

**PLANNING & DEVELOPMENT COMMITTEE**

**17 MARCH 2022**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0932/10 (MF)  
**APPLICANT:** Tom Prichard (Holdings) Ltd  
**DEVELOPMENT:** The proposed retention and extension of the existing workshop building, retrospective extension of the existing office building, relocate covered vehicle washdown area, fuel pumps and water tanks, an extension of the existing staff/customer car park, a new gatehouse, erection of acoustic fence and associated works (amended Drainage Strategy received 07/10/21, amended Site Location Plan, Proposed Site Layout Plan, acoustic fence details and Noise Impact Assessment received 20/12/21).  
**LOCATION:** UNIT 16 EARTHMOVERS HOUSE, LLANTRISANT BUSINESS PARK, LLANTRISANT, PONTYCLUN, CF72 8LF  
**DATE REGISTERED:** 20/12/2021  
**ELECTORAL DIVISION:** Town (Llantrisant)

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**RECOMMENDATION:** Approve, subject to conditions

**REASONS:** The application site forms an established vehicle/plant depot within the Llantrisant Business Park industrial estate. The proposal has seen / would see various works within the boundaries of the existing depot to improve facilities on site, in turn allowing the business to continue to operate within the Borough, generating economic growth and a number of employment opportunities in the local area. The principle of development is therefore considered acceptable.

It is not considered the development works have/would result in a significant impact upon the character and appearance of the area, the amenities of surrounding residents, or highway safety in the vicinity. It has also been demonstrated that the impact of the development upon ecology can be appropriately mitigated, a suitable land drainage scheme can be implemented on site, and an appropriate diversion for the Public Right of Way that crosses the site can be accommodated.

It is therefore considered the application complies with the relevant policies set out in the Local Development Plan and national guidance, and is recommended for approval.

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## REASON APPLICATION REPORTED TO COMMITTEE

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

## APPLICATION DETAILS

Full planning permission is sought for various development works at the application site to allow for improved facilities at the existing vehicle/plant depot. Much of the works set out in the application are proposed, however several are retrospective, as set out in detail below:

- Extension of existing office block. This element of the scheme has already been completed. The works involved an additional 110m<sup>2</sup> floorspace being constructed to the eastern side of the established office unit. The extension is of matching scale, design and finishing materials to that of the original building.
- Retention and extension of existing workshop/research and development building. The existing unit originally gained planning permission in 2018 (18/0006/10), however, it has not been built in accordance with the approved plans. Permission was granted for an industrial building of approximately 1600m<sup>2</sup> floorspace to a height of 9m, incorporating 8 no. vehicle access doors within the front elevation (facing the existing depot yard) and 4 no. within the rear elevation (facing the undeveloped land to the north). Whilst the unit has been built to the correct dimensions, its design has altered from that previously approved. Only 7 no. vehicle doors have been sited within the front elevation and 5 no. have been installed within the rear elevation, none of which are in the correct position.

The application therefore seeks to retain the building 'as built', along with a new extension of matching scale, design and finishing materials to the western side. The proposed extension would provide an additional 557m<sup>2</sup> floorspace and 3 no. additional vehicle access points from the front. No additional access points are proposed from the rear.

- The removal of an earth bund at the north-eastern corner of the depot yard and the creation of a small yard area in its place to allow access to the rear of the workshop/research and development building, including a replacement bund along the northern boundary of this area to separate the depot site from the undeveloped land to the rear (north). These works have already been completed.

The new yard area extends up to 25m beyond the boundary of the depot site as originally approved in 2014, into land under the ownership of the applicant.

The original embankment and associated landscaping above were conditioned within the 2014 consent to remain in perpetuity to protect the amenities of residents to the north/north-east, by way of a visual and sound barrier. The new embankment does not currently include any landscaping above and no specific

details of any replacement landscaping have been submitted with this application.

- Extension and reconfiguration of the existing employee/customer carpark. The works would involve the hard-surfacing of an area of ground to the eastern side of the office building which is currently used for the storage of plant/machinery, and the laying out of an additional 16 no. vehicle parking spaces. The works would take the capacity of the existing carpark from 50 no. spaces to 66 no.
- Relocation of covered vehicle/plant washdown unit. This would see the existing washdown unit that is currently sited directly to the west of workshop/research and development building moved to the western corner of the site to make way for the proposed extension of the workshop/research and development building. Associated drainage infrastructure would be installed around the new washdown area.
- A new gatehouse. This would involve the existing cabin and gates at the site's plant entrance being removed and replaced with a new cabin, barriers and gates to improve security at the site.
- Relocation of existing fuel tanks. This would see the existing fuel tanks that are currently located to eastern side of the workshop/research and development building relocated to a new refuelling area at the eastern boundary of the site.
- Relocation of existing water tanks. The 2 no. water tanks currently located to the east of the site's plant entrance would be set back approximately 10m into the site.
- The existing depot yard would be formally laid out to provide 39 no. HGV spaces, plant storage areas and associated access and turning facilities throughout. This would include a Sustainable Drainage System (SuDS) and landscaping features towards western extent.
- An acoustic fence. A 5m high acoustic fence would be erected along the eastern boundary of an undeveloped field immediately to the north-east of the existing depot yard. The field is under the ownership of the applicant but only the area where the fence would be located forms part of this application site, i.e. the eastern boundary.

Members are advised that as well as the above the application also originally proposed an extension of the existing depot yard into the undeveloped field to the north-east for the provision of 29 no. additional HGV parking spaces, a further vehicle/plant washdown unit, and associated landscaping and drainage features. However, following concerns in respect of potential noise and disturbance impacts to several residential properties to the north/north-east, this element of the scheme was removed from the application which now relates solely to the works set out above. Amended plans and an updated Noise Impact Assessment were received in line with this change on 20/12/21.

It is also noted that Public Right of Way (PROW) Llantrisant 223/3 crosses through the centre of the undeveloped field and is subject to a separate Public Path Diversion Order in association with a current development at an adjacent site and the original proposal to develop the field as part of this scheme. The PROW now falls outside of the application site other than for a very small section that would need to pass through the proposed acoustic fence.

The applicant has detailed that the improvement of the operational area of the site would alleviate current on-site congestion issues without the need to relocate to a larger site elsewhere; and secondly, the proposed extension of the workshop/research and development building will reduce the pressure on existing infrastructure enabling the business to operate in a more efficient manner.

The applicant has also noted that is not envisaged the works would result in a significant increase in the number of vehicles/equipment stored at the site or the number of staff working at the site, however exact numbers have not been provided.

No details in respect of the hours of the of operation have been submitted. As such, the application has been assessed on the basis that there would be no change to the current restrictions set out under the original 2014 planning permission. Condition 10 of planning permission ref. 14/0979/10 restricts the operational activities associated with the use (including re-fuelling, loading/unloading, etc.) to 08:00am and 19:00pm on any given day and outside of that time the use of the site shall solely be restricted to the parking and movement (to and from) of either staff vehicles or the vehicles being stored at the site.

