



## **PLANNING & DEVELOPMENT COMMITTEE**

**2 DECEMBER 2021**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1308/10 (RP)  
**APPLICANT:** Ashtenne Industrial Ltd Partnership  
**DEVELOPMENT:** Replacement of fire damaged building with single storey industrial unit (for B1, B2 or B8 class use).  
**LOCATION:** UNITS 1 & 2, ENTERPRISE HOUSE, CANAL ROAD, CWMBACH, ABERDARE, CF44 0AG  
**DATE REGISTERED:** 23/09/2021  
**ELECTORAL DIVISION:** Cwmbach

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#### **RECOMMENDATION: Approve**

**REASONS:** The proposal is compliant with both Local and National Policy in that the use of the site for commercial and industrial uses, under Classes B1, B8 and B2, has been established via its historic use.

The proposal seeks to rebuild an industrial unit recently destroyed by fire with almost a like for like replacement and by proposing a flexible permission, within the B use class, would maximise its potential to be brought into productive use for employment purposes.

Furthermore, the proposed building is acceptable in terms of scale, design; impact on residential amenity, highway safety and flooding.

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

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

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of a new industrial unit on a parcel of land within the Cwmbach Industrial Estate that was previously occupied by units 1 and 2, a subdivided industrial building. The application has been submitted following the loss of the previous unit on site, as a result of significant fire damage and has subsequently been demolished and the site cleared.

It is proposed to rebuild the fire damaged building, of the same size and configuration, on the eastern part of the site. The proposal would therefore be a facsimile copy of the fire damaged building with a floor area of 269m<sup>2</sup> (GEA).

The new unit would be rectangular in plan and would measure 18.3m by 14.7m in footprint, with a ridge height of 6.7m. It is proposed that the building be divided into two units measuring 177m<sup>2</sup> (Unit 1) and 90m<sup>2</sup> (Unit 2) respectively.

Car parking and circulation space would be provided as part of the communal yard serving the estate in an identical way to the building the proposals are to replace. Vehicular access to the site would be gained via an internal access road, which also serves neighbouring industrial developments, and connects with the A4059 (Canal Road) to the east of the site.

With regard to external finishes, the submitted details indicate the unit would be finished in profile steel cladding to the roof and elevations with a brickwork plinth. High clearance roller shutter doors would be provided along with staff doors and window openings.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Flood Consequences Assessment
- Drainage Strategy Report

## **SITE APPRAISAL**

The application site relates to a currently vacant parcel of land that sits within an established industrial estate and which lies adjacent to other commercial uses that include a car showroom and a builder's merchants.

The other units within the compound (units 3 to 7) are constructed of corrugated metal sheeting and include various uses such as car repair garages; some of the units within the site are currently vacant.

The site is accessed from the east via an internal access road located off Canal Road, whilst there are residential properties further east, the nearest of which are 1, 2 and 3 Thornhill Cottages. The Cwmbach Train Station is located approximately 100m to the west of the application site.

The application site is located within a flood risk zone (Zone C2) as defined within the Development Advice Maps (DAM) referred to in Technical Advice Note 15.

## **PLANNING HISTORY**

The most recent planning applications associated with this site are:

19/1188/10 Proposed steel-clad roof to be installed over existing

Approved  
14/01/2020

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and through the erection of site notices in the vicinity of the site.

No letters of objection or representation have been received as a result of this exercise.

## **CONSULTATION**

**Highways and Transportation:** No objection or conditions recommended.

**Public Health and Protection:** No objection.

**Natural Resources Wales:** No objection; informative notes are recommended.

**Welsh Water:** No objection.

**Countryside, Landscape and Ecology:** No objection, comment that as the site has already been cleared and is level with hard standing, any ecological impact is very small and therefore surveys are not required in this instance.

**Flood Risk Management:** No objection subject to condition.

**South Wales Fire and Rescue:** Ask that measures relating to adequate water supplies on the site for fire fighting purposes and access for emergency firefighting appliances are brought to the attention of the applicant.

No other consultation responses have been received.

## **POLICY CONTEXT**

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

Indicates that the site is within the defined settlement limits of Cwmbach. The following policies are considered to be relevant in the determination of this application:

**Policy CS1** - The policy emphasis is on building strong, sustainable communities. This will be achieved by encouraging a strong, diverse economy which supports traditional employment uses and promotes the re-use of previously developed land and buildings.

