Park (amended plans received 18/12/19 & 23/04/20).
LOCATION: LAND AT TAL Y FEDW, LLANTRISANT BUSINESS PARK, LLANTRISANT, PONTYCLUN, CF72 8LF
DATE REGISTERED: 01/10/2019
ELECTORAL DIVISION: Town (Llantrisant)

RECOMMENDATION: Approve

REASONS: The application site forms part of the Llantrisant Business Park employment land bank. The principle of developing the site for industrial uses is therefore considered acceptable. Furthermore, the scheme will make effective use of an undeveloped area of land within the settlement boundary, and will generate economic growth and a number of employment opportunities in the local area; without resulting in a significant impact upon the character and appearance of the area, the amenities of surrounding residents, or highway safety. It has also been demonstrated that the impact of the scheme upon ecology can be appropriately mitigated and a suitable diversion for the existing Public Right of Way that crosses the site accommodated.

The application is therefore considered to comply with the relevant policies of both the Local Development Plan and national guidance, and is recommended for approval.

REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to Committee as the proposal is not covered by determination powers delegated to the Director of Prosperity and Development.

APPLICATION DETAILS

Full planning permission is sought for the construction of 6 no. industrial units at the application site for use within Class B1 (light industrial), Class B2 (general industrial), and Class B8 (storage and distribution); together with associated access, engineering works and landscaping. The scheme forms the second phase of development at the wider site which is allocated for employment use within the Rhondda Cynon Taf Local Development Plan (LDP) as an extension of Llantrisant Business Park. The applicant has detailed that the scheme has been brought forward in two phases due to financial constraints.

Phase 1 proposed 2 no. industrial units at the south-western corner of the wider plot (a total gross floor area of 894m²) along with a new associated access off the existing Llantrisant Business Park industrial estate feeder road to the south, Heol-y-Sarn. The earlier Phase 1 application was approved on 21/03/2019 (application ref. 18/0408/10 refers), however Members are advised that development works have not yet started on site.

This application for Phase 2 proposes 6 no. adaptable industrial starter units (a total gross floor area of 2550m²) that would be suitable for single or multiple use depending on the end user/s. They would be occupied for light industrial, manufacturing and storage and distribution use with low staffing levels and commercial visitors only.

It is proposed that 4 no. double units would be sited along the northern boundary of the plot, 1 no. double unit at the south-western corner, and a larger, multiple unit building at the south-eastern corner. Each of the units would be arranged around a circular access road with off-street parking to the front/side. The proposed units would comprise the following:

- 5 no. single storey, double units measuring 25m in width by 13m in depth with a pitched roof design to 6.5m in height (a total of 1625m² floor space). Each unit would comprise a central lobby, a loading bay, a warehouse area, and office/staff facility spaces.
- 1 no. single storey, multiple use (up to 6 no.) unit measuring 37m in width by 25m in depth with a pitched roof design to 6.5m in height (925m² floor space). This unit would comprise 6 no. separate units similar to that at the smaller, double units detailed above, but could be easily adapted to form 1 no. large unit, or a number of smaller units depending on the future occupier/s.

The units would each be finished in a mix of dark grey metal and light grey composite cladding above a blue/grey brick plinth, with dark grey composite windows and pedestrian doors, dark grey composite profile roof sheets, and the front elevations incorporating larger dark grey sectional doors and a feature wall of dark grey composite cladding.

Associated landscaping would be located throughout the site and a new random planted area would be created at the northern element of the plot to create a buffer

between the edge of the industrial estate and the open countryside beyond. A 5m wide landscaped buffer zone would also be implemented along the northern, western and southern boundaries of the site to ensure there is no impact upon the existing mature trees and hedgerows in these areas which are to remain following development.

Finally, Public Right of Way (PROW) Llantrisant 223/3 which currently crosses through the centre of the site would be diverted along the northern boundary.

Members are advised that amended plans were received on 18/12/2019. The applicant detailed that following further investigation the internal access arrangement originally proposed would be too costly to develop and therefore had to be altered. The original layout proposed a similar scheme to that now put forward, but included a vehicle access between the double unit at the south-western corner of the plot and the larger multi-use unit at the south-eastern corner, essentially forming a 'figure of 8' internal access road. The amended plans have seen the figure of 8 cut through road removed and a more conventional circular access road provided instead. This has meant that the larger multi-use building is now orientated north/south instead of east/west, and the double unit at the north-eastern corner of the plot has been repositioned to face southwards. The rest of the scheme remains as originally proposed.