Finally, Members are advised that this application follows the withdrawal of two earlier applications at the site, application ref. 18/1156/15 which sought the retention of the retrospective works undertaken at the existing depot site and the proposed extensions/works here; and application ref. 19/0012/10 which sought the extension of the existing depot site into the undeveloped field to the rear.

Following consideration of the above applications and discussion with the applicant/objectors, due to the complexity of the site's evolution and its planning/development history, and the need to base the proposed future development of the adjacent field on a thorough consideration of the overall site's form and relationship with adjacent uses, it was determined that one comprehensive application would be more appropriate in this instance. Therefore, the earlier applications were withdrawn following the submission of this one, 'catch all' application.

It was considered that this approach had the benefit of consolidating all unauthorised works/alterations at the site that have occurred since 2015 and any proposed future works within a single comprehensive scheme that, if granted, would provide certainty going forward for both the applicant, the Council and neighbouring residents/businesses as to the form and extent of the operations at the site. Conversely, should Members be minded to refuse the application, it would allow for appropriate and effective enforcement action to be taken in respect of the unauthorised works undertaken at the site.

However, as set out above, this current 'catch all' application was amended on 20/12/2021 and now includes the retrospective/proposed works at the existing depot site only, apart from the erection of an acoustic fence along the boundary of the adjacent field. The remainder of the field has been removed from the application site red line boundary and no development works are proposed there, other than for the small extension to allow access to the rear of the existing industrial unit (as set out above).

As well as all relevant plans, the application is also supported by:

- PAC Report
- Design and Access Statement
- Planning Statement
- Landscape and Visual Appraisal
- Drainage Strategy Report (amended survey received 07/10/21)
- Site Investigations Report
- Preliminary Ecological Appraisal
- Transport Statement
- Noise Impact Assessment (amended survey received 20/12/21)

## **SITE APPRAISAL**

The application site comprises the established Earthmovers House vehicle/plant depot at Llantrisant Business Park, as well as the eastern boundary of an undeveloped field directly to the rear (north). It currently operates as the headquarters of the applicant's business which provides construction plant, waste recycling and associated support across England and Wales.

The main element of site, the plant/vehicle depot, is occupied by an administrative office unit towards the southern boundary, a maintenance workshop/research and development industrial unit along the northern boundary, and vehicle/plant parking and associated infrastructure such as fuel and water tanks, storage containers etc. sited throughout.

There are two existing access points into the site from the Llantrisant Business Park distributor road, Heol-y-Sarn. The first is located centrally along the site's southern boundary and serves the employee/customer car park and office. The second is located at the south-eastern corner of the site and provides access to the wider depot yard and workshop areas.

To the north-east the existing depot site is bound by an undeveloped field, the plot which previously formed part of this application. A further plot of land that recently gained planning permission for an extension of the wider industrial estate is located to the north-west (8 industrial units, 19/0840/10). Groundworks for this development are currently underway. The eastern boundary of the existing depot site is defined by mature trees and well-established hedgerows. Llantrisant Dialysis Centre is located to the south-west corner, with several large industrial units located to the south and west.

The remaining element of the application site comprises a narrow 'finger' of land that projects northwards from the north-eastern corner of the main depot yard (where the

proposed acoustic fence would be sited). It forms the boundary of an undeveloped field defined by mature trees and well-established hedgerows. The flora along this boundary would remain following development with the proposed fence sited in front (at the western side, towards the field).

Open countryside is located to the north and east of the site, but it is noted that a number of scattered residential dwellings are located in this area, the nearest being Tal-y-Fedw Farm and Ty Carreg Glas approximately 130m to the north-east, and Bryn-y-Fedw approximately 130m to the east.

Land to the south and south-west of the application site forms part of the wider Llantrisant Business Park industrial estate. The estate is comprised of numerous industrial units of varying design and scale and has been the subject of significant commercial development over the past few decades.

## **PLANNING HISTORY**

The site is subject to a substantial planning history, some of which is associated with the nearby Tal-y-Fedw Farm to which the undeveloped field formally belonged. As such, only the previous planning applications that are considered relevant to this development are detailed below. For clarity, the site's planning history is also separated into the existing Earthmovers House site and the undeveloped field to the rear:

### Earthmovers House

**18/1156/15** – Variation of Conditions 2, 7 and 8 of 14/0979/10.  
Decision: Withdrawn by applicant, 02/03/21

**18/0006/10** – Proposed additional bays to previously approved vehicle repair and maintenance workshop.  
Decision: Granted, 28/02/18

**18/0004/15** – Variation of Condition 2 (approved plans and documents) of previously approved planning application 16/1251/10 to vary the position and details of the proposed workshop and fuelling station.  
Decision: Granted, 28/02/18

**17/1241/10** – Retention and modification of existing gates and provision of additional fencing.  
Decision: Granted, 11/01/18

**16/1251/10** – Construction of new vehicle repair and maintenance workshop, fuelling station and associated concrete slab areas.  
Decision: Granted, 22/11/17

**16/1226/10** – Retention of offices, associated car park, new vehicular access and boundary fencing. Construction of new gatehouse.  
Decision: Granted, 22/11/17

**16/1222/38** – Discharge of Conditions 3 (drainage arrangements), 4 (details of hardcore materials and tie in details), 5 (wheel washing), 6 (hedgerow and wildlife protection plan) and 7 (scheme of landscaping) of 14/0979/10.  
Decision: Withdrawn by applicant, 25/10/17

**16/1220/15** – Removal / variation of conditions of planning permission 14/0979/10.  
Decision: Granted, 09/11/17

**14/0979/15** – Change of use of undeveloped land to a depot for the parking and storage of vehicles and construction plant. Works include erection of security fencing and security cameras.  
Decision: Granted, 07/01/15

#### Undeveloped field

**19/0012/10** (area under the ownership of the applicant and formally subject of this application – eastern element of the wider development plot to the rear of the existing depot) – Change of use to allow the extension of the existing plant and vehicle depot on to adjoining farmland, remodelling of the land to create a flat plateau, landscaping works and diversion of Public Right of Way (Llantrisant 223).  
Decision: Withdrawn by applicant, 02/03/21

**17/0582/15** (wider development plot to rear of existing depot – includes both the area of land under the ownership of the applicant and formally subject of this application and the adjoining plot to the west under separate ownership and subject of the recent planning permission for the extension of the industrial estate) – Variation of Condition 1(c) of application 14/0284/15 for the approval of reserved matters shall be made before the expiration of six years from 11 June 2014 and removal of Conditions 25 (Code for Sustainable Homes), 26 (BREEAM) and 27 (BREEAM) as they no longer accord with Welsh Government policy as to sustainable building.  
Decision: Granted, 20/09/17

**14/0284/15** (wider development plot) – Variation of Condition 1 of planning application no. 10/1285/15 to extend by three years the period within which reserved matters applications may be submitted.  
Decision: Granted, 31/01/11

**10/1285/15** (wider development plot) – Application to vary condition 1(c) imposed on planning permission no. 07/0364/13.  
Decision: Granted, 31/01/11

**07/0364/13** (wider development plot) – Employment development (outline) including all associated building, engineering operations and landscaping.  
Decision: Granted, 22/04/08

#### **PUBLICITY**

Given the application involves new development where the created floor space would be 1000m<sup>2</sup> or more and the site area is over 1ha, the applicant has undertaken a Pre-

Application Consultation (PAC) as required by Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

In addition to this, the statutory planning application consultation process was carried out which involved 28 properties being individually notified of the proposal by letter, 5 notices being placed on and within the vicinity of the application site, and a notice being placed in the local press (Western Mail).

