

## **PLANNING & DEVELOPMENT COMMITTEE**

**24 MARCH 2022**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1367/10 (EL)  
**APPLICANT:** M And M Garages  
**DEVELOPMENT:** Proposed construction of 5 no. Class B8 - storage/  
distribution warehouse units (Amended plans received  
20/12/21).  
**LOCATION:** M AND M GARAGES, FFORDD BLEDDYN, TAFF'S  
WELL, CARDIFF, CF15 7QR  
**DATE REGISTERED:** 20/12/2021  
**ELECTORAL DIVISION:** Ffynon Taf

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**RECOMMENDATION:** Approve subject to conditions

**REASONS:** The proposal is in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the use of the site for commercial uses under Classes B8 would be in keeping with the character of the area. The proposed building is also acceptable in terms of its scale, design and appearance, impact on residential amenity and highway safety.

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

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

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of 5 no. Class B8 storage/distribution warehouse units on a parcel of land to the south of M and M Garages, Ffordd Bleddyn, Taffs Well.

The proposal involves the construction of one large building, measuring 35.0 metres in length and 15.9 metres in depth. The footprint of the building would be subdivided to form 5 independent units, the largest would measure 9.0 metres in width (with a floor area of approximately 136sqm), with the remaining four extending to approximately 6.5 metres in width (each with a floor area of approximately 100 sqm). The building would have a mono pitch roof construction, extending to 9.1 metres at its highest point and 7.6 metres at its eaves. Access to the units would be gained from the front elevation, with each unit being served by a large commercial roller shutter

and a smaller pedestrian access door. The building would be a steel portal frame construction, with elevations finished in colour coated steel cladding.

The building would be located close to the southern boundary of the application site, to the east (alongside) an existing industrial unit and to the south of a commercial repair garage. The development would be served off an existing access which connects with Ffordd Bleddyn to the west (which serves the existing garage and industrial unit at the site).

## **SITE APPRAISAL**

The application site consists of a parcel of land within the curtilage of the site known as M and M Garages, Ffordd Bleddyn, Taffs Well. The site of the proposed building lies to the south of the existing garage and to the east of an existing industrial unit. The site is served off an existing vehicular access which connects with Ffordd Bleddyn to the west. The site itself is currently open land that is used for parking/storage in connection with M and M garages, albeit that there is no formal parking layout in this area. The area surrounding the application site is predominantly commercial in character being located on Moy Road Industrial Estate. To the east the site is separated from the line of the A470 by a landscape verge.

## **PLANNING HISTORY**

12/0196	Land to the rear Of M & M Garages, Moy Road Industrial Estate, Taffs Well	Change of use from Garage & MOT Centre to Plant Hire Centre with associated portacabin and storage unit (retrospective). (Amended plans received 07 &16/08/12)	Granted 30/12/14
00/2151	M & M Garages, Moy Road Industrial Estate, Taffs Well	Change of use to Taxi Office.	Granted 05/05/00
98/2750	Industrial Estate, Moy Road, Taffs Well	2 no. light industrial units (amended plans received 25/01/99).	Granted 26/02/99
79/0894	Bakery, Moy Road, Taffs Well	Erection of warehouse, maintenance workshop and offices	Granted 22/06/79
78/0296	Bakery, Moy Road, Taffs Well	Offices and maintenance workshop, warehouse, car park and parking of vehicle trailers and plant equipment	Granted 28/11/78

## **PUBLICITY**

The application was advertised by direct neighbour notifications and site notices. No representations have been received in response to the publicity.

## **CONSULTATION**

Highways and Transportation - no objections raised subject to a condition.

Welsh Government Highways - no objections raised.

Land Reclamation & Drainage – no objections raised, conditions suggested.

Public Health & Protection – no objections raised, conditions suggested.

Dwr Cymru – no objections raised conditions suggested.

Western Power Distribution – no objections raised, informative notes recommended.

## **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 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 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.*

Indicates that the site is inside settlement limits and is unallocated.

AW2 promotes development in sustainable locations.

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

AW6 sets out the criteria for new development in terms of design and place-making.

AW10 sets out the criteria for environmental protection and public health.

SSA13 sets out the criteria for development within settlement boundaries in the Southern Strategy Area.

### National Guidance

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

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

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

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 – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues**

The application site lies within settlement limits and in an area with a history of commercial activity. The proposal seeks to develop a new industrial building on a parcel of land that is currently vacant, but is used as additional parking/ vehicle storage, in connection the commercial garage that also operates from the site. As such, the key considerations in the determination of the planning application are the compatibility of the proposed building and uses with the established area, along with the potential impact upon the amenity of neighbouring occupiers. The impact of the proposals upon both the character of the area and highway safety are further considerations.

### **Principle and amenity impacts**

The application site is a parcel of land that forms part of a wider area that is in use for commercial/ industrial purposes. The site, which is accessed off Ffordd Bleddyn, accommodates a commercial repairs garage (M and M Garage) along with an existing industrial building (which accommodates two separate units and appears to be in use under Class B2/B8).

A review of the history of the site has revealed a number of planning applications relating to previous industrial/commercial uses at the site; and it is clear that the site forms part of the wider Moy Road Industrial Estate, where a range of industrial services and businesses are located. As such, there is clearly a well-documented history of industrial/commercial uses under Classes B2/B8 operating from the site and surrounding area. As outlined above, the current application seeks to develop 5 further Class B8 units on a parcel of land that is currently used as informal vehicle parking/ storage, in connection with the established garage at the site. The proposed units would sit alongside (to the east) of the existing Class B2/B8 units at the site. Given the above, it is considered that the use and building presented would be in keeping with the character of both the immediate site and wider area.