SITE APPRAISAL

The application site is an irregularly shaped parcel of land located at the north-eastern extent of Llantrisant Business Park. It amounts to approximately 1.5ha and forms an element of a wider development plot that is allocated for employment use within the current LDP. The wider development plot has been split in to 2 no. separate parcels, this current application site and the associated Phase 1 area (approximately 0.8ha); and a further plot immediately to the east which is currently subject of a separate planning application to extend the neighbouring Tom Pritchard Contracting depot (application 19/0012/10 refers but is yet to be determined).

The site is generally level throughout but gently undulates in some areas. The very northern and western extents do however fall steeply away to the adjacent streams below. The plot forms a vacant field currently covered with grass/scrub vegetation which has historically been used for grazing. Access is gained off the main industrial estate feeder road, Heol-y-Sarn, via an existing, overgrown dirt track at the south-western corner of the wider development parcel (the Phase 1 area). The access track is to be upgraded to the relevant specifications as part of the earlier Phase 1 planning permission. The northern, southern and western boundaries of the site are defined by mature trees and well established hedgerows. The eastern boundary is open and defined by a post and wire fence. Public Right of Way (PROW) Llantrisant 223/3 crosses through the centre of the site.

Land to the south and south-west of the site forms part of the wider Llantrisant Business Park. The industrial estate is comprised of numerous industrial units of

varying design and scale and has been the subject of significant commercial development over the past few decades. To the east the site is bound by a further element of the vacant employment allocation which, as set above, is currently subject of a separate planning application for industrial use. The Nant Muchudd bounds the plot to the north-west and the Nant Castellau to north, beyond which is open countryside. It is noted however that a number of scattered residential dwellings are located in this area, with the nearest being Tal-y-Fedw Farm and a number of barn conversions here approximately 160m to the north-east.

PLANNING HISTORY

The site is subject to a substantial planning history, mainly associated with the nearby Tal-y-Fedw Farm to which it formally belonged. As such only the previous planning applications that are considered relevant to this development are detailed below:

18/0408/10	Phase 1 – development consisting of a business/industrial park extension on a Greenfield site off Llantrisant Business Park	Granted	21/03/19
17/0582/15	Variation of Condition 1(c) of application 14/0284/15 the approval of reserved matters shall be made before the expiration of six years from 11 June 2014 and removal of Conditions 25 (Code for Sustainable Homes), 26 (BREEAM) and 27 (BREEAM) as they no longer accord with Welsh Government policy as to sustainable building	Granted	20/09/17
14/0284/15	Variation of Condition 1 of planning application no. 10/1285/15 to extend by three years the period within which reserved matters applications may be submitted	Granted	11/06/14
10/1285/15	Application to vary condition 1(c) imposed on planning permission no. 07/0364/13	Granted	31/01/11
07/0364/13	Employment development (outline) including all associated building, engineering operations and landscaping	Granted	22/04/08

PUBLICITY

The application has been advertised by means of direct neighbour notification, site notices and a press notice. 3 no. letters of representation/objection have been

received from occupiers of neighbouring residential dwellings to the north/north-east of the site, making the following comments (summarised):

- The development would result in noise and air pollution to the nearest residential properties, exacerbating the impact already endured as result of the existing industrial estate.
- The development may result in light pollution to surrounding properties from both the proposed use and from nearby existing industrial units if trees/hedgerows along the boundaries of the site are removed.
- The original outline planning permission and subsequent renewals all had a number of conditions attached to ensure that any potential impact upon the amenity of the nearest residential properties is minimised, specifically in respect of noise, lighting, outside storage and control of plant/machinery. Should this application be approved, the earlier conditions should be appended to control these matters.
- If this application is approved appropriate landscaping/screening should be installed at the site to ensure there is no visual impact to the nearest surrounding residential properties.

Comments were also received from Glamorgan Ramblers. They noted that they have been in discussion with the developer prior to submission of the planning application in respect of the proposed realignment of the PROW that crosses the site; and that they have no concerns/objections with the proposals.

CONSULTATION

Transportation Section – No objection, subject to conditions and informative notes.

Public Health and Protection – No objection, subject to conditions and informative notes.

Flood Risk Management – No objection. Standard advice and informative notes offered.

Countryside, Landscape and Ecology – No objection, subject to condition.

Public Rights of Way Officer – No objection. Standard advice offered.

Waste Services – No objection.

The Coal Authority – No objection. Standard advice offered.

Natural Resources Wales – No objection. Standard advice and informative notes offered.

Dwr Cymru Welsh Water – No objection, subject to standard conditions and informative notes.