Objections were received from occupiers of 3 no. neighbouring residential dwellings to the north/north-east of the site, from the occupiers of 1 no. nearby industrial unit, and from the owner of the adjacent parcel of land currently under development. The comments received have been summarised below:

- The extension of the depot into the adjacent field would introduce new industrial sources of noise that would be significantly higher than existing background levels and would alter the soundscape of the area. This would further compromise the residential amenity of surrounding neighbours by drastically increasing the noise disturbance impact they already endure as result of the existing depot site and wider industrial estate.
- There are numerous inaccuracies with the noise levels set out in the applicant's noise assessment reports, and they do not consider any surrounding uses which would result in a cumulative impact. Further, the noise assessments submitted do not meet the basic requirements of PPW, TAN 11: Noise, or the relevant policies of the LDP. The conclusions of the reports are therefore incorrect.
- No details of the proposed hours of operation have been submitted. This is a key issue given the existing noise problems at the site and for the preparation of the noise assessments.
- Concerns that some surrounding residential properties have not been included in any of the noise assessments.
- The expansion of the site will see the removal of several landscape features which have historically screened the site and were previously put in place to protect the amenities of neighbouring residents by way of visual and acoustic barriers. As such the proposal will result in a detrimental impact to the character and appearance of the site and surrounding area and the amenities of the closest neighbours. Further, a detailed landscaping scheme has not been submitted to ensure the final design of the site will mitigate this loss.
- The expansion of the site would result in additional air pollution to the nearest residential properties, exacerbating current problems.
- No tree surveys have been submitted.
- Concerns with the altered route of the PROW.
- The extension of the site would result in encroachment into the countryside.



- We are in the process of developing the adjacent site and are almost finished levelling the land in readiness for construction. But we are unsure of how we can reasonably finish the boundary between ourselves and the applicant's site until we know the full detail of the SuDS and landscaping schemes to be provided along these boundaries. Fill material used to level the applicant's site has spilled through the boundary fencing on to our site and I'm struggling to see how we can finish our groundworks effectively until these issues are sorted out.
- In recent years the industrial estate has seen a significant increase in heavy traffic from the existing depot site. The traffic often passes through the estate at high speeds and is likely to cause a serious accident at some point. The proposed extension of the site will likely exacerbate this issue. Whilst we have no objections to the development in principle, we would ask the developer to consider these comments and the impact their vehicles are having/will have on other businesses and road users on the estate.

Comments were also received from a private planning consultant on behalf of 2 no. objectors, specifically in relation to the Noise Impact Assessment submitted in support of the application. As well as review of the information provided by the applicant, the objector's consultant also undertook their own noise assessment. The comments received are summarised below:

- There is a lack of reference to any relevant national or local noise planning policy guidance within the report.
- The overarching national planning policies identify appropriate British Standards for the assessment of commercial and industrial noise sources. The submitted noise assessment does not present such an assessment.
- There is very little commentary of the modelling methodology used to predict the noise levels from the development at the closest sensitive receptors. The noise report is missing important assumptions from the modelling which could result in a significant underestimation of the results.
- As such there is significant shortcomings with the submitted Noise Impact Assessment and it consequently fails to demonstrate that the development would not result in a risk of unacceptable harm to health and/or local amenity. The key tests for the development with respect to the consideration of an 'inappropriate soundscape' is not met; and due to the proximity of the nearest dwellings, it is considered that the development would lead to a significant adverse impact to the amenities and quality of life of the nearest residents. Therefore, the requirements of PPW, TAN 11: Noise and the LDP have not been met with respect to operational noise.

Following review of the objections the applicant subsequently submitted a Peer Review of Noise Impact Assessments Report on 29/06/21 that was undertaken by an independent consultant. It assessed both the applicant's original report and the objector's rebuttal assessment. The public consultation process was repeated

following submission of this document and further comments were received from the objector's consultant (summarised below):

- The report largely consists of subjective analysis of the objector's comments, it does not provide any substantive assessment of the original noise assessment or the points raised in the objector's comments.
- The report identifies that noise levels from site operations would result in a rating over background levels of more than 10dB, which in accordance with BS4142:2014+A1:2019, is a likely indication of a significant adverse impact, depending on context.
- We have undertaken further modelling following review of the latest report which has found that any potential acoustic barrier would have to be at least 8m high and of suitable construction, however, operational noise could still significantly exceed existing background noise levels which is considered to represent a significant adverse impact. A barrier of this scale and height would have an adverse visual impact and also a detrimental impact upon residential amenity. It is also important to note that any barrier might not mitigate any future intensification of use at the site; and given the development history at the site, there are concerns that such a barrier would hide the site and allow the applicant to continue with further unauthorised development in future.

In light of concerns raised with respect to potential noise and disturbance, the application was amended on 07/10/2021 whereby the proposed extension of the existing depot site into the undeveloped field beyond was removed from the scheme. The consultation process was repeated and 2 no. further responses were received from residents of dwellings to the north/north-east (summarised below):

- I would like to reiterate my original comments in respect of existing/potential noise impacts upon the neighbouring dwellings.
- The noise assessment sets out potential noise levels from overnight activities. We were not aware of any proposed alterations to the existing permitted daytime hours of operation.
- There are inaccuracies in the document – it illustrates that there would be vehicle movements within the undeveloped field to the rear of the existing depot site, although this area has been removed from the application site.
- The boundary treatments and landscaping proposals at the northern boundaries are unclear.
- The assessment has only considered ground and first floor windows. It fails to take account of habitable room windows within my roof space.
- The most recent noise assessment and measurements are based on the existing landscape layout (with a prediction to add the effect of an acoustic barrier). Any future removal of further soil from the area to the north of the workshop to facilitate access to the field beyond would invalidate this.

- This update appears little more than an incomplete tactical delivery to stop the clock on a possible rejection of the application and limit the risk of reinstatement of the original topography.
- The current proposal appears to ensure that access from the current site to the undeveloped field beyond for further development by stealth would be easily achievable in future.