**Policy AW2** - The policy provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport options.

**Policy AW5** – The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. Additionally, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

**Policy AW6** - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Furthermore, proposals must be designed to protect and enhance landscape and biodiversity.

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

## **Supplementary Planning Guidance**

Design and Placemaking  
Access Circulation and Parking

## **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 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 11: Noise;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 15: Flooding;  
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:**

The application site lies within settlement limits and in an area with a history of commercial activity. The proposal seeks to develop a new industrial building on a parcel of land that is currently vacant but was previously occupied by a unit comparable to the proposal.

As such, the key considerations in the determination of the planning application are the compatibility of the proposed building and uses with the established area, along with the potential impact upon the amenity of neighbouring occupiers. The impact of the proposals upon the character of the area, highway safety and flooding are further considerations.

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

The application site relates to a parcel of land that forms part of a wider area that is in use for commercial and industrial purposes. The wider site, which is accessed off the A4059 (Canal Road), houses commercial uses including a Builder's Merchants, Car Showroom, Bus Depot and Vehicle Repair Workshops. The application site lies at the south eastern extent of this area and is located within settlement limits.

The current application has been submitted following the loss of the previous building due to fire damage. The scheme seeks to construct a replacement building in the same location and with the same footprint of that which previously occupied the site.

Prior to the loss of the building a combination of B2 and class B1/B8 uses operated from the site. Historical records indicate that the car valeting centre 'Posh Wash' operated from Unit 1 for a significant period of time under a class B2 use, whilst Unit 2 operated as a furniture recycling workshop prior to becoming vacant.

The current scheme seeks to replicate the same division of land uses that were previously in place by allowing a flexible permission for either B1, B2 or B8

employment uses in line with the terms set out in Part 3, Class E of the General Permitted Development Order (GPDO).

This would enable the applicant to market the units for a range of B class uses and would allow the car valeting centre to become re-established in Unit 1.

As noted above, the site lies within an established industrial estate and is adjacent to other commercial uses. It is therefore evident that the B1/B2/B8 uses for which permission is sought would be compatible with the other established neighbouring uses and furthermore, will replicate the previous uses to which the site has been put.

In addition, as the site is accessible, is sited in what is considered to be a sustainable location, would not conflict with surrounding land uses, does not propose highly vulnerable development within the flood zone and would create the same amount of employment floorspace as had previously been lost the proposal would be compliant with Policies AW2, AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

Furthermore, the development would also accord with many of the National Sustainable Placemaking Outcomes contained within Chapter 2 of PPW 11, against which developments should be assessed. The creation of employment, the fostering of economic activity and the accessibility of the site are particularly relevant to those placemaking aims.

Consequently, in light of the above, it is considered that the proposal would be acceptable in principle, subject to consideration of the other relevant material considerations set out below.

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

As set out above, the proposed building would be sited on broadly the same footprint as the previous unit. The building would be sited with its rear elevation adjacent to the north western boundary of the site, and its primary elevations overlooking an open space to the front of the proposed industrial unit that provides parking and circulation space to the compound.

The building would be uncomplicated in its design, with a shallow ridge roof and elevations finished in profile cladding panels. Each unit would be served by commercial roller shutter doors and secondary pedestrian doors. As noted above, the immediate and surrounding areas are commercial and industrial in character, with existing businesses, including vehicle repair workshops and a builder's merchants operating from industrial buildings nearby.

Consequently, as the proposed building would be comparable in its scale and appearance to that of the adjacent commercial and industrial units and would replace (largely like for like) the fire damaged building which has since been removed, it is not considered the proposal would alter the character of this industrial site or impact upon the appearance of the surrounding area.

The application would therefore be compliant with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### **Impact on residential amenity and privacy**

In terms of its location, the site is surrounded by neighbouring commercial and industrial uses and forms part of a well-established trading estate. These include car sales garages, vehicle repair garages and builders' merchants, all of which trade throughout the day, attracting business from visiting members of the public and trade.

Whilst it is acknowledged there are residential properties located nearby to the site, they are located approximately 65 metres to the east and are separated from the development site by a busy main road.

Consequently, whilst a flexible permission is sought to enable B1/B2/B8 use from the unit, it is not considered that any of the use classes proposed would generate any additional adverse impacts upon the occupiers of these dwellings than already exist at the estate.