Wales and West Utilities – No objection, subject to standard conditions and informative notes.

Western Power Distribution – No objection. Standard advice offered.

South Wales Fire and Rescue Service – No objection. Standard advice offered.

South Wales Police – No objection. Standard advice offered.

Health and Safety Executive – No objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located within the settlement boundary for Llantrisant and also the boundary of the Llantrisant Business Park employment land bank.

Policy CS2 – sets out the criteria for development in the Southern Strategy Area.

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

Policy AW4 – details the criteria for planning obligations including the Community Infrastructure Levy (CIL).

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 AW7 – identifies that proposals which affect public rights of way will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area / public facilities.

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

Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy SSA3 – sets out the criteria for residential and commercial development within the Principle Town of Llantrisant / Talbot Green.

Supplementary Planning Guidance

- Design and Placemaking;
- Design in Town Centres;
- Nature Conservation;
- Planning Obligations;
- Access, Circulation and Parking;
- Employment 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 (Edition 10) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that this proposal meets the seven goals of the Well-being of Future Generations (Wales) Act and that the site has been brought forward in a manner consistent with the five ways of working set out in the Act. Furthermore, it is also considered that the proposed development is consistent with the key principles and requirements for placemaking set out in Chapter 2 (People and Places: Achieving Well-being Through Placemaking) of PPW, and is also consistent with following chapters of PPW insofar as they relate to the development proposed:

- Chapter 3 (Strategic and Spatial Choices);
- Chapter 4 (Active and Social Places);
- Chapter 5 (Productive and Enterprising Places);
- Chapter 6 (Distinctive and Natural Places).

Other relevant national planning 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 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 23: Economic Development.

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 proposal seeks full planning permission for the construction of 6 no. industrial units at the application site which would form the second phase of the extension of Llantrisant Business Park at this location.

The application site is located within the settlement boundary of Llantrisant and comprises a vacant parcel of land within the existing, established employment land bank for Llantrisant Business Park which constitutes possibly the last available site to be developed for employment purposes within the industrial estate. It is considered that its development would support the objectives of core strategy Policy CS2 of the LDP, by providing opportunities for inward investment within a sustainable location inside the settlement boundary; and by bringing a vacant area of the industrial estate into beneficial use, in turn contributing to the local economy and job market.

In terms of considering the suitability of the proposed development against the sustainability objectives of the LDP, the site is within the settlement boundary, within the boundaries of an existing employment site, and in view of its relationship with other existing similar development in the immediate locality, is unlikely to unacceptably conflict with surrounding uses. Furthermore, whilst the site is located at the north-eastern corner of the industrial estate, a number of sustainable transport options exist including walking, cycling and bus services that could be utilised by those working within or travelling to the area. As such the site is considered to be acceptable in relation to the general sustainable development requirements of Policy AW2 and the placemaking aims of PPW.

Finally, as set out above, this submission follows a number of previously approved planning applications to develop the site for employment purposes, including application ref. 18/0408/10 which recently gained consent for the first phase of development at this particular site. Therefore, with a long history of planning permissions for employment use and the site currently benefiting from extant outline and full permissions for similar development, the principle of developing the site for employment use has already been established.

Subsequently, the construction of additional employment units within the defined settlement boundary at the long established Llantrisant Business Park is welcomed. The units would add to the vitality and viability of the local economy and jobs market, in addition to the principle of the development aligning well with both local and national planning policy. The proposal is therefore considered acceptable, in principle, subject to the proposal being compliant with the other relevant material considerations set out below.

Visual Impact

The application site currently comprises an open Greenfield parcel of land that previously formed an element of the adjacent Tal-y-Fedw Farm. It is semi-rural in character with streams running adjacent to the northern and north-western boundaries which are defined by mature trees and hedgerows. The land has however been allocated for an extension of the adjacent Llantrisant Business Park for a number of years, with there being a continuous history of planning consents for employment use since 2007. It has therefore been accepted as inevitable that there would be a fairly significant change in the character and appearance of the land in the future.

The majority of the adjoining land to the south, south-east and south-west has already been developed for commercial purposes and is characterised by large, pitched roof, metal clad industrial buildings with associated parking/delivery areas and infrastructure. Additionally, the currently vacant land immediately to the east of the site is also allocated for employment use. As such it is likely the neighbouring plot will also be subject of industrial use in future. Therefore it is not considered that the proposed development, consisting of 6 no. industrial buildings of a comparable design and scale to that at the wider industrial estate, will result in a significant impact upon the existing appearance of the area; or the activity associated with the proposed uses would be out of character in this context. Furthermore, the well-established tree and hedgerow screens along the northern and north-western boundaries of the site are to be retained and a considerable amount of new landscaping is proposed throughout. It is therefore considered the proposed development will be self-contained and suitably screened from the open countryside to the north/north-east/north-west.

