

PLANNING & DEVELOPMENT COMMITTEE

24 FEBRUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1474/10 (LJH)
APPLICANT: J & M Upholstery
DEVELOPMENT: Construction of a light industrial unit (Use Class B1)
(CMRA received 07/12/2021).
LOCATION: UNIT G J M UPHOLSTERY LTD, UNIT 35, YNYSWEN
INDUSTRIAL ESTATE, YNYS-WEN, TREHERBERT,
TREORCHY, CF42 6EP
DATE REGISTERED: 07/12/2021
ELECTORAL DIVISION: Treorchy

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

REASONS: The proposal is compliant with both Local and National Policy in that the use of the site for commercial and industrial uses has already been established.

The proposal seeks to construct a modestly sized light industrial unit which would be offered for rent, which 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, and upon highway safety.

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 compound of Unit 35, Ynyswen Industrial Estate.

The new unit would be sited towards the north-eastern corner of the site adjacent to the communication station and have a rectangular footprint measuring 13m in width by 9m in depth, a pitched roof is proposed with a ridge height of 6.3m, falling to 4.5m at the eaves.

Car parking and circulation space would be provided as part of the communal yard serving Unit 35. Vehicular access to the site would be gained via the existing access

used by the occupants of Unit 35 via the internal access road, which also serves neighbouring industrial developments, and connects with the A4061 (Ynyswen 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 red/brown facebrick to the elevations. A high clearance roller shutter door would be provided within the front elevation along with 2 no. pedestrian access doors within the front and side elevations respectively. No window openings are proposed.

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

- Coal Mining Risk Assessment

SITE APPRAISAL

The site relates to a currently vacant parcel of land within the compound of Unit 35, Ynyswen Industrial Estate, which has been split into a number of smaller units. Unit 35 is constructed of corrugated metal sheeting and accommodates businesses such as Spraytech, Cresta Leisure, MK Glazing, JM Upholstery, and a caravan storage business.

The site is accessed from the south-west via an internal access road located off Ynyswen Road (A4061), there are residential properties to the north on the other side of the Rhondda River, the nearest of which are nos. 80-84 Ynyswen Road, approximately 50m away. Ynyswen Train Station is located approximately 120m to the south of the application site.

PLANNING HISTORY

The most recent planning applications associated with this site are:

10/0531/10: UNIT 35, YNYSWEN INDUSTRIAL ESTATE, YNYSWEN, TREHERBERT, TREORCHY, CF42 6EP.

Caravan storage.

Decision: 22/10/2010, Granted.

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 subject to conditions relating to hours of operation during construction, hours of operation after construction, noise, dust, and waste.

Welsh Water: No objection subject to a condition.

Flood Risk Management: No objection subject to condition.

Coal Authority: No objection subject to a condition.

Western Power Distribution: If a new connection or a service alteration is required, a separate application to WPD will be required.

Waste Services: The bin collection point must be at the front of the site at the kerbside.

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 Treorchy. 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

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

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 24th 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 within the larger compound area of Unit 35.

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 proposal upon the character of the area, highway safety and Coal Mining legacy are further considerations.

Principle of the proposed development

The site is located within the boundary of the established Ynyswen Industrial Estate, which has been operating for many years. Consequently, the use of the site for employment purposes has already been established. TAN 23 also advises that local planning authorities should guide economic development to the most appropriate locations, rather than prevent or discourage such proposals.

Furthermore, the proposal would make use of a vacant plot within the Industrial Estate, which would have economic benefits for the wider estate and the County Borough as a whole. It would also be complimentary to the character and uses of other industrial buildings nearby.

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.

In light of the above, it is considered that the proposal would not conflict with surrounding land uses and would, therefore, be generally acceptable in principle, subject to consideration of the other relevant material matters set out below.

Impact on the character and appearance of the area

The building would be sited with its rear elevation adjacent to the communication station within the north-eastern corner 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 facebrick. The unit would be served by a commercial roller shutter door and secondary pedestrian doors. As noted above, the immediate and surrounding areas are commercial and industrial in character, with existing businesses 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, 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 a variety of uses within the B1/B2/B8 Use Classes, 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 50 metres to the north and are separated from the development site by a communication station and the Rhondda River.

A light industrial use is sought (Use Class B1) and it is not considered that the use class proposed would generate any additional adverse impacts upon the occupiers of these dwellings than already exist at the estate.

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.

The proposed unit is located on Ynyswen Industrial estate which has a carriageway width of 7.6m with a 1.8m footway on the development side. The proposed unit would be served via a private access along the shared yard of Unit 35 which is currently used for parking and service vehicles. The existing unit number 35 has been split into a number of smaller units with a large area of the yard used for caravan storage.

The proposed industrial unit requires up-to a maximum of 2 car parking spaces and 1 van space. There is space within the yard area for the required parking requirement within the curtilage of the site without impacting on the public highway which is acceptable.

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 therefore complies with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

Coal Risk and Ground Stability

The Coal Authority have reviewed the Coal Mining Risk Assessment submitted in support of the application and comment that the report is able to conclude that the development of the site should not, in terms of risk from coal mining legacy, be an obstacle or an over-riding issue to any planning consent as the risk is considered to be low. Their comments go on to request that any consent includes a condition requiring that a basic physical foundation formation check, together with a Mine Gas Emissions Report, are carried out prior to the construction of the new building to determine the nature of the shallow geology and ground characteristics. A suitable condition to this effect will therefore be appended.

The Coal Authority also comment that it should be noted that where SUDs are proposed as part of the development scheme, consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site. An informative note will therefore be appended to reflect this advice.

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 outlined how surface water will be managed and disposed of at the site, no detailed drainage calculations to support the proposed scheme have 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. However, a condition is suggested for the provision of a potable water supply. Whilst the reasoning behind this request is acknowledged, it is not considered that the condition is relevant to Planning or reasonable and therefore the condition will not be appended to any grant of consent.

Public Health

With regard to the issues raised by the Public Health and Protection Section, it is considered hours of operation during construction, noise, dust and waste matters from construction activities can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning these issues.

Public Health also request a condition to limit hours of operation after construction and whilst this request is acknowledged it is not considered necessary given that the new unit will be limited to that of B1 use whereby B1 uses are those considered to be any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area. Therefore, the request to restrict hours of operation is considered to be unreasonable given that the site is located approximately 50 metres away from the nearest residential properties and within an existing industrial estate setting.

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 light industrial unit (Use Class B1) within the confines of an existing Industrial Estate. Whilst it is acknowledged that some residential properties are located near to the site, it is not considered that there would be any undue impact resulting from the operation of the unit.

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. 2831 C

and documents received by the Local Planning Authority on 03/11/2021 and 07/12/2021, 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. No development shall commence until a scheme of intrusive site investigations including a Mine Gas Emissions Report have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme.

Reason: To determine the nature of the shallow geology and ground characteristics and to ensure that the development would not result in any risk of land instability, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until the findings arising from the intrusive site investigations and a scheme of remedial works have been submitted to and approved in writing by the Local Planning Authority. The implementation of any remedial works shall be carried out in accordance with the approved scheme.

Reason: To ensure that the development would not result in any risk of land instability, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.