



## **PLANNING & DEVELOPMENT COMMITTEE**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0375/10 (GW)  
**APPLICANT:** Starburst Ltd  
**DEVELOPMENT:** Erection of two Class B1/B2/B8 units and associated parking.  
**LOCATION:** UNITS 14 & 15, HEPWORTH BUSINESS PARK, TALBOT GREEN, CF72 9DX  
**DATE REGISTERED:** 15/06/2020  
**ELECTORAL DIVISION:** Llanharry

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**RECOMMENDATION:** Grant

**REASONS:** The development would beneficially provide two industrial units on an established industrial estate that is in a sustainable location within the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan (LDP).

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

The proposal is not covered by determination powers delegated to the Service Director of Prosperity and Development because it is new-build industrial development.

#### **APPLICATION DETAILS**

Full planning permission is sought for the erection of two industrial buildings for B1, B2 or B8 uses and associated parking on land at Hepworth Industrial Park, Coedcae Lane, Pontyclun. The proposed development follows various other phases of the redevelopment of this site, which was formerly occupied by a concrete manufacturing plant. Previous permissions are outlined in the planning history section below.

The site will be redeveloped in a very similar manner to the previous phases. It would comprise of the construction of two new industrial buildings, which will be subdivided to provide 5 units of business accommodation. Each unit potentially could be subdivided again as two accesses are provided in each unit. Each building will match those of earlier phases of development on the site, and would be similar in size and design. They would be 19.65m in width, 75m in length and with a height of 8.37m at the ridge. The buildings will be finished in mainly Goosewing Grey colour-coated metallic cladding, however the front elevations would be finished with a Metallic Silver coloured cladding. Doors would be a Solent Blue colour.

The application indicates a total of 55 car parking spaces (including 10 disabled spaces) will be provided to serve the development. Additionally, secure cycle storage for 12 cycles is proposed. Turning facilities will be available within the access/service courtyard that has been provided in the development of previous phases.

The application is supported by:

- A Coal Mining Risk Report dated 18<sup>th</sup> July 2005 and Coal Authority response to application reference 15/1417/10
- Flood Consequences Assessment and additional correspondence dated 20<sup>th</sup> May 2020.
- Pre-Application Consultation Report.

## **SITE APPRAISAL**

The former Hepworths Concrete Works site covers approximately 8.5 hectares and has been partly re-developed. As part of the earlier phases of redevelopment of the land new industrial buildings and an access road have already constructed and the buildings occupied.

Hepworth Park is situated to the north of the main railway line from Cardiff to Swansea. The site is flanked by and lies opposite a variety of neighbouring industrial and commercial premises sites elsewhere on Coedcae Lane. To the south of the railway lies the extensive housing estate of Tylegarw.

## **PLANNING HISTORY**

17/1059	Unit 12, Hepworth Park, Coedcae Lane, Pontyclun	Application for the erection of Class B1/B2/B8 units and associated parking and servicing. (Flood Consequences Assessment received 16/11/17).	Approved 11/01/2018
17/0399	Unit 10, Hepworth Park, Coedcae Lane, Pontyclun	Proposed erection of Class B1/B2/B8 units and associated external alterations (Unit 10)	Approved 25/07/2017
15/1417	Hepworth Park, Coedcae Lane, Pontyclun	Development of Class B1, B2 and B8 units with associated external alterations (Phase 4)	Approved 27/01/2016
11/1431	Hepworth Park, Coedcae Lane, Pontyclun	Development comprising 2 buildings for Class B1, B2 and B8 Use (Phase 3)	Approved 06/08/2015
09/0036	Land at Pontyclun Works, Coedcae Lane, Pontyclun	Development comprising 3 buildings (B1, B2 and B8 use) with on site car parking (amended description 06/04/10 - retention of building as built and amendments to design and siting of remainder of development)	Approved 21/07/2011

07/1539 Hepworth Ind. Erection of 1 unit B2 General Industrial Approved  
Park, Coed Cae Building and Internal Offices 07/03/2008  
Lane, Pontyclun

## **PUBLICITY**

The application has been advertised via the erection of a site notice and by direct neighbour notification. No correspondence has been received at the time of writing the report.

## **CONSULTATION**

**Coal Authority** - Although the planning application is not supported by a Coal Mining Risk Assessment, it is supported by a copy of our previous comments on the site. In light of this, and the professional opinion of Dr Williams regarding the risk from past coal mining activity, the Coal Authority does not object to this planning application.

**Dwr Cymru / Welsh Water** – No comments received at the time of writing this report.

**Natural Resources Wales** - We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met and you attach the following condition to the permission. Otherwise, we would object to this planning application.