Subsequently, whilst it is accepted the proposed development would inevitably result in a considerable alteration to the current greenfield nature of the site, its use for employment purposes has long been established and it is considered the works would appear as an appropriate rounding off of the wider industrial estate. The proposal is therefore considered acceptable in respect of its potential visual impact.

Neighbour Amenity

The application site is bound by a variety of industrial/commercial uses to the south/south-east/south-west located within the established Llantrisant Business Park. Therefore, whilst it is accepted the scheme would result in a considerable alteration to the character of what is currently a greenfield site, given that the proposed scheme would result in uses comparable to that at the existing, adjacent units, it is not considered the proposal would have any undue impact upon the amenities or operation of the neighbouring properties in these areas.

It is acknowledged however that a number of residential dwellings are located sporadically throughout the open countryside to the north/north-east, and therefore given the nature of the development proposed and its scale, there would inevitably be a degree of impact to the amenity standards currently enjoyed by the occupiers of these properties. This issue has been highlighted by the fact that occupiers of 3 no. of the nearest properties to north/north-east have submitted objections to the scheme, mainly noting potential impacts by way of increased noise, general disturbance and light pollution. The applicant has acknowledged that impacts in these respect would occur and has subsequently undertaken various surveys to identify any potential impacts and any necessary mitigation measures.

An Environmental Noise Survey was undertaken to determine if any potential noise pollution would occur and if so, what, if any, mitigation measures could be implemented to overcome any impact in this respect. The Council's Public Health and Protection Division (PHPD) have assessed the noise survey report and commented:

- All nearby noise sensitive receptors have been identified;
- Background noise levels have been established through continuous monitoring at the nearest noise sensitive receptor (daytime 39dB L_{A90} / nighttime 35dB L_{A90});
- The report recommends a number of conditions, including a requirement to meet environmental noise criteria based on pre-existing background noise levels;
- The report prescribes a proposed condition to control noise from the Phase 2 development by imposing a maximum decibel level that should be experienced at the nearest noise sensitive receptor (daytime 43dB L_{Aeq} / nighttime 35dB L_{Aeq}); and
- The report goes on to prescribe the maximum noise level that can be generated at the site, so as to not exceed the maximum levels at the nearest noise sensitive receptor (daytime 38dB L_{Aeq} / nighttime 30db L_{Aeq}). These limits include a -5dB penalty to accommodate for additive effects of plant/operation from the separate tenancies.

The PHPD are content with the findings of the noise survey report, stating that the noise levels identified in the report should not be so intrusive as to result in a detrimental impact to the nearest residential properties, and therefore do warrant an objection. It was noted however that during the consideration of this application they have received a number of complaints from residents regarding excessive noise being

generated in the area where various operational activities have/are taken/taking place. Therefore it is suggested that it would prudent to attach a condition to any consent restricting noise levels at the site to that stated within the noise survey report to ensure that an adequate level of protection is afforded to surrounding residents; a similar condition that was appended to the earlier outline permissions at the site, and the same condition that was appended to the recently approved Phase 1 development. It is considered that such a condition would be necessary in this instance to ensure noise emitted from the site is minimised and the amenities of the nearest residents are protected.

The PHPD also suggest further conditions in respect of noise in line with those attached to the Phase 1 permission, one for a scheme to control the noise that may emanate from the site; one requiring the occupier of any unit that the Council receives a noise complaint about undertaking their own noise monitoring tests and submitting the results to the Local Planning Authority (LPA) for further investigation; and one requiring full details of any future plant/machinery and associated mitigation necessary to be submitted to and approved by the LPA prior to installation. Each of these conditions are considered reasonable and necessary to ensure any potential impact to the nearest properties is minimised.

It is noted that an objector has commented that the proposed development may result in light pollution to surrounding properties, both from the new development itself and from existing units should the trees/hedgerows that screen the site from the existing industrial estate be removed. Again, it is inevitable that the works will result in a degree of impact in this respect, however the existing trees/hedgerows surrounding the site are to remain and therefore no further impact would occur from the existing industrial estate. With respect to any impact from the new units, given that the proposed development will be contained within the boundary of Llantrisant Business Park, albeit an extension of the estate, it is not considered that the development of 6 no. additional, relatively small scale starter units would result in considerably more light pollution than that which already occurs. Furthermore, all external lighting to the buildings would be controlled through the proposed, necessary ecology mitigation/conditions (full details set out below) which would not only ensure protection to wildlife in and around the site, but would also minimise any light pollution to the nearest neighbouring properties. It also noted that all street lighting has been designed in line with the relevant Council standards and would be subject to separate highway consents. Therefore the Council would have full control of any future external lighting at the site and can ensure no undue impact in this respect would occur.