A further Noise Impact Assessment was submitted on 26/10/21 amending errors of the 07/10/21 report. The consultation process was again repeated and 2 no. further responses received from residents of dwellings to the north/north-east (summarised below):

- Whilst I am pleased to see the proposed yard extension has been removed from the scheme I would still like to reiterate my original comments in respect of existing/potential noise impacts upon the neighbouring dwellings.
- The report does not seem to address the issue of beeper sounds from vehicles reversing within the site, which can be heard from my property.
- The report has based its results on vehicle heights of 1.5m however many of the vehicles at the site are large trucks with exhaust heights of 3m.
- The report appears to show there is no significant noise generating activity beyond the line of the north facade of the workshop at any time. If this is factually accurate, is there a clear reason why this area is being retained within the application?

The objector's consultant also submitted a further letter, summarised below:

- The amended scheme does not show any proposed landscaping along the eastern boundary of the site. The removal of previous features and the lack of any replacement results in a detrimental impact to the amenities of the nearest residents. There are concerns that the applicant will 'creep' into the undeveloped area to the north of the existing depot.
- Whilst we welcome an acoustic barrier between the applicant's site and our client's, our modelling suggests an 8m high barrier would be required not a 5m high barrier, therefore noise could still impact the nearest residents.
- The latest Noise Impact Assessment sets out measurements for overnight activity, however the application does not propose any variation of the current permitted hours.

A final, and current version of the Noise Impact Assessment and an updated set of plans were submitted on 20/12/21 detailing how the existing PROW would pass through the acoustic fence and how potential impacts would be mitigated. The consultation process was again repeated and 1 no. further response was received

from occupiers of a dwelling to the north/north-east of the site reiterating the points set out above.

## **CONSULTATION**

Public Health and Protection – No objection subject to conditions and informative notes. The supporting information demonstrates that, with the installation of an appropriate acoustic barrier, any noise and disturbance from the site would not result in an impact significant enough to warrant refusal of the application.

The proposed development should not result in any contamination issues, but there is a risk arising from potential localised spillages at the existing site of the fuel tanks and that this area should be reassessed once the tanks have been moved; and ground gas monitoring should be undertaken to assess the risk of migration of land fill gases and possible gas from historic mine workings. Subsequently conditions to this effect are suggested.

Highways and Transportation – No objection subject to conditions in respect of the proposed electric vehicle charge points and cycle spaces being implemented on site. Post development the site would provide for safe and adequate off-street parking provision, internal circulation and site access/egress arrangements.

Countryside, Landscape and Ecology – No objection subject to conditions. There would be no undue impact at the existing depot site given its long-established use and the nature of the development works proposed there. However, the mitigation/enhancement measures set out in the Preliminary Ecological Appraisal and Drainage Strategy Report should be conditioned to ensure they are implemented.

Natural Resources Wales – No objection subject to conditions and informative notes. The submitted information demonstrates that the proposed development would not result in a detrimental impact upon the nearby Nant Muchudd SINC or any European Protected Species, subject to the mitigation measures set out in the Preliminary Ecological Appraisal being implemented. Further, there is no objection to the site's surface water discharging into the adjacent stream, providing it is first treated in compliance with the statutory SuDS guidance, as indicated in the Drainage Strategy Report.

Flood Risk Management – No objection, standard advice and informative notes offered. A detailed surface water drainage strategy has been provided that is generally acceptable in most respects. It is considered that any potential issues could be overcome during the necessary, separate SuDS application that would have to be submitted to and approved by the Council as SuDS Approving Body (SAB) prior to any further development works commencing on site.

Dwr Cymru Welsh Water – No objection subject to standard conditions and informative notes. Foul flows would be disposed of via the public sewerage system and surface water via a SuDS which are acceptable.

Public Rights of Way Officer – No objection, standard advice offered. An appropriate alternative route for PROW Llantrisant 223/3 has already been agreed with the

applicant and adjacent landowner which will enable the development to be satisfactorily accommodated and the PROW to remain.

Glamorgan Ramblers – No objection to the diversion of the PROW in principle, however, the new route would pass over an extremely wet area and therefore a suitable surface and ground levels should be implemented.

Waste Services – No objection, standard advice offered. Appropriate access would be provided for waste collection.

The Coal Authority – No objection, standard advice offered. Whilst coal seams are likely to be present beneath the site, due to the depths of superficial deposits/seam thickness of the coal seams, the risk of ground subsidence in the area of development is considered to be low. It is therefore considered the application site is safe and stable for development.

The Health and Safety Executive – No objection. The operation of the nearby major hazard site, The Royal Mint, would not impact upon the proposed development, and vice-versa.

Wales and West Utilities – No objection or conditions suggested. Standard advice offered in respect of a new connection or service alteration being required.

Western Power Distribution – No objection or conditions suggested. Standard advice offered in respect of a new connection or service alteration being required.

Llantrisant Community Council – No comments received.

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it has been reviewed and a replacement is in the process of being produced. 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 4<sup>th</sup> 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 4<sup>th</sup> 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 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

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

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

**Policy AW2** – supports development in sustainable locations which includes sites that are within the defined settlement boundaries, are accessible by a range of sustainable transport modes, have good access to key services and facilities, and would not unacceptably conflict with surrounding uses.

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

**Policy AW5** – sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** – requires development to involve a high-quality design and to make a positive contribution to placemaking, including landscaping.

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

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

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

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

### **Supplementary Planning Guidance**

- Design and Placemaking
- Nature Conservation
- Access, Circulation and Parking Requirements

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of national planning policy which is 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, although it should form the basis of all decisions.

It is considered 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.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 33 – National Growth Areas – Cardiff, Newport and the Valleys

Other relevant national planning 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 18: Transport
- PPW Technical Advice Note 23: Economic Development
- Building Better Places: The Planning System Delivering Resilient and Brighter Futures
- 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.

### **Principle of the Proposed Development**

The application seeks full planning permission for the retention of a number of retrospective works and several proposed development works at the site to allow for improved operational facilities.

The application site forms an existing vehicle/plant depot within Llantrisant Business Park industrial estate and the boundary of an undeveloped parcel of land directly to the rear. The entire site is located within settlement limits and the Llantrisant Business Park employment land bank. The use of the main element of the site for a vehicle/plant depot was established in 2014 and whilst the plot to the rear is undeveloped, it has been subject to numerous planning permissions for employment purposes since 2007, still benefiting from an extant consent (see above). Subsequently, the principle of developing both elements of the site for employment purposes is long established.

It is also noted that the significant majority of the works detailed in this application have been / would be confined to the main, existing depot yard, save for the acoustic fence. Therefore, in view of its relationship with other existing similar developments in the immediate area, it is not considered the proposals would unacceptably conflict with surrounding land uses.

The proposal is therefore considered acceptable, in principle, subject to the proposal being compliant with the other relevant material considerations set out below.

## **Character and Appearance**

The scheme seeks to retain the existing depot site layout and structures 'as built', along with several alterations/additions here that would improve current facilities. It is also proposed an acoustic fence be erected along the eastern boundary of an undeveloped field to the north.

