

## **PLANNING & DEVELOPMENT COMMITTEE**

**17 SEPTEMBER 2020**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/1291/10 - CHANGE OF USE OF SITE TO STORAGE YARD OF STEEL STORAGE CONTAINERS (AMENDED DETAILS, INCLUDING ENLARGED SITE AREA, LIGHTING DETAILS AND HOURS OF OPERATION RECEIVED 26/11/2019), LAND ADJACENT TO GLYNFACH ROAD, GLYNFACH, PORTH

#### **1. PURPOSE OF THE REPORT**

Members are asked to consider the determination of the above planning application.

#### **2. RECOMMENDATION**

That Members consider the proposed updated report and determine the application having regard to the advice given.

#### **3. BACKGROUND**

This application was originally reported to the Planning and Development Committee on 20<sup>th</sup> August 2020 with an officer recommendation of approval (a copy of the original report is reproduced as Appendix A).

Following consideration of the report, Members were minded to refuse the above-mentioned application contrary to the recommendation of the Director, Prosperity & Development as Members were of the view that the application is incompatible with the residential area and is detrimental to local amenity. Members also considered the proposal would form an unsympathetic development and the access and egress is sub-standard giving rise to highway safety issues.

Therefore, the matter was deferred to the next appropriate meeting of the Planning & Development Committee for a report of the Director, Prosperity & Development, if necessary in consultation with the Director, Legal Services, highlighting the potential strengths and

weaknesses of making a decision contrary to the recommendation of an officer or any proposed or possible planning reason for such a decision prior to determining a matter (minute 272 refers).

The material planning considerations of the application are considered in full in the original Committee report. It is considered that the proposal would bring a currently disused piece of land back into beneficial use, would provide an acceptable storage facility within the area and would be served by an acceptable means of access. However, if after further consideration, Members remain of the opinion that the application should be refused, the following reasons for refusal are suggested to reflect their views as previously expressed.

### **Reasons for refusal**

1. The proposed development would represent a commercial use, the operation of which, would be incompatible with the residential nature of the surrounding area. The 24 hour operation of the site would cause noise and disturbance to nearby residential properties, particularly at unsociable hours, to the detriment of their residential amenity, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and, as a result of the impact, contrary to the Well Being of Future Generations Act.
2. The proposed development would lead to an increase in the use of the existing, sub-standard access and egress to the site to the detriment of safety of all highway users and free flow of traffic within the area, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

**PLANNING & DEVELOPMENT COMMITTEE**

**20 AUGUST 2020**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/1291/10 (BJW)  
**APPLICANT:** A P Plant Hire  
**DEVELOPMENT:** Change of use of site to storage yard of steel storage containers (amended details, including enlarged site area, lighting details and hours of operation received 26/11/2019).  
**LOCATION:** LAND ADJACENT TO GLYNFACH ROAD,  
GLYNFACH, PORTH, CF39 9LL  
**DATE REGISTERED:** 26/11/2019  
**ELECTORAL DIVISION:** Cymmer

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**RECOMMENDATION: Approve**

**REASONS:**

The proposed change of use would be a suitable and appropriate use for this otherwise surplus area of land. The operation of the use would not have a detrimental impact on the amenity of neighbouring residential properties.

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its impact on the visual amenities of the area, highway safety and the amenities of nearby residential properties

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**REASON THE APPLICATION IS BEING REPORTED TO COMMITTEE**

There have been more than three objections received to the proposal.

**APPLICATION DETAILS**

Full planning permission is sought for the change of use of this currently disused piece of land opposite Glynfach Road, Glynfach, Porth to a storage container yard.

The application differs from the originally submitted proposal in that it encompasses a larger site area, includes only one point of access off Glynfach Road (the initial proposal also included a second access point onto the eastern boundary of Dyllas Road) and is solely for container storage and does not include the storage of caravans.