With the respect to the general development of the site and any potential impact the new buildings themselves may have upon the nearest properties, the few residential properties that are located in close proximity of the application site to the north/north-east are sited at a higher level and therefore overlook the site and existing business park. The closest of which, Tal-y-Fedw Farm and a number of barn conversions within its former grounds, are sited approximately 160m away. Additionally, as identified earlier in the report, the site has been the subject of a number of previous applications

relating to commercial development and the current scheme is consistent with these. As such it is not considered that the general design and layout of the scheme will raise any issues in relation to residential amenity.

Subsequently, whilst it is acknowledged that a degree of impact would inevitably occur to the amenity and privacy standards currently enjoyed by existing surrounding residents, it is not considered any impact would be so detrimental as to warrant refusal of the application. The application is therefore considered acceptable in this regard.

Highway Safety

Following consideration of the scheme the Council's Transportation Section has raised no objections, subject to a number of relevant conditions being added to any consent.

In their assessment of the scheme the Transportation Section commented that the application site would be served via the new access from the industrial estate already approved as part of Phase 1 (18/0408/10). The internal circulation for Phase 2 would simply form an extension of the already approved access and has been designed in accordance with the relevant Council specifications. The proposed access is therefore considered acceptable.

With respect to parking, the proposed development would provide an additional 6 no. general employment use units within parking zone 3. 5 no. of the units (Plots 3, 5, 6, 7 and 8) would have a floor area of 325m², with the remaining unit (Plot 4) having a floor area of 925m² (Plots 1 and 2 were approved under Phase 1). In accordance with the Council's adopted Supplementary Planning Guidance (SPG): Access, Circulation and Parking, the smaller units have a requirement of 4 no. spaces each and the larger unit has a requirement of 12 no. spaces. Off-street parking provision for all units exceeds their SPG requirement. Furthermore, the operational areas for each unit are also considered sufficient. As such the proposal is also considered acceptable in this regard and no highway objection is raised.

In light of the above highway assessment, it is not considered the proposed development would have any undue impact upon pedestrian or highway safety in the vicinity of the site. The application is therefore considered acceptable in this respect.

Public Health

No objections have been received from the Council's PHPD. They did however note that following a search of their records it is likely that the ground is contaminated from previous industrial use. As such a number of conditions were suggested requiring site investigations be undertaken prior to any works starting on site. Following these comments the applicant undertook the ground investigation works and submitted the findings to the PHPD for assessment in an attempt to overcome the need for the conditions. The PHPD confirmed that the investigations are appropriate and acceptable and findings have confirmed that the earlier suggested conditions are no longer necessary.

Land contamination issues were also raised by Natural Resources Wales (NRW) who commented that development works at the site have the potential to impact upon controlled waters. However, they are satisfied that the scheme proposes a suitable and appropriate method of development that should ensure no impact in this regard would occur. Subsequently no objections were raised.

The PHPD also commented that given its scale, the proposed development has the potential to have a negative impact upon local air quality. In light of this fact, whilst a full Air Quality Assessment (AQA) has not been undertaken at the site, an initial, scoping assessment has been undertaken by professional air quality consultants on behalf of the applicant and submitted in support of the application. The assessment covers the combined potential impact of both this Phase 2 proposal and earlier Phase 1 scheme, which was also not subject to an AQA.

Following review of the air quality information submitted the PHPD commented that it is an appropriate assessment of the scheme and any potential impact that may occur. The information confirms that the whole of the wider development plot lies outside of an Air Quality Management Area and that the predicted number of vehicle movements associated with the proposed development are generally below the recognised threshold that would require the necessity for a full AQA to be undertaken; with the exception being an increase in vehicle movements along Heol Y Sarn, which is slightly above the screening criteria, however the consultants have clarified that there are no sensitive receptors along this section of road. Consequently the proposed development would not lead to a significant change in air quality in the area and any potential impacts at nearby sensitive locations will be insignificant. As such the PHPD are content with the information presented and do not require a full AQA to be undertaken or raise any objections in this regard.