The development works at the main depot site have/would obviously alter the character and appearance of the site and inevitably form visible features in the immediate locality. However, it is not considered they have/would result in a detrimental visual impact and when the depot is viewed in its entirety, would result in a significant alteration to the previous/current character and appearance of the wider industrial site.

The workshop/research and development building and extension to the office unit have been in place for some time. Whilst the workshop/research and development building does not comply with the original consent, it is of the same siting, dimensions and external materials as that previously approved, just a different design – the number of vehicle access doors and their location vary from that originally approved. As such, it is not considered the variation has deviated significantly from the original design and the unit 'as built' has no further visual impact than that which would occur if it were to have been constructed in accordance with originally approved plans. Further, the scale, design and external materials of the office extension match that of the host building and result in a relatively minor addition that is not readily noticeable outside of the site.

It is also considered the proposed extension to the workshop/research and development building would be of an appropriate design, scale and height, matching that of its host, and the resulting structure would be comparable to that of many surrounding units within the wider industrial estate.

The retrospective works have also included the removal of an embankment at the north-eastern corner of the depot and the creation of a small yard area in its place to allow access to the rear of the workshop/research and development building. This has resulted in the boundary of the depot site extending up to 25m beyond the site boundary as originally approved in 2014. Objectors have commented that this results in a detrimental impact to the character and appearance of the site and the outlook from their properties.

These works have undoubtedly altered the visual appearance of the site in this area. But whilst the removal of the bund and the extension of the site without the necessary permissions are regrettable, the applicant has created a replacement earth bund along the northern boundary of this new yard area which clearly separates the depot site, as extended, from the undeveloped land to the rear that is generally considered acceptable in visual terms. Whilst not of the same height as the original bank, the new bund is wider than the former, spanning the width of the site here, and is considered to provide a suitable degree of screening for the residential properties to the north/north-east, reducing some visual impact, and also acts to contain the site to the industrial estate to the south.



Further, extending between only up to 25m beyond the site boundary as originally approved, the yard extension is considered to be relatively minor in nature and commensurate to the need of allowing access to the rear of the workshop/research and development building. And being enclosed by a replacement bund, is screened from the land/properties to the north/north-east. As such, it is not considered these works result in a significant impact to the character and appearance of the site or that of the land to rear.

It is also noted that this area of land is under the ownership of the applicant, within settlement limits and the industrial estate employment land bank. It is also an element of land subject to extant outline planning permission for an extension of the wider industrial estate. As such, the principle of developing this land for employment use has been long established.

It is noted however that no specific details of any replacement landscaping at the northern/eastern boundaries of the site have been submitted with this application and it is considered that a scheme is required to soften this area and provide a further visual screen for the residential properties and countryside to north/north-east. It is therefore considered a condition should be added to any consent requiring the details, including long-term future management, be submitted to and approved by the Council prior to any further works taking place on site to ensure an appropriate scheme is implemented.

The remaining proposed works within the site are also considered acceptable in respect of their potential visual impact. Much of the works would simply see existing structures relocated within the yard and as such it is not considered these elements would result in any further visual impact than that which already occurs. Further, the new development, the proposed gate house, entrance gates and barriers would be of a relatively minor nature simply seeing the existing structures replaced with new of a comparable design and scale. Finally, the staff car park extension and laying out of the site would not require any significant engineering works that would be readily visible outside of the site.

It is subsequently considered the retrospective/proposed works at the existing depot site are/would be in-keeping with the general character and appearance of the existing site and many similar industrial sites in the locality, therefore having no undue impact upon the character or setting of the site or the surrounding industrial estate.

It is acknowledged however that at 5m in height and located within an undeveloped field, the proposed acoustic fence would inevitably form a visible addition to the landscape. However, the field boundary here is defined by mature trees and hedgerows of a similar height, none of which would be removed to make way for the proposed fence. As such the structure will be largely screened from the scattered residential properties to the north-east, and only prominent from the existing depot, the field under the ownership of the applicant, and the adjacent plot which is currently being developed for an extension of the wider industrial estate.

It is therefore considered the fence would have no undue visual impact upon the closet residential properties, and when viewed from the south/west, would blend with the

adjacent trees providing an appropriate colour is used, details of which can be secured by condition.

Subsequently, whilst it is accepted the retrospective/proposed development has/would inevitably result in noticeable alterations to the character and appearance of the site, the scale and design of the works have been dictated primarily by their function, and it is not considered they would be out of keeping with the industrial nature of the site or the immediate surrounding area.

The scheme is therefore considered acceptable in respect of its potential visual impact.

### **Neighbour Amenity**

The application site is bound by a variety of industrial/commercial uses to the south and east located within the established Llantrisant Business Park. Therefore, with no change of use at the site and with the proposed works being relatively minor when taken in the general context of the site and wider industrial estate, it is not considered the development has/would have any undue impact upon the amenities or operation of the neighbouring properties in these areas.

Furthermore, given the separation distance between the main depot site and the nearest residential dwellings to the north/north-east, approximately 130m at the closest point, it is not considered the development works at the site have/would result in any physical detriment to these properties such as overbearing, overshadowing or loss of privacy.

Notwithstanding the above, the operations at the site associated with the development works do have the potential to result in noise/disturbance to the nearest residential dwellings, a key consideration when determining this application. This issue has been highlighted by the fact that occupiers of 3 of the nearest properties to north/north-east have submitted objections to the scheme, mainly noting potential impacts by way of increased noise and general disturbance.

The applicant has acknowledged that impacts in this respect may occur and, in an attempt to reduce any potential noise/disturbance issues as much as possible and to appease neighbours' concerns, has removed the proposed extension of the depot into the adjacent field from this application. This now results in the site boundary remaining largely as originally approved, apart from the small extension at the north-eastern corner to allow access to the rear of the existing industrial unit.

As set out above, it is considered that the majority of works at the site, both the retrospective and proposed works, are relatively minor in nature, simply seeing extensions/relocation of existing buildings. Therefore, with no change of use, no increase in activity, no change to the hours of operation, and the site largely constrained by the established boundaries, it is not considered that this scheme has/would result in a significant increase in noise/disturbance over and above that which would have historically occurred; and which the closest residents, in living adjacent to a long-established industrial estate, would expect and would have become accustomed to, despite the concerns raised.

It is acknowledged that a former earth bund at the north-eastern corner of the depot has been removed and the site extended here by up to 25m, and that the bund was conditioned to remain as a sound/visual barrier within the original 2014 consent. However, a replacement earth bund along the northern boundary of this new yard area has been created and it is proposed landscaping be sited above which would go some way to mitigating the loss of the original feature and its acoustic qualities.

Further, extending between only up to 25m beyond the site boundary as originally approved, the yard extension is considered to be relatively minor in nature; and simply allowing vehicular access to the rear of the existing industrial unit, would itself unlikely result in a significant increase in noise/disturbance from the site. It is considered however a condition should be attached to any consent requiring the earth bund to remain in future to clearly define the site boundary and to ensure no further encroachment occurs.