Specifically, the application proposes the following:

- The repositioning of the existing outer gates next to Glynfach Road. This is to allow customers to drive in to the site without having to wait on Glynfach Road and temporarily block it having to open the security gates;
- Retrofit the existing inner security gates will be with an automatic gate opening/closing system as we have in an existing facility in Tonyrefail. This would then be operated by the means of a programmed access security card, so that all customers who use the yard are recorded on a database, details which include customer name, date and time of entry or exit. The automated gates are silent running and would not be heard by local residents. Gates can be remotely operated from our main office, homes and smartphones. Until such time that the gates are automated, the gates would continue to be manually operated and locked with a combination padlock.
- The installation of up to 16 CCTV cameras installed with cameras monitoring the entry and exit of customers with cameras located on containers to ensure site safety and security. Monitoring will be achieved from our main office, our homes and smartphones. The cameras include mostly fixed units with a single pan, tilt and zoom (PTZ) unit attached to the lamp post by the inner gate.
- The installation of a mixture of small and larger storage containers within the plateau of the existing yard area, an area of 72.6m in length and 14.1m in depth (50 total containers). The submitted layout plan indicates 23 larger containers immediately abutting the Glynfach Road boundary measuring 6.1m(l) x 2.44m(w) x 2.6m(h) with a volume of 33.1 cubic metres and 27 smaller containers, 3 at the main entrance/Glynfach Road boundary and the other on the southern boundary, these units would measure 3m(l) x 2.44m(w) x 2.6m(h) with a volume of 15.1 cubic metres. All of the containers would be constructed with steel doors, sides, frames and under structures and with a marine-ply floor.
- The site would have a single lamp post installed by the internal gate, 7m high, providing light from a 100W LED luminaire positioned face down and cowled to illuminate the inner gate, operated by a dusk to dawn sensor, to provide safe passage to and from the site and provide sufficient light for a customer to exit a vehicle safely to use the gate automation system. The luminaire would not interfere or shine into properties but would be installed as per street lighting specification.

There will be a maximum of 6 x 15w LED luminaires controlled by a dusk to dawn sensor, attached to selected 20ft containers, positioned faced down and cowled to provide safety and security lighting.

Each container will have an individual 8W LED luminaire with a PIR fitted above the container doors to allow safe opening, closing and use of the container. These luminaires will only be activated when customers are present. These are not shown on the site plan as it affects all containers.

8W LED with PIR	-	Slimline Guardian PIR Part No: LFSP6B150
15W LED without PIR	-	Slimline Guardian Part No: LFS12B150
100W LED Floodlight	-	Meridian Part No: IFL100

- The outer chain- link fence will be replaced and any damaged concrete posts will be replaced by the Landlord.
- The proposed hours of operation of use sought are 24 hours, 7 days a week. In their supporting statement the applicant has provided the following by way of justification:

We request that the site has access 24 hours per day, 7 days per week for the benefit of our customers, many who will be local residents and business customers. The storage business is a very quiet and will have no impact on noise or disturbance to local residents. From our records of operation in Tonyrefail, most customers use their containers in normal daytime hours and we rarely have customers visit outside these times. Our existing facility is used by local domestic customers for house moves, recreational and general storage purposes and local businesses, requiring general storage for the safe-keeping of tools and materials from van thefts overnight to additional storage for seasonal use or project works.

The application is also accompanied by a Coal Mining Risk Assessment by Rhondda Geotechnical Services in support of the proposal.

## SITE APPRAISAL

The application site relates to a broadly rectangular parcel of land situated adjacent to Glynfach Road, Porth. It is bounded by the highway of Glynfach Road to the south, a steep embankment to the north and Dyllas Road to the east. It is served by an existing access point off Glynfach Road.

The site is situated approximately 3 metres below the level of road and the ground slopes steeply from down to a flat plateau. Beyond this plateau, there is a steep embankment that falls away from the site in a north-easterly direction.