Finally, the PHPD also suggested a number of conditions be attached to any consent in relation construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

Ecology

The application is accompanied by an Ecological Appraisal which involved an extended Phase 1 survey of the application site to record habitat types and vegetation, including invasive species, and also to determine whether the site is occupied by any protected animal species or habitats capable of supporting them. The Appraisal describes the application site as comprising cattle grazed improved pasture, semi-improved neutral grassland, and marshy grassland adjacent to the Nant Castellau. It also identifies that the development will inevitably result in the loss of this improved

grassland, however no significant impact is predicted on any designated site or to any protected habitat/species.

The scheme proposes protection to the existing boundary trees and hedgerows by incorporating a 5m buffer zone between the development and the boundaries. Various additional planting areas are also proposed throughout the site which would incorporate indigenous shrubs and trees. The development would also include a number bat boxes and further information has been submitted in respect of badgers and proposed works to trees along the boundaries.

The Council's Ecologist has confirmed that the information is sufficient to overcome any ecology issues relating to the development of the site. This view is also shared by NRW. It has been identified however that the site's operational lighting details should be controlled by an appropriate condition to afford protection to wildlife in and around the site. As detailed above, this would also protect the amenities of the nearest residential dwellings.

Therefore, subject to the imposition of suitable conditions to secure the implementation of the ecological and landscape mitigation put forward as part of the application, it is considered that the proposal is acceptable in this regard.

Historic Mining Activities

The application site lies within a defined Development High Risk Area and consequently there is a potential for historic mining activities to have an impact upon any future development at the site. In light of this issue a Coal Mining Risk Assessment (CMRA) report has been submitted in support of the application and consultation with the Coal Authority (CA) undertaken.

The CA commented that there are probable shallow coal mining workings associated with a thick outcrop beneath the site. The CMRA report which accompanies the planning application correctly identifies that the application site is likely to have been subject to past coal mining activity and has been informed by an appropriate range of sources of information including a Coal Authority Mining Report, BGS Geological Mapping, BGS Memoirs and BGS Borehole Records. Based on this review of existing sources of geological and mining information, and whilst the CMRA report correctly identifies the coal seams that outcropped across the site, it confirms that due to their poor quality, they will not have been worked. Accordingly no specific remedial measures are considered necessary in this instance.

The CA subsequently consider that the investigations are appropriate and sufficient to demonstrate that the application site is safe and stable for future development and therefore raise no objections to the application or suggest any conditions.

Land Drainage and Flood Risk

The application is accompanied by a Drainage Strategy Report which identifies the applicant's proposed intentions for the site's foul and surface water drainage arrangements. This would consist of a surface water management strategy with an agreed limiting discharge into the Nant Castellau, however the proposed drainage scheme would ensure no increased runoff over the lifetime of the development.

No objections have been raised by the Council's Flood Risk Management (FRM) Section following assessment of the proposed drainage scheme. They commented that the applicant has provided a detailed surface water drainage strategy that is generally acceptable in most respects, but there are however some discrepancies within the proposal. However it was also noted that the potential issues could be overcome during the necessary, separate Sustainable Drainage Systems (SuDS) application that would have to be submitted to and approved by the Council as SuDS Approving Body (SAB) prior to any development works commencing on site. As such, when reviewing the application in relation to the relevant guidance set out in TAN 15: Development and Flood Risk, the applicant has demonstrated that the development does not propose to increase the risk of surface water flooding. Subsequently no objections are raised or conditions suggested.

It is noted that the very northern element of the application site (the bank of the Nant Castellau) is located within Zone C2 of the Development Advice Maps as contained in TAN 15 and within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Nant Castellau. As such the Drainage Strategy Report mentioned above also includes an appraisal of flood risk.

The report highlights that no development works are proposed in this small area of the site and the development proposed is classed as 'less vulnerable development' within the TAN, i.e. development that can be considered acceptable in such locations providing suitable mitigation is proposed. Following consultation NRW have confirmed that as no development would take place within the element of the site that is located inside of the flood outlines, they have no objection to the scheme. They do however suggest an informative note should be added to any consent advising the developer of the potential risks.

Finally, it is also noted that no objections were received from Dwr Cymru Welsh Water in respect of foul water drainage, subject to standard conditions and advice.

Public Right of Way

PROW Llantrisant 223/1 currently runs diagonally across the site from the south-west to the north-east where it connects with another PROW, Llantrisant 226/4. As a result of discussions with the applicant, an appropriate alternative route for the PROW along the northern boundary of the site has been identified which will enable the development to be satisfactorily accommodated and the PROW to remain. It is noted however that a separate Public Path Diversion Order will be needed in order to formalise this. Members should also be aware that as the definitive route of the existing PROW runs through the adjoining site which forms part of the Tom Prichard Contracting depot, any diversion will be subject to agreement with other landowners.