The applicant also proposes a 5m high acoustic fence along the eastern boundary of the field to the rear of the site, between the depot and the nearest residential properties to the north-east, to provide further mitigation against the loss of the original earth bund.

Several noise surveys to identify any potential impacts and any necessary mitigation measures have also been submitted, the final version being that of 20/12/2021.

Following consideration of the noise surveys submitted by the applicant and the separate information submitted by the objectors and their consultant, the Public Health and Protection Division (PHPD) advised that both sets of information include detailed analysis and highlight key issues and valid points. However, the final iteration of the applicant's noise survey is an appropriate assessment which complies with all relevant guidance and evidences that, subject to the activities and operation times which are already permitted being adhered to and the 5m high acoustic fence being installed, sound levels at the site should not result in an impact significant enough to warrant an objection.

It was advised however that conditions should be attached to any consent to clearly define the scope of the permission, restricting the activities / operation times which are permitted, and to ensure that the mitigation measures proposed are installed within appropriate timeframes. Each of these conditions are considered reasonable and necessary to ensure any potential impact to the nearest properties is minimised and are set out below.

Subsequently, whilst it is acknowledged that a degree of impact has/may occur to the amenity standards previously/currently enjoyed by existing surrounding residents, subject to suitable mitigation, it is not considered any impact would be so detrimental as to warrant refusal of the application.

## **Highway Safety**

Following consideration of the scheme the Council's Highways and Transportation Section (H&T) has raised no objections, subject to a number of relevant conditions being added to any consent.

In their assessment of the scheme it was commented that the application site would be served via the existing means of access from Llantrisant Business Park which are acceptable in terms of geometry and vision; and that the swept path analysis indicates that expected vehicles at the site would be able to access/egress the site in forward gear. Furthermore, the works would not result in a significant intensification of use of the site. There is subsequently no undue cause for concern regarding the internal circulation or site access arrangements to the depot post development.

With respect to parking, H&T commented that in accordance with SPG: Access, Circulation and Parking the storage/distribution element of the site has a requirement of circa 700m<sup>2</sup> operational space and 35 no. off-street parking spaces for staff and visitors, and the office element has a requirement of 16 – 20 no. off-street parking spaces for staff and visitors, resulting in a total requirement of 700m<sup>2</sup> operational area and 51 – 55 no. off-street parking spaces.

Following development the site would provide for 66 no. off-street parking spaces and there would be well in excess of 700m<sup>2</sup> operational space available. Subsequently, the proposal gives no undue cause for concern regarding off-street parking provision.

H&T also noted that in accordance with PPW, 10% of the staff parking provision would include facilities for the charging of electric vehicles, and several cycle spaces are also proposed, which is welcomed. But it is suggested a condition is added to any consent to ensure these facilities are implemented on site.

Finally, it is noted that an objector commented that HGV traffic associated with the existing depot often passes through the estate at high speeds and is likely to cause a serious accident at some point, a problem which may be exacerbated by this development. Whilst these comments are acknowledged, the enforcement of traffic speeds falls outside of the remit of planning, however, the applicant has been advised of this issue and will look to investigate with his staff privately.

In light of the above, it is not considered the proposed development would have any undue impact upon pedestrian or highway safety in the vicinity of the site.

## **Public Health**

A Site Investigation (SI) report has been submitted with the application. Following assessment of the report PH&P confirmed that the investigations are appropriate and acceptable and that the findings have confirmed the proposed development should not result in any contamination issues. However, the report identifies that there is a risk arising from potential localised spillages at the existing site of the fuel tanks and that this area should be reassessed once the tanks have been moved; and that ground gas monitoring should be undertaken to assess the risk of migration of land fill gases and possible gas from historic mine workings. Subsequently a condition to this effect is suggested.

Land contamination issues were also highlighted by Natural Resources Wales (NRW). It was noted that due to the sensitive location of the site, adjacent to the Nant Castellau, there is potential for contamination to impact upon controlled waters if not properly remediated. However, following assessment of the supporting information they are satisfied that the scheme proposes a suitable and appropriate mitigation strategy and therefore no objections are raised, subject to the surface water runoff being treated in compliance with the SuDS indicated in the supporting Drainage Strategy. Several associated conditions are suggested.

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

## **Ecology**

Initially both the Council's Ecologist and NRW commented that there is potential for the proposed extension of the depot into the undeveloped field to impact upon the adjacent Nant Castellau and its riverbank, both of which form part of the Nant Muchudd Site of Importance for Nature Conservation (SINC) where evidence of bats and otters have been found, both European Protected Species, as well as salmonid use. No objections were raised but several conditions suggested to mitigate against any potential impact.

However, following removal of this area from the application site NRW no longer consider there would be any impact to the Stream/riverbank and removed their request for associated conditions. They consider the mitigation and enhancement measures set out in the submitted ecology reports are sufficient and that these would be suitably controlled by the standard approved plans and associated documents compliance conditions.

They also have no objection to the site's surface water discharging into the Stream, providing it is first treated in compliance with the statutory SuDS guidance, as indicated in the Drainage Strategy Report that supports the application, which would again be suitably controlled by the standard approved plans and associated documents compliance conditions.

The Council's Ecologist commented that there would be no impact in ecological terms at the existing depot site given its long-established use and the nature of the development works proposed there. Further, whilst the area of the undeveloped plot where the new acoustic fence would be sited would have some ecological value, given the field was simply grazing pasture and has been cleared in the past, and the nature of the proposed development there, i.e., a fence along the boundary, it is not considered there would be any detrimental impact to ecology in this area either. However, it was advised that in accordance with PPW, ecological enhancement measures should be provided and therefore conditions requiring the proposals set out in the submitted ecology reports are suggested.

Notwithstanding the above, the Council's Ecologist also commented that whilst he generally agrees with NRW's observations, there is some concern with the proposal to discharge surface water to the Stream and that the ecological mitigation/enhancement measures proposed may not be maintained in future, which could result in a detrimental impact to the SINC. As such, further conditions are suggested requiring a long-term, detailed ecological mitigation scheme for the lifetime of the development, with evidence of monitoring and remediation and annual reporting to both the Council and NRW; and requiring details of appropriate measures to protect the SINC during development, each to ensure there is no impact to the SINC in future.

It was also noted that a condition should be added to any consent to ensure the trees/hedgerows adjacent to the new acoustic fence are protected during construction.

Given the history of unauthorised works at the site and the sensitive nature of the adjacent SINC, it is considered these conditions are necessary in this instance.

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

### **Historic Mining Activities**

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

The CA commented that there are thick coal seams of workable thickness outcrop at/or close to the surface of the site and surrounding area that may have been historically worked at shallow depths. The SI report which accompanies the planning application identifies that whilst coal seams are likely to be present beneath the site, due to the depths of superficial deposits/seam thickness of the coal seams, the risk of ground subsidence in the area of development is considered to be low.