Requirement 1: Foul Drainage: Site to be connected to the mains sewerage system or satisfactory evidence to be provided to demonstrate that it is not reasonable to connect to mains.

Requirement 2: Condition: Land Contamination: Unsuspected contamination.

Flood Risk - The planning application proposes less vulnerable development. Our Flood Risk Map, which is updated on a quarterly basis, confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 0.1% (1 in 1000 year) annual probability fluvial flood outline.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.

We have been in receipt of additional information within an email from Philip Marsden, dated 20 May 2020. The additional information considers the potential impacts of flood risk elsewhere as a result of the land raising proposed on site. We are satisfied with the information submitted and we agree that the water displacement would have a minimal and immeasurable impact to the surrounding area.

Please note the Authority may wish to impose a condition on the finished floor levels of the proposed buildings to ensure that the buildings are raised to 49.00m AOD as described within the following document 'Marsden Associates Response to Natural Resources Wales'.

Foul Drainage - We note that the intention is to dispose of foul drainage to a private sewerage system, a Package Treatment Plant. According to our records, the proposed development is located within a publicly seweraged area. The installation of private sewage treatment facilities within publicly seweraged areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

Land contamination - It is possible that there may be unidentified areas of contamination at this site from previous historic uses, that may pose a risk to controlled waters if they are not remediated.

Should the above requirements be met, we would therefore request the following Condition is included on any planning permission afforded to the scheme:

Condition: Land Contamination: Unsuspected contamination

**RCT Flood Risk Management** – On review of the location's risk of flooding, it is noted that the location falls within a C2 Zone of the Development Advice Map as well as showing Q100 medium surface water flood risk along the southern point as well as Q30 high surface flood risk within 50 metres of the property to the west of the development.

Furthermore, the review of RCT's Flood Risk Management Plan has identified this development within Investigation Area RCT0068 which further emphasises the medium risk of surface water flooding along the southern point of the development as well as high risk of surface water flooding to the west within close proximity to this location.

The applicant has provided some surface water drainage details such as proposal to discharge to a water course. However, the applicant has not provided any details related to the rate at which the proposed development will discharge to the adjacent ordinary watercourse. The applicant will note that this watercourse identifies a substantial risk of flooding to the wider area as indicated by RCT0068. As such any new discharge proposed into the ordinary watercourse will be subject to a review of the capacity of the receiving ordinary watercourse network and the rate at which the site is proposed to discharge.

As such the applicant will be required to ensure the additional flow proposed to enter the ordinary watercourse does not exacerbate the risk of flooding. The applicant is encouraged to provide a 'green field' discharge rate to ensure the wider risk of surface water flooding is providing a betterment in this area.

The applicant has proposed to discharge storm/surface water drainage into a watercourse and as such I recommend that the Local Planning Authority includes a condition requiring no development commence until all relevant matters relating to Flood Risk Management including full drainage details have been approved in writing by the Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

Advice on Ordinary watercourse consent is provided. The applicant will also be required to submit a separate application for the approval of Sustainable Drainage Systems (SuDs)

**RCT Public Health and Protection** – No objection subject to conditions on the demolition of existing dwellings, hours of operation, noise, dust, waste, contamination and the importation of soil.

**RCT Transportation Section** – The proposed development satisfies its access, circulation and parking requirements and therefore is considered acceptable. Conditions requiring electrical vehicle charging points, the provision of cycle stands and a construction method statement.

**South Wales Police:** No objection, however concerns are raised that the actual design and layout of the proposed units, which appear to create lots of unsighted areas and two ways in and out of the industrial estate, would make it very accessible for criminal activities and difficult to monitor and control access. Further advice on safety and security are provided.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The site is inside the settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated. It is identified as including an area of high risk from former coal mining works and includes a Public Right of Way to the boundary.

**Policy CS 2** – emphasises that development in the Southern Strategy Area will be on sustainable growth that benefits Rhondda Cynon Taf as a whole. This will be achieved by (amongst others) providing opportunities for significant inward investment in sustainable locations that will benefit the economy, and promoting and enhancing transport infrastructure to support growth and investment.

**Policy AW 2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

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

**Policy AW 6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW 7**- covers the protection and enhancement of the built environment including Public Rights of Way.

**Policy AW 8** - sets out criteria for the protection and enhancement of the natural environment.

**Policy AW 10** - development proposals must overcome any harm to public health, the environment or local amenity.

**Policy SSA13** permits development within settlement boundaries subject to it being demonstrated the proposal meets specific criteria.

### **Supplementary Planning Guidance:**

Access Circulation and Parking.