## PLANNING HISTORY

14/1622	Land adjacent to Glynfach Road, Cymmer, Porth	Construction of new residential dwelling (Amended plans received 13/3/2015)	GTD 08/06/15
R/01/6280	Land at Glynfach Road, Cymmer, Porth	Erection of 5 no. 3 bedroom dwellings	GTD 07/12/01
R/98/6222	Former Market site, Glynfach	Residential Development	GTD 12/02/99

	Road, Cymmer, Porth		
97/6713	Former Market site, Glynfach Road, Cymmer, Porth	Temporary consent for 6 months – car park	GTD 09/03/98
92/0082	Former Market site, Glynfach Road, Cymmer, Porth	Residential Development	Refused 03/08/92
87/0893	Former Market site, Glynfach Road, Cymmer, Porth	Landfill	GTD 29/04/88
86/1096	Land at Glynfach Road, Cymmer, Porth	Open Air Market	
85/0393	Land at Glynfach Road, Cymmer, Porth	Tipping	Refused 01/10/85
82/0525	Land at Glynfach Road, Cymmer, Porth	Tipping	GTD 15/02/83
79/0158	Land at Glynfach Road, Cymmer, Porth	Extension to caravan site	GTD 10/04/79

## PUBLICITY

This has included site notices and the direct notification of properties surrounding the site for both the initial proposal and the amended details. A total of nine responses have been received, from five separate respondents, objecting to the application. The main points of the responses are detailed below:

- The use as a storage yard is incompatible with a residential area and will cause noise and disturbance particularly if allowed as a 24 hour operation.
- Increased vehicular movements on what is already a busy route and a bus route.
- The lighting used will cause a light nuisance to neighbouring properties.

- The land has been previously built up and previous applications for housing have not been implemented. What guarantee is there that the land can withstand the weight of the containers that are proposed?
- The existing highway network is unsuitable for larger vehicles that may access the site.
- The applicant has already been using this site and the adjacent one causing noise and disturbance to neighbouring properties. We have been woken on many occasions at early hours with shouting, music blaring from vans and machines being moved onto trailers.
- At the moment, in my view the land behind and adjacent to the area is being used inappropriately. The land is being used for railway workers who are not supposed to be using it and are attending at unsociable hours making lots of noise and disturbances which is having a detrimental effect on the livelihood of those surrounding.
- The land should only be used for residential purposes to enhance our area and not degrade it.

## CONSULTATION

Transportation Section – no objection. There is some concern regarding the intensification of use of the sub-standard access in terms of visibility onto Glynfach Road. However, taking into account that the proposal is for container storage served off an existing private shared access with limited extra vehicular movement and considering the previous approved planning for a singular dwelling on Glynfach Road, on balance the proposal is considered acceptable.

Land Reclamation and Engineering (Drainage) – no objection.

Public Health and Protection Division – No objection, subject to conditions to control the hours of operation during the construction phase of the development and to require a site investigation survey in relation to potentially previously contaminated land uses and standard informative notes.

Dwr Cymru Welsh Water (DCWW) – no objection. Standard advice is offered in relation to the proximity of DCWW apparatus which may affect the development site which the developer will have to liaise with DCWW.

Coal Authority – no objection. The initial planning application and the subsequently amended details are supported by a Coal Mining Risk Assessment dated 13th December 2018 and prepared by Rhondda Geotechnical Services. It is noted that this report establishes the extent of treatment and remediation in respect of shallow mine workings from previous planning applications. The site has been remediated through sufficient measures to suit the requirements for the development.

In respect of the mine entry, the report author has identified the presence of the adit on the outskirts of the planning application boundary. The report author notes that due to the nature of development and the distance of the mine entry from the boundary, that there is no risk to ground stability.

On the basis of the information submitted, and the professional opinion of the report author set out therein, the Coal Authority has no objection to proposed development.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Porth and is unallocated

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

**Policy AW 2** - supports development in sustainable locations.

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

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

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

National Guidance

### **Planning Policy Wales**

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

Planning Policy Wales 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 generations 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 3 (Strategic and Spatial Choices);

Chapter 4 (Active and Social Places);



Chapter 5 (Productive and Enterprising Places); and  
Chapter 6 (Distinctive and Natural Places).