The CA considers that the content and conclusions of the SI report are sufficient for the purposes of the planning system in demonstrating (based on the professional opinion of Intégral Géotechnique (Wales) Ltd) that the application site is safe and stable for the proposed development. Therefore, no objections are raised or conditions suggested.

### **Land Drainage and Flood Risk**

The application is accompanied by a Drainage Strategy Report that identifies the applicant's proposed intentions for the site's surface and foul water drainage arrangements, which would consist of a SuDS surface water management strategy and use of the existing sewerage network respectively.

No objections have been raised by the Council's Flood Risk Management (FRM) Section following assessment of the proposed drainage scheme. They commented

that the applicant has provided a detailed surface water drainage strategy that is generally acceptable in most respects, and that any potential issues could be overcome during the necessary, separate SuDS application that would have to be submitted to and approved by the Council as SAB prior to any further development works commencing on site. Further, when reviewing the application in relation to the relevant guidance set out in TAN 15: Development and Flood Risk, the applicant has demonstrated that the development does not propose to increase the risk of surface water flooding. Subsequently, no objections are raised or conditions suggested.

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

### **Public Right of Way**

PROW Llantrisant 223/3 currently runs through the centre of the field to the rear of the main depot yard and will have to pass through the acoustic fence. The PROW is subject to a separate Public Path Diversion Order in association with current development being undertaken at the adjacent site and the original proposal to develop the field as part of this scheme. The Council's PROW Officer has commented that an appropriate alternative route for the PROW along the northern/eastern boundaries of the field has been identified which will enable the PROW to remain and as such there does not appear to be any reason why an alternative route could not be agreed.

Further, the PROW Officer is content with the path passing through the fence and a minor element of the path being enclosed by the fence to ensure the acoustic qualities of the structure is maintained.

Whilst the comments of Glamorgan Ramblers are noted, it is considered their concerns would be addressed during the separate Public Path Diversion Order process.

### **Neighbour Consultation Responses**

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

- *The expansion of the site would result in additional air pollution to the nearest residential properties, exacerbating current problems.*

The application seeks the retention of various development works at the site that have been in place for some time, as well as a number of relatively minor additional works that would not alter the character or significantly intensify the existing use of the site, which has long been established. Further, following assessment of the scheme, PHPD have not raised any concerns in this respect. It is subsequently considered there would be no further impact over and above that which already occurs.

- *No tree surveys have been submitted.*

Whilst it is accepted that no tree surveys have been submitted with the application, the scheme does not propose the removal of any trees. Therefore, such reports are not considered necessary in this instance.

- *The developer of the adjacent site has commented that he cannot reasonably finish the boundary between his site and the applicant's until he knows the full detail of the SuDS and landscaping schemes to be provided along these boundaries.*

The SuDS process falls outside of the remit of planning and therefore the timing of any separate SuDS application cannot be controlled by any planning application process/permission.

Further, the submission/approval of specific landscaping details are generally controlled via condition rather than during the application process itself, providing the principle of development is acceptable and it is considered an appropriate scheme can be implemented at the site, which is the case in this instance.

Therefore, while the neighbouring developer's frustrations are acknowledged and the situation is regrettable, the timescales involved with these issues are out of the control of the planning application.

- *The developer of the adjacent site also commented that fill material has spilled from the applicant's site on to his which is hindering works at his site.*

Whilst this issue is regrettable, it would form a private matter between the landowners outside of the scope of any planning permission.

## **National Sustainable Placemaking Outcomes**

Chapter 2 of PPW emphasises that development proposals should demonstrate sustainable placemaking to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes to ensure this is the case.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further above, a brief outline of how the proposed development is considered to align particularly well with the national sustainable placemaking outcomes is set out below:



- Growing Our Economy in a Sustainable Manner: The development would have a small but positive effect in terms of construction jobs and employment at the site.
- Making Best Use of Resources: The development accords with the aim to prioritise the use of previously developed land and sustainable building practices/materials.
- Maximising Environmental Protection and Limiting Environmental Impact: The development would include suitable landscape planting and biodiversity enhancement measures.
- Facilitating Accessible and Healthy Environments: The application site is in a sustainable location and within a long-established industrial estate where such uses are best placed.

In respect of the other national outcomes listed, the development would be considered to have a neutral impact.

### **Community Infrastructure Levy Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended). However, the CIL rate for this type of development as set out in the Charging Schedule is £nil. Therefore no CIL would be payable.

### **Conclusion**

Having taken account of all of the issues identified above, it is considered that the proposed development represents an efficient and appropriate use of the site that will generate economic growth and a number of employment opportunities in the local area; without resulting in a significant impact upon the character and appearance of the locality, the amenities of surrounding residents, or highway safety in the vicinity of the site. Furthermore, it has been demonstrated that the impact of the scheme upon ecology and land drainage can be appropriately mitigated, and an appropriate diversion for the existing PROW that crosses the site can be accommodated.

It is therefore considered the proposed development complies with the relevant local and national planning policies and is acceptable, subject to the conditions detailed below.

**RECOMMENDATION:** Approve, subject to conditions below

1. The development hereby approved shall be carried out in accordance with the approved plans ref:
  - PR 100 Rev. H – Site Location Plan (amended plan received 20/12/21)
  - PR 101 Rev. B – Existing Site Plan (received 04/09/20)
  - PR 110 Rev. AA – Proposed Site Plan (amended plan received 20/12/21)

- PR 112 Rev. B – Retrospective Site Plan Showing Alterations (received 04/09/20)
- PR 210 Rev. B – Existing Workshop and R&D Centre Elevations (received 04/09/20)
- PR 211 Rev. A – Existing Office Elevations (received 04/09/20)
- PR 310 Rev. B – Proposed Workshop and R&D Centre Elevations (received 04/09/20)
- PR 312 Rev. A – Proposed Plant Washdown Elevations (received 04/09/20)
- PR 313 – Proposed Acoustic Fence Part Plan & Part Elevations (received 20/12/21)

and documents received by the Local Planning Authority on 04/09/20, 09/09/20, 23/09/20, 14/12/20, 07/10/21 and 20/12/21, 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.

2. The development hereby approved shall be carried out in accordance with methods, recommendations and mitigation/enhancement measures set out in:

- Noise Impact Assessment (Reduced) (Hunter Acoustics, December 2021)
- Site Investigation Report (Integral Geotechnique, May 2020)
- Drainage Strategy (Grays Consulting Engineers Ltd, October 2021)
- Preliminary Ecological Appraisal (Soltys Brewster Ecology, August 2020)
- Transport Statement (Corun, August 2020)

Unless otherwise agreed in writing by the Local Planning Authority or 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 further development works shall take place on site, other than those required in association with Condition 14, until full details of the proposed biodiversity mitigation/enhancement measures set out in the submitted Preliminary Ecological Assessment (Soltys Brewster Ecology, September 2020) have been submitted to and approved in writing by the Local Planning Authority. The biodiversity mitigation/enhancement measures shall include, but not be limited to:

- i. Tree and hedgerow protection/management,
- ii. Bird nesting enhancement measures,

- iii. Design of site lighting to minimise light levels along retained habitat boundaries, and
- iv. A long-term aftercare plan.