Furthermore, it is considered that the potential impacts arising from the operation of the re-constructed unit could be limited by restricting the hours of business which would reduce the potential for disturbance to neighbouring occupiers by restricting trade late into the night and during unsociable hours.

In addition, the application should also be balanced against the fact that the site has a history of commercial/industrial use, whilst the need for the current application has arisen only because the previous unit on the site was lost through fire damage.

In light of the above, the proposal is considered to be acceptable in terms of the impact it would have upon the amenity and privacy of existing neighbouring properties and the application is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Access and highway safety**

The Council's Transportation Section have been notified of the proposals in order to provide comments on the suitability of the scheme with regard to highway safety and have made the following comments in relation to access and parking.

#### Access

There would be no alterations to the proposed access. The proposal is served off Cwmbach Industrial Estate which has been designed and built for safe vehicular and pedestrian movement which is satisfactory to serve the development.

#### Parking

The proposed development has an internal area of circa 132sqm. In accordance with the Council's adopted SPG, 'Design, Access and Circulation', a B1 usage would require up to a maximum of 5-7 spaces. A B2 (general industry) usage would require

up to a maximum of 1 van space and 2 non-operational spaces. A B8 (storage & distribution) usage would require up to a maximum of 35% of the GFA (46.2 sqm) and 2 non-operational spaces.

No details regarding the current parking allowance are known beyond the applicant stating, "Car parking and circulation space will be provided as part of the communal yard serving the industrial estate".

Whilst a point of concern, it is considered unlikely that the proposed usage will result in any more stress upon the local highway network in terms of circulation and parking over the previous use of the site. As such, the parking available to the proposed industrial unit is considered to be adequate to serve the proposed development.

In light of the above, the proposal is considered to be acceptable in terms of the impact of the proposal on highway safety and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Flood Risk**

Consultation with Natural Resources Wales (NRW) has revealed that the proposed development is within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Natural Resources Wales Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Cynon, a designated main river. It is also noted that the new TAN15 and Flood Map for Planning, that is due to come into force on Wednesday 1<sup>st</sup> December 2021, indicates the site to be within Flood Zone 2

However, NRW comment that given the proposal seeks permission to rebuild the previous fire damaged building of the same size and configuration and proposes less vulnerable development in the flood zone, the proposals could be acceptable subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

Furthermore, whilst it is noted that TAN15 identifies that some industrial development could be in the highly vulnerable category, given the circumstances surrounding the loss of the previous building and noting the surrounding land use, it would be considered disproportionate to condition the application restricting the use of the units to those in the less vulnerable category, or for the developer to raise the finished floor levels of the units to provide mitigation from the effects of flooding on this basis. As such, a series of informative notes to this effect are recommended should Members be minded to approve the application.

### **Drainage**

This issue would be covered by the required, separate SuDs approval prior to any further development taking place.

However, it has been noted that whilst the applicant has effectively outlined, via the submission of a Drainage Strategy Report, how surface water will be managed and



disposed of at the site, no detailed drainage calculations to support the proposed scheme has been provided.

Therefore, a condition has been recommended to evidence how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

It is also noted that no adverse comments have been received from Dwr Cymru following the consultation process

### **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. Therefore, no CIL would be payable.

### **Conclusion**

The proposal represents the construction of a replacement building to broadly the same footprint as the previous fire damaged unit, with the same configuration of uses.

Whilst it is acknowledged that some residential properties are located near to the site, it is considered that any impacts resulting from the operation of the units could be adequately managed via conditions which limit the hours of operation of the units.

Furthermore, the proposal is considered acceptable in terms of its impact upon the character and appearance of the area, highway safety and flooding and therefore accords with the requirements of the Local Development Plan. Consequently, the proposal is recommended for approval, subject to the conditions specified below.

### **RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans and drawings:
  - Drawing no. P01 Rev. A (Location Plan)
  - Drawing no. P02 Rev. B (Proposed Floor Plan)
  - Drawing no. P03 Rev. A (Proposed Roof Plan)

- Drawing no. P04 Rev. B (Proposed Elevations)

and documents received by the Local Planning Authority on 23<sup>rd</sup> September 2021, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence until the applicant evidences how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The industrial units hereby approved shall not operate other than between the hours of:

Monday – Sundays: 08.00am to 7.00pm

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the industrial units hereby approved shall be restricted to uses falling within Class B1, B2 and B8 only.

Reason: To define and limit the extent of the permission.