Other relevant national policy guidance consulted:

Planning Policy Wales Technical Advice Note 11: Noise

Planning Policy Wales Technical Advice Note 12: Design

## **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 land does meet the criteria for previously developed land as set out in National Guidance and as is clear from its planning history.

It is apparent that unauthorised works of a heavy engineering nature have been carried out from the site (the rail industry being one such previous use identified by respondents) and that these uses have caused noise and disturbance to neighbouring properties.

The proposed use is one of storage and is being presented by LS Storage who already operate a similar facility in Tonyrefail on a former Council yard. The applicant is looking to expand their business interests with this site having operated their other site successfully for several years.

It is considered that the application represents a productive use of the site that would be less intensive and cause less disturbance to local residents than the unauthorised uses at the site have previously caused.

The site is within a sustainable location with good access and infrastructure and the features that would be installed at the site would improve the safety and visual appearance of the site.

Consequently, the principle of the development is considered to be acceptable, subject to conditions.

#### **Impact on neighbouring properties**

The site is within a plateau located approximately 3m below the road level of Glynfach Road. Consequently, the proposed containers will not be immediately visible from properties in Glynfach Road and similarly neither will visitors/customers to much of the site.

The lighting arrangements would consist of a single, cowled 100W light on a 15m pole to illuminate the main entrance gates which are located within the site. Additional illumination would be present on and around individual containers which would not be immediately visible from neighbouring properties on Glynfach Road.

The use of the site for storage would be mainly undertaken during the standard working day. While the applicant was requested to apply for restricted hours they have advised that they require 24 hour operation for the convenience of their customers.

While this is not ideal, their current operation, in Tynybryn Road, Tonyrefail (application 17/0943/10 refers), is also located in a residential area, is operated on a 24 hour basis and has caused no issues in terms of noise or disturbance. The proposal at this site would follow the same operational methods of the existing site.

Whilst it is acknowledged that the previous, unauthorised uses, on the site have caused noise and disturbance to neighbouring properties that have adversely affected their residential amenity. It is considered, however, that the proposed storage use would have a generally lower level of activity and its use would preclude the particularly heavy and noisy uses that have characterised previous uses at the site.

Consequently, it is considered that the proposed use and its operation would be such that it would not have an adverse impact to the amenity of neighbouring properties and is acceptable in this regard

### **Visual amenity**

The site is currently visually poor with rusty chain-link fencing, some damaged concrete posts on the Glynfach Road (southern) boundary and a variety of unauthorised items that are being stored on the land (such as caravans, a storage unit and a boat).

It is considered that the proposal would represent an opportunity to improve the appearance of the site with new fencing and repairs to the concrete posts along the Glynfach Road boundary as well as formalising the arrangement of storage containers within the site.

It should also be noted that the plateau, within which the majority of containers would be placed, are approximately 3m below the street level of Glynfach Road and the impact on the visual and residential amenity is already of a low level.

Having regard to the above, it is considered that the application is acceptable in this respect.

### **Highway safety**

The Transportation Section has raised no objection to the application. This view acknowledges the following:

The proposal lies within the settlement boundary and is in a sustainable location. It would make use of a previously developed parcel of land situated within an established residential area of Porth. There have been no objections to the previous planning applications in regards to a singular dwelling and the proposal is considered acceptable in terms of highway safety.

The proposed is located on a bus route with bus stops a short walk from the proposed. There are also a number of local businesses within walking distance, which is acceptable.

#### Access

The proposed is served off Glynfach Road, which has a carriageway width of 6.8m with no parking restrictions and footways that vary in width between 1.8m – 2.0m, which is acceptable to serve the proposed steel container storage. Glynfach Road has a mixture of terraced residential dwellings and semi-detached dwellings. To the west of the existing / proposed access are two semi-detached dwellings with direct access onto Glynfach Road.