Design and Placemaking.  
Nature Conservation

### **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 (Wales) 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 achieving wellbeing through placemaking, Chapter 3 strategic and spatial choices, Chapter 4 active and social places, Chapter 5 productive and enterprising places and Chapter 6 distinctive and natural places 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.

Other relevant policy guidance consulted:

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

Manual for Streets

### **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main issues:**

#### **Principle of the proposed development**

The site is located inside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan (LDP) and is within the established Hepworth Industrial

Estate. Previously planning permission has been granted for similar new units and this proposal would beneficially provide two more units.

Therefore, taking into account the above, the principle of the proposed development would be acceptable subject to consideration of the material considerations below:

### **Flooding**

NRW identify that the site is partially within flood Zone C2 and that the planning application proposes 'less vulnerable' development. Notwithstanding this, it is noted that TAN 15 identifies that some industrial development could however be in the 'highly vulnerable' category. Therefore, if the proposal is acceptable in these terms, it would be necessary to restrict use of the premises to those in the less vulnerable category, identified in TAN 15, as highly vulnerable industrial uses would not be acceptable in this location.

In assessing whether less vulnerable development is acceptable, section 6 of TAN 15 requires the Local Planning Authority to determine whether the development at this location is justified. In relation to TAN 15 tests (i) and (ii), the proposal would provide industrial units that could have a beneficial contribution to employment and regeneration and the sustaining of existing settlements. The site is previously developed land, having been previously used as Hepworth Concrete works and therefore concurs with criteria (iii). Turning to the final test (iv), this is for the applicant to demonstrate through the submission of a Flood Consequence Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level. An FCA has been submitted and NRW have been in receipt of additional information in the form of an email from Philip Marsden, dated 20<sup>th</sup> May 2020. The additional information considers the potential impacts of flood risk elsewhere as a result of the land raising proposed on site. NRW are now satisfied with the information submitted and recommend a condition on the finished floor levels of the proposed buildings, to ensure that the buildings are raised to 49.00m AOD, as described within the submitted document 'Marsden Associates Response to Natural Resources Wales'. And as this is to mitigate against flooding this condition is considered necessary. Since this correspondence from NRW has been received, the applicant has submitted a proposed section showing the finished floor level of the building would be raised to 49m AOD. Notwithstanding this, a condition detailing that the development shall be constructed to a level of 49m AOD in accordance with the submitted plan is still considered necessary.

### **Impact on the character and appearance of the area**

In terms of the design and visual appearance of the development, the proposed buildings will be similar in scale and external finishes to the units already completed on other phases. The design is relatively simple and functional, though the colour-coated external finishes and shallow-pitched roofs would give the buildings a modern appearance that is considered appropriate in its context in accordance with Policies AW 5 and AW 6 of the LDP.

### **Contamination and pollution control**

The Council's Public Health Section detail that contamination may exist from previous land uses and recommends a condition requiring development shall not commence until a scheme to deal with potential contamination has been submitted. NRW also

advise a condition requiring any unsuspected contamination, if found during construction works, to be investigated, characterised and, if necessary, remediated before any further development continues in accordance with Policy AW 10 of the LDP.

### **Transportation issues**

Previous phases of the Hepworth's site are served by a new access and turning area off Coedcae Lane. This access is to be utilised for this proposed development, together with space for off-street parking and cycle parking provision. There is no highway objection to the proposal in principle, therefore the proposal is in compliance with Policy AW 5 of the LDP in regard of these matters.

### **Drainage**

The application proposes the disposal of foul drainage to non-mains systems, although the development is located within a publicly sewered area. The installation of private sewage treatment facilities within publicly sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewage systems. Section 12.4.2 of Planning Policy Wales states *'development proposals in sewered areas must connect to the main sewer, and it will be necessary for developers to demonstrate to local planning authorities that their proposal site can connect to the nearest main sewer...'* Lack of capacity, or plans to improve capacity in the sewer, is not a valid reason for the sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991. This point is echoed in the consultation reply from NRW. Therefore, it is recommended a condition requiring drainage details are submitted prior to any development commences would be necessary if permission is granted.

Turning to surface water drainage, it is proposed to drain to an existing watercourse. The Council's Flood Risk Management Section advise these issues are covered by other legislation. A Sustainable Drainage Approval application and Ordinary Watercourse consent will be required (separate from the planning application) and an informative note informing the developer of this should be attached if permission is granted. Notwithstanding this, the Flood Risk Management Section detail the site is in a flood zone and they require that the additional flow proposed to enter the ordinary watercourse does not exacerbate the risk of flooding. They detail a 'green field' discharge rate would be necessary to ensure the wider risk of surface water flooding is providing a betterment in this area. Therefore, to protect the area from unnecessary flooding and ensure the development is acceptable in planning terms, it is recommended a condition requiring the drainage details are submitted prior to any development commencing would be necessary.