The approved mitigation/enhancement measures shall be implemented on site within 6 months of approval; and shall be retained thereafter.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

- 4. No further development shall take place on site, other than those required in association with Condition 14, until a comprehensive scheme of landscaping, which includes only native species, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the visual impact of the site, to protect the amenities of surrounding residents and to afford protection to local wildlife species, in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

- 5. All planting, seeding or turfing in the approved details of landscaping (referred to in Condition 4) shall be carried out in the first planting and seeding season following approval of the landscaping scheme. Any trees or plants which within a period of five years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To reduce the visual impact of the site, to protect the amenities of surrounding residents and to afford protection to local wildlife species, in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

- 6. Within 6 months of the date of this consent, a site investigation in respect of spillage associated with the existing fuel tanks and ground gas monitoring (including appropriate sampling and testing) shall be submitted to the Local Planning Authority for approval. The investigations shall include all following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- i. A site investigation, carried out by a competent person, to fully and effectively characterise the nature and extent of any contamination and its implications.
- ii. A written method statement, carried out by a competent person, for the remediation of any contamination found affecting the site.

Reason: In the interests of health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. All requirements of the approved remediation scheme (referred to in Condition 6) shall be implemented on site, by a competent person and to the satisfaction of the Local Planning Authority, within 3 months of the remediation scheme being approved.

No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority; and a suitable validation report of the implemented mitigation scheme, carried out by a competent person, shall be submitted to the Local Planning Authority for approval within 1 month of the approved scheme being implemented on site.

Reason: In the interests of health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. 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 development shall cease and revised contamination proposals, carried out by a competent person, shall be submitted to and approved in writing by the Local Planning Authority prior to works recommencing. The development shall comply with the approved, revised scheme thereafter.

Reason: In the interests of health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Within 1 month of the date of this consent, full details of the highway tie-ins and permanent materials to be used for the hardsurfacing of the staff/visitor carpark and yard area shall be submitted to the Local Planning Authority for approval.

The highway tie-ins, the off-street parking spaces (including 7 no. ULEV spaces) and cycle spaces at the staff/visitor carpark, and the yard area shall be formally laid out in accordance with the approved details and plan ref. "PR 110 Rev. AA" within 6 months of details being approved; and shall remain as such thereafter.

Reason: In the interests of highway safety, the free flow of traffic and residential amenity, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. All surface water runoff intended to be disposed to ground or a watercourse must first be treated in compliance with the Sustainable Drainage Systems Statutory Guidance, as indicated in the Drainage Strategy (Grays Consulting Engineers Ltd, October 2021) submitted in support of the application. No

direct infiltration of surface water drainage into the ground or surface watercourse is permitted, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent the new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution, in accordance with Policy AW10 of the Rhonda Cynon Taf Local Development Plan.

11. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents, and to ensure no pollution of or detriment to the environment, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. The operational activities associated with the development/use hereby permitted, including activities such as re-fuelling/watering of, the un-loading and re-loading of, the washing of, and the repair of vehicles and plant equipment stored at the site shall only take place between 08:00am and 19:00pm on any given day. Outside of that time the use of the site shall solely be restricted to the parking and movement (to and from) of either staff vehicles or the vehicles being stored at the site.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. The Noise Impact Assessment (6131/NIA1\_Reduced\_Rev3, 20<sup>th</sup> December 2021) in Section 7.2 outlines the conditions under which the noise modelling was carried out in respect of activities happening per hour at the site. At no time shall vehicle movements and activities on the site exceed the specified number of movements and speeds set out in the report.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. Within 3 months of the date of this consent, the acoustic barrier, as specified in the Noise Impact Assessment (6131/NIA1\_Reduced\_Rev3, 20<sup>th</sup> December 2021) at Section 7.2.3 (a *section of 5m high barrier to achieve minimum mass per unit area 10kg/m<sup>2</sup>*) and of the location and length detailed on plan ref. PR 110 Rev. AA – Proposed Site Plan (amended plan received 20/12/21) shall be installed on site. The colour of acoustic barrier shall first be agreed in writing with the Local Planning Authority.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. Within 1 month of the installation of the acoustic barrier, as specified in Condition 14, the developer shall submit to the Local Planning Authority for approval a noise assessment undertaken by an independent acoustic consultant to demonstrate compliance with the noise levels set out in the Noise Impact Assessment (6131/NIA1\_Reduced\_Rev3, 20<sup>th</sup> December 2021), the methodology of which shall first be agreed in writing with the Local Planning Authority.

Should noise levels not be in compliance with the details set out in Noise Impact Assessment (6131/NIA1\_Reduced\_Rev3, 20<sup>th</sup> December 2021), then further mitigation measures shall be submitted to the Local Planning Authority for approval within 1 month of the noise survey being undertaken.

Any additional mitigation required as a result of the above shall be installed on site within 1 month of the date of agreement by the Local Planning Authority and a further noise assessment, using the agreed methodology, shall be undertaken and submitted to the Local Planning Authority for approval.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. The acoustic barrier, as agreed in Conditions 14 and 15, shall remain in place and be maintained in good order in perpetuity. Should any part of the barrier become seriously damaged it shall be repaired in good time with like-for-like materials, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

17. Within 21 days from receipt of a written request of the Local Planning Authority, and following a complaint to the Local Planning Authority relating to noise emissions arising from the operation of any part of the application site, the site operator shall provide a written protocol for the assessment of the noise levels to the Local Planning Authority for approval. The written protocol shall be produced by an independent acoustic consultant.

Within 2 months of the protocol being approved by the Local Planning Authority the site operator shall provide to the Local Planning Authority the independent noise consultant's assessment, unless the Local Planning Authority gives written consent to any variation. The assessment shall include all data collected for the purposes of undertaking the compliance measurements and analysis and Certificates of calibration of the equipment.

Such data is to be provided in a format to be first agreed with the Local Planning Authority.

The assessment shall propose further noise mitigation measures should there not be compliance with the noise levels set out in Noise Impact Assessment (6131/NIA1\_Reduced\_Rev3, 20<sup>th</sup> December 2021); and any additional mitigation required as a result of the above shall be installed on site within 1 month of the date of agreement by the Local Planning Authority and a further noise assessment, using the agreed methodology, shall be undertaken and submitted to the Local Planning Authority for approval.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

18. The existing earth bund situated along the northern boundary of the site, separating the depot yard from the undeveloped field to the rear, and the existing embankment area along eastern boundary of the site shall be retained in perpetuity.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties and to clearly define the scope of this consent, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.