The Council's PROW Officer has confirmed that there may be scope for the neighbouring landowners to work collaboratively on a suitable diversion that would serve all interests and subsequently there does not appear to be any reason why an alternative route could not be agreed. As such no objections are raised but an informative note is suggested to advise the developer of the above.

Other Issues

It is noted that no objections were received from the Council's Waste Services Section; Wales and West Utilities; Western Power Distribution; South Wales Fire and Rescue Service; South Wales Police; or the Health and Safety Executive, subject to standard conditions and advice.

Neighbour Consultation Responses

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

An objector noted that the original outline planning permission and subsequent renewals all had a number of conditions attached to ensure that any potential impact upon the amenity of the nearest residential properties is minimised, and should this application be approved, the earlier conditions should be appended to control these matters. In response to this, all of the earlier consents, other than the Phase 1 development (application ref. 18/0408/10), were for outline planning permission only, i.e. the principle of developing the site for employment use only, with all other matters reserved for future consideration (access, appearance, landscaping, layout and scale). Consequently full detailed design proposals were not submitted with those applications and relevant conditions for those details to be submitted to and approved by the LPA prior to any works starting on site were considered necessary. However this application, as with the earlier Phase 1 application, is submitted in full, with all relevant design, layout, landscaping and access details etc. included. As such a number of the conditions attached to the earlier outline consents are no longer necessary, and only those that are necessary, as set out within the report above, are included below. These include a number of conditions in respect of noise and lighting which would address the objector's concerns and ensure any impact in these respects are minimised.

Section 106 Contributions / Planning Obligations

Section 106 (S106) 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, states that a planning obligation, under S106, may only legally constitute a reason for granting planning permission if it is:

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

PPW 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 LDP and the Council's SPG: Planning Obligations.

In this case the developer would be required to enter into a S106 agreement with the Council for the following:

- The agreement of an Employment Skills Training Plan (ESTP).

However, as no further contributions would be required via a legal agreement in this case, in an attempt to overcome the need to enter this process and all of the necessary time/costs associated with it for both the applicant and the Council, the applicant has already produced an ESTP and submitted it in support of the application. The plan meets all of the relevant criteria and is considered to be appropriate. It is therefore considered that a S106 agreement would be unnecessary and unreasonable in this instance. This matter has been discussed with the Council's Legal and Democratic Services Section who share this view.

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. Therefore no CIL would be payable.

Conclusion

Having taken account all of the issues identified above, it is considered that the proposed development represents an efficient and appropriate use of the site that will generate economic growth and a number of employment opportunities in the local area; without resulting in an adverse impact upon the character and appearance of the locality, the amenities of surrounding residents, or highway safety in the vicinity of the site. Furthermore, it has been demonstrated that the impact of the scheme upon

ecology and land drainage can be appropriately mitigated, and an appropriate diversion for the existing PROW that crosses the site can be accommodated.

The proposed development therefore complies with the relevant local and national planning policies and is considered acceptable, subject to the conditions detailed 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 plans ref:

- 100 Rev. C – Existing Site
- 123 Rev. E – Ecology Layout – Phase 2
- 124 Rev. C – Phase 2 Proposed Site Plan
- 125 Rev. C – Phase 2 Cut Site Plan
- 126 Rev. C – Phase 2 Site Sections
- 130 – Location Map
- 6U01 Rev. B – 6 Unit Block
- DU01 Rev. A – Double Unit
- DU02 – Gross Areas
- 6U02 – Gross Area
- 9304/127 Rev. 03 – Topographical Survey
- 9304/128 Rev. 03 – Site Clearance
- 9304/500 Rev. 02 – Proposed Scheme Drainage Layout Sheet 1 of 2
- 9304/501 Rev. 02 – Phase 2 Works Drainage Layout Sheet 2 of 2
- 9304/501 Rev. 01 – Drainage Details
- 9304/503 Rev. 03 – Surface Water Long Sections
- 9304/504 Rev. 02 – Surface Water Long Sections
- 9304/505 Rev. 01 – Foul Water Long Sections
- 9304/700 Rev. 08 – General Arrangement
- 9304/701 Rev. 03 – Traffic Signs and Road Markings and Kerb Layout
- 9304/703 Rev. 01 – Long Sections
- 9304/705 Rev. 02 – Plan and Profile
- 9304/900 Rev. 02 – Vehicle Tracking Layout
- 9304/S38-725 Rev. 03 – Phase 2 Works – Section 38 Plan and Profile
- 9304/S38-1300 Rev. 01 – Phase 2 Works – Section 38 Street Lighting

and documents received by the Local Planning Authority on 02/08/19, 06/08/19, 07/08/19, 17/09/19, 24/10/19, 25/10/19, 30/10/19, 06/12/19, 18/12/19, 23/04/20, 17/06/20, 28/07/20, 05/08/20, 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 on site until a scheme for the provisions to be made for the control of noise emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the mitigation measures shall remain in place thereafter.