There is an existing access, which is proposed as a private shared access to serve the land to the west and the proposal area. The access measures 5.5m in width, which is satisfactory for the two-way vehicular movement and is therefore acceptable. The existing access gates are to be remodelled to provide sufficient space for a vehicle to park off the highway to open and shut gates to both sites which is acceptable.

The proposal is to use the existing access off Glynfach Road as a private shared access with adjacent landowner to the west. The developer has proposed a private shared access into the boundary shown red on the submitted location plan measuring 5.5m wide allowing two vehicles to pass at any one time without effecting the free flow of traffic.

#### Visibility

Glynfach Road has a speed limit of 30Mph requiring a visibility splay of 2.4m x 40m in accordance with TAN 18.

Taking into account the more critical visibility splay is from the west the worst-case scenario has been assessed 2.4m x 35m for visibility from the private shared access.

The achievable visibility from the existing access is 2.4 x 28m left to the east and 2.4m x 22m to the right west which is below recommended standard. Therefore, any increase in vehicular movement off the sub-standard access would be to the detriment of safety of all highway users.

#### Accident Data

The accident data for the period 30/06/2013 – 19/06/2018 has been assessed with no accidents recorded on Glynfach Road.

However, taking into account that the proposal is for container storage served off an existing private shared access, with access/egress in forward gear by all vehicles with no accidents within the vicinity of the existing access due to sub-standard geometry or visibility this concern alone would not warrant a highway objection.

In conclusion, there is some concern regarding the intensification of use of the sub-standard access in terms of visibility onto Glynfach Road. However, taking into account that the proposal is for container storage served off an existing private shared access with limited extra vehicular movement. In addition to the previous approved planning for a singular dwelling on Glynfach Road, on balance the proposal is considered acceptable.

### **Other issues**

The issues raised by the respondents to the application are acknowledged. Having regard to the points raised the following comments are offered.

It is considered that a well-managed site is capable of being located within a residential area without detriment to the amenities of neighbouring properties as evidenced by the applicant's other premises in Tonyrefail.

The impact on the existing highway network has been examined by the Council's Transportation Section who have raised no objection to the application.

The lighting proposed for the development would be mainly located on and around the containers that are within the plateau within the site which are approximately 3m below the level of the southern highway boundary. The main, single lighting column would be cowled and directed away from neighbouring properties and into the site.

The site has been approved for other commercial uses as well as residential purposes and there has been no indication of land instability. Additionally, the application details include a Coal Mining Risk Assessment (CMRA). The CMRA has been examined by the Coal Authority who have accepted its findings and raise no objection in this regard.

The previous unauthorised use of the site is acknowledged as are the occasions of noise and disturbance. It should be noted however that some of this activity has been for the adjacent site located to the west of the main entrance point. Additionally, storage uses tend to generate less noise and disturbance than the heavy industrial uses to which respondents refer to in their comments.

The comments made by the Council's Public Health and Protection Division are acknowledged. In terms of the restriction of the hours of operation during the construction phase of the development, it is considered that this can be more efficiently and effectively dealt with under other legislation that is available to the Council.

However, their recommendation for site investigations due to potentially contaminating previous land uses are considered to be reasonable and necessary to include.

### **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 not CIL liable under the CIL Regulations 2010 (as amended).

## **Conclusion**

The change of use of the site and its physical alterations are considered to be acceptable. The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the change of use, highway safety and the impact on neighbouring properties and the visual amenity of the area (Policies AW5 and AW6).

## **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)

- Amended site location plan
- Layout/lighting plan

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

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

3. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority (hereafter referred to as "the LPA"). The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing.

- A desk-top study carried out by a competent person 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.

- A site investigation shall be carried out by a competent person 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 completed satisfying the requirements of paragraph (1) above.
- A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

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

4. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in Condition 3) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the LPA. Any validation report 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.

5. 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 LPA 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.

6. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to approval of the scheme of investigation, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing

by the LPA. Only material approved by the Local Planning Authority shall be imported.

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.