It is acknowledged that the industrial estate lies close to the village of Taffs Well. As such, residential streets are located in fairly close proximity to the estate. However, the closest residential street, that being Moy Road/ Ty Bryncoch, is situated approximately 140 metres north west of the site of the proposed units, and is separated visually by existing intervening industrial units. It is also noted that these properties are served by a separate means of access to that of the main industrial estate. As such, it is not considered that the development and operation of the 5 no. Class B8 units proposed, would cause undue disturbance or adversely affect the levels of amenity that the closest occupiers of residential properties currently enjoy.

### Character and Appearance

As set out above, the proposed building that would form the 5 no. units would be sited on a parcel of land to the south of the existing garage and to the east an existing industrial building (which accommodates two separate units). This configuration presents a logical layout for the site, presenting an opportunity to retain an internal access through the centre of the site, with the primary elevations of both the existing and proposed units to the south of the site addressing this. A turning and parking area would then be formed at the far east of the site, to the side of the proposed units. This layout also allows sufficient space to provide operational space (for loading / unloading) to the front of the units, along with the provision of parking spaces to the south side of the existing garage.

The units themselves are an uncomplicated steel frame construction clad in colour coated steel profile cladding, with the design and appearance being dictated primarily by the functional requirements. Notwithstanding this, they would be comparable in terms of their overall scale, proportions and appearance to existing commercial units located on the wider industrial estate. Overall, it is not considered that the resulting development would appear either harmful to or out of keeping with the character of the immediate site of its wider setting.

### Highway Safety

In order to aid in the assessment of the development upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response comments that the proposal represents the construction of 5 no. Class B8 industrial units on a land that is currently used as informal parking/storage.

In terms of access, it is noted that no alterations are proposed to the existing means of access that serves the site. It is commented that the site is served off Ffordd Bleddyn/ Moy Road Industrial Estate, which has been designed and built for safe vehicular and pedestrian movement and as such, is satisfactory to serve the proposal.

In terms of parking, the development lies within Parking Zone 3. The proposed development has an internal area of circa 665sqm. In accordance with the Council's adopted Supplementary Planning Guidance: 'Design, Access and Circulation', a Class B8 (storage & distribution) usage would require up to a maximum of 35% of the ground floor area (GFA), which equates to 39sqm per unit plus 2 non-operational spaces per unit. In this case, the proposal would result in 10 car / van parking spaces, 195sqm of operational space, an area for motorbike parking and a covered cycle store.

The layout plan which accompanies the application illustrates that there is sufficient space to accommodate both the required operational space to the front of the units and the 10 no. required parking spaces. It is also noted that a cycle storage and motorbike parking area have been provided in the layout.

As such, it is not considered that the proposal would result in an adverse impact upon highway safety in the vicinity of the site, and the observations of the Council's Transportation Section conclude by raising no objections to the scheme, subject to a condition which requires the parking layout be laid out prior to beneficial occupation of the approved units.

### Contamination

It is noted that consultation with the Council's Public Health and Protection Section has revealed that the application site (and wider industrial estate) occupies land formed by an infilled canal. As such, they consider that there is potential for contamination to exist on site. Notwithstanding this, no objections are raised to the application, as it is considered that any potential issues arising from possible contamination at the site could be mitigated. As such, if Members are minded to approve planning permission, then a condition is suggested, which would require the developer to undertake site investigations assessment, prior to commencement of development and if necessary, undertake remediation of any contamination identified.

### **Community Infrastructure Levy (CIL) Liability**

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

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

## Conclusion

The proposal represents the construction of a new building, which would create 5 no. Class B8 industrial units. The site is located on an established industrial estate, where a range of comparable uses already operate. Whilst it is acknowledged that some residential properties are located in vicinity of the site, given the separation distances involved and the existing established character of the area, it is not considered that any impacts resulting from the operation of the units would adversely affect the amenities of these residents. Furthermore, it is not considered that the scale, proportions and appearance of the building would be out of keeping with, or harmful to the character of the site and its wider setting; and the proposal is considered acceptable in highway safety terms. Therefore, the proposal is recommended for approval, subject to the conditions specified below.

### **RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan no(s)

- Drawing no. T2541-PA-01 Site Location Plan
- Drawing no. T2541-PA-05A Proposed elevations
- Drawing no. T2541-PA-04A Proposed elevations / Section
- Drawing no. T2541-PA-03B Plan of Units
- Drawing no. T2541-PA-02A Site Plan

and documents received by the Local Planning Authority on 11/10/21 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.

3. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The building shall not be brought into beneficial use until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

4. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local

Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site

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

5. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 4) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority

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

6. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

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

7. Access, parking and turning facilities shall be in accordance with the submitted layout plan, Drawing No. T2541-PA-02A (received: 20/12/2021), and constructed in permanent materials, details of which to be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of any unit. The parking and turning areas shall not thereafter be used for any purpose other than the parking and turning of vehicles.



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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting of that Order) no other use (other than the Class B8 use hereby permitted) shall be operated from the property site without the prior express permission of the Local Planning Authority.

Reason: To define and limit the extent of the permission and to ensure that adequate off street car parking to serve the development is available, in accordance with Policies AW5 of the Rhondda Cynon Taf Local Development Plan.