Reason: To ensure that noise emitted from the 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.

4. The noise from any part of the application/employment site, as measured externally on any façade at the nearest dwelling house, shall comply with the following:
 - During night hours (23:00 to 07:00 on all days), the noise emitted from any part of the application/employment site shall not exceed 35dB LA90.10 min or background noise level whichever is the greater;
 - At all other times, noise emitted from any part of the application/employment site shall not exceed 43dB LA90.10 min or background noise level whichever is the greater.

Reason: To ensure that noise emitted from the 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.

5. Before any plant and/or machinery is used within and/or outside any of the buildings hereby permitted it shall be enclosed with sound insulating material and positioned in a way which will minimise transmission of structure borne sound in accordance with a scheme to be agreed in writing with the Local Planning Authority. The plant and/or machinery shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that noise emitted from the 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.

6. At the reasonable request of the Local Planning Authority, and following a complaint to the Local Planning Authority relating to noise emissions arising from the operation of any part of the application site, the occupier/owner of the unit(s)/building(s) that had been assessed as carrying out operations (including vehicular movements) producing the adverse noise levels shall measure the level of noise emission at the property to which the complaint relates. The measurement and calculation of noise levels shall be undertaken in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These details shall be submitted within 14 days of the date of the occupier/owner of the building(s) being notified, in writing, of the complaint.

Reason: To ensure that 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.

7. The internal road layout including street lighting, surface-water drainage and any retaining walls shall be installed on site in accordance with the approved details prior to beneficial occupation of any unit.

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

8. The parking areas identified on submitted drawing no. 9304/700 Rev 08 shall be laid out and constructed on site in permanent materials prior to the beneficial occupation of any unit on site. The parking areas shall be retained for the purpose of the parking of vehicles only thereafter.

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

9. If during development works any contamination should be 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 and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

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.

10. The development hereby approved including any works of site clearance shall be carried out in accordance with the details outlined in the Construction Environmental Management Plan, the Traffic Management Plan, Security Plan, Emergency Plan, Environmental Plan and General Arrangement Plan Rev 08, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic and to ensure that the construction works resulting from the proposed development do not have an adverse impact on the environment, ecology or nearby properties in accordance with Policies AW5, AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

11. The development hereby approved shall be carried out in accordance with the methods and recommendations set out in the Tal-y-Fedw, Llantrisant Ecological Appraisal (WYG – July 2017), the Tree and Ecology Addendum Document (Vale Consultancy – 21/11/2018), the Specification for Tree Works (Treescene Ltd – 09/08/2018), Arboricultural Method Statement and Tree Protection Plan (Treescene – 20/11/18), Badger Walkover (David Clements Ecology Ltd – November 2018), Bat Activity Survey Report (WYG – November 2017) and as illustrated on the Ecology Layout Phase 2 (ND/18-010-e/9304 DRG. NO> 23 Rev. E), unless otherwise agreed 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.

12. No development shall commence on site until full details of all external lighting on site (which must be bat sensitive) have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details and any protection measures shall be retained throughout the development period and thereafter.

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

13. 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, other than that approved under

Condition 11, shall be erected or installed on the buildings hereby approved without the prior express permission of the Local Planning Authority.

Reason: To prevent light pollution and to avoid potential disturbance to nocturnal animal species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

14. The bird and bat boxes identified in the Tree and Ecology Addendum Document (Vale Consultancy – 21st November 2018) shall be installed prior to beneficial occupation of any unit or the completion of the development, whichever is the sooner, unless otherwise agreed in writing by the Local Planning Authority.

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

15. Prior to the beneficial occupation of any unit hereby approved, a comprehensive scheme of landscaping, which includes only native trees and shrubs and is in accordance with the details shown on the submitted Ecology Layout - Phase 1 Plan (ND/18-010-a/6343 122), shall be submitted to and approved in writing by the Local Planning Authority.

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

16. 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 unit(s) 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.

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

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