### **Noise and Neighbouring Amenity**

Hepworth Business Park is located at the heart of the Coedcae Lane Industrial Estate, an extensive complex of commercial and industrial premises. There are two dwellings and a small motel located along the road frontage, at the opposite end of Hepworth Park to the location of the proposed development. No objection has been received as a result of the public consultation exercise and it is not considered the additional units would result in detrimental impact on the neighbour's amenity. Furthermore, given that this phase of the Hepworth Park development is actually quite remotely situated



in relation to the residential properties, it is considered unnecessary for a construction hours and working hour's condition to be added to a planning permission.

### **Impact from Former Coal Mining Works**

The site includes areas of high risk from former coal mining works. A previous Coal Mining Report and Coal Authority response have been submitted. The Coal Authority do not object taking into account these submissions. An informative note advising the applicant that the site is within a high risk area would be prudent.

### **Other Issues**

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation:

### **Public Safety and Crime Prevention**

The comments from South Wales Police are noted with regard safety and crime prevention. As no objection has been raised it is considered these matters can be covered by a suitably worded informative if permission is granted.

### **Other Public Health Considerations**

Whilst the comments raised by the Public Health and Protection Section with regard demolition, noise, dust, waste and the importation of soils are appreciated, it is considered these matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning these issues if permission were to be granted.

### **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 application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, access and highway safety, the impact on the character of the area, the impact on residential amenity, the impact of flooding and drainage, the impact from contamination and the impact from former coal mining works (Policies CS 2, AW 2, AW 5, AW 6, AW 10 and SSA 13).

### **RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

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)

Dwg no. 910141/1 Proposed Elevations, Section, Roof Plan and Layout Plan. Proposed Industrial Unit No. 14 (Received 21st April 2020)

Dwg no. 910141/2 Proposed Elevations, Section, Roof Plan and Layout Plan. Proposed Industrial Unit No. 15 (Received 21st April 2020)

Dwg no. 910141/3 Rev A Proposed Site Layout. Industrial Units No. 14 and 15 (Received 15<sup>th</sup> June 2020)

Dwg no. 910141/4 Proposed Site Layout. Industrial Units No. 14 and 15 (Received 21st April 2020)

Dwg no. 910141/5 Details of Cycle and Bin Storage (Received 21st April 2020)

Dwg no. 910141/6 Site Location Plan (Received 21st April 2020)

Dwg no. 910141/7 Rev A Proposed Sections (Received 17th June 2020)

and documents received by the Local Planning Authority on 21<sup>st</sup> April 2020, 28<sup>th</sup> April 2020 and 20<sup>th</sup> May 2020, 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 premises hereby approved shall only be used for industrial uses (B1, B2 and B8) that are identified as 'Less Vulnerable Development' in Technical Advice Note 15: Development and Flood Risk and for no uses identified as being 'Highly Vulnerable Development'.

Reason: The site is not appropriate for 'Highly Vulnerable Development' by virtue of its location within a C2 Flood Risk Zone as identified in Technical Advice Note 15: Development and Flood Risk.

4. The premises hereby approved shall have a finished floor level of 49.00m AOD as detailed on Dwg no. 910141/7 Rev A Proposed Sections (Received 17th June 2020).

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

5. Notwithstanding the submitted plans, development shall not commence until details providing for electric vehicle charging at 10% of the proposed 55 no. parking spaces have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial occupation and the 55 no. parking spaces shall remain for the purpose of vehicular parking only.

Reason: To ensure that adequate access, turning and parking facilities are provided within the curtilage of the site, in the interests of highway safety in

accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan. --Enter text here

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

1. the means of access into the site for all construction traffic,
2. the parking of vehicles of site operatives and visitors,
3. the management of vehicular and pedestrian traffic,
4. loading and unloading of plant and materials,
5. wheel cleansing facilities,
6. 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. In accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to the commencement of development a scheme to deal with contamination shall be 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:

1. 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.
2. 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.
3. 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 AW 10 of the Rhondda Cynon Taf Local Development Plan.

8. The premises, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 7) 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 AW 10 of the Rhondda Cynon Taf Local Development Plan.

9. 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 AW 10 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to the occupation of the premises hereby approved, the proposed 12 no. cycle parking stands shall be provided in accordance with the approved plans. Thereafter they shall remain for the purpose of cycle parking only.

Reason: In the interests of sustainable modes of travel in accordance with Policies AW 2 and AW 5 of the Rhondda Cynon Taf Local Development Plan.