

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: 22/0085/16 (GD)
APPLICANT: Virtuous Circle Developments
DEVELOPMENT: Approval of all reserved matters for industrial and manufacturing development at Plot C5.
LOCATION: PLOT C5 COED ELY STRATEGIC EMPLOYMENT SITE, ELY VALLEY ROAD, COED-ELY, TONYREFAIL
DATE REGISTERED: 24/01/2022
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: Approve

REASONS: The principle of the proposed development has already been established in the renewal of outline planning permission granted under application 21/0001. The proposed development complies in its entirety with the terms of the outline planning permission granted and is acceptable in terms of the requirements of reserved matters. Further, the proposal reflects the increased interest in the redevelopment of the site and the benefits it will bring to the local economy.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

This application seeks approval of all reserved matters (layout, Scale) appearance and landscaping) in connection with Plot C5 of the Colliery Business Park. Access details in respect of the plot have already been approved and implemented

The proposals involve the creation of a courtyard type development within the plot setting out a series of five terraces of manufacturing/industrial units of varying sizes as follows: -

Unit	Amount	Unit Size (Sq M.)	Total (Sq M.)
110 & 120	2	1394	2788
201 - 202	2	697	1394
301 - 310	10	116	1160
401 - 405	5	116	580

501 - 502	2	348	696
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The development will deliver some 6618 square meters of new industrial and manufacturing floorspace over 21 units of different sizes as described above. Building heights for most of the units will be between 8.6m and 8.975m with the exception of the larger unit (110 & 120) which will be 12.3 m high.

Each unit would be finished off a brick base with cladding walls along with elements of powder-coated aluminium. Wall cladding will be in a combination of slate grey and goosewing grey composite panels with the roof in white coated aluminium. Detail in the form of flashings will be in Wedgewood blue. Proposals also show the provision of a substation immediately south of access point in to the site. Around the site, soft landscaping will be provided at the fringes and within the development permeable block paving will be provided to footpath and parking areas and the remainder will be completed in a combination of permeable and non-permeable paving. Yard areas and motorbike parking will be finished in concrete with tarmac to the access road. Site security would be in the form of a 2.4m high paladin fence.

Vehicular access into the site will be formed from the recently improved estate spine road via the established plot access. The proposed parking arrangements include 135 car parking spaces 18 of which will be accessible, 27 van parking spaces, 4 HGV parking spaces and 20 Cycle parking spaces.

The application is accompanied by the following:

- Landscape and Visual Appraisal

SITE APPRAISAL

The application site sits centrally within the wider 31-hectare former colliery and coke works site. To the north of the previously approved and now developed, plot C3. The site is one of the previously formed plateau areas at the site sitting slightly higher than the plot to the south. The plateau itself is largely clear of vegetation with landscaping confined to the fringes. The site benefits from the recently improved estate access road and cycle way from the A4119 roundabout and its own individual access on to that estate road.

PLANNING HISTORY

22/0058	Discharge of prior commencement conditions (Ref:21/0001) in respect of plot C5 – 3 foul drainage, 7 contamination, 14, parking, 15 construction method statement & 17 wildlife protection plan	Not yet determined.
21/0001	Variation of conditions 1(c) and 1(d) of planning permission 09/0386/13 to allow an extension to the permitted time frames for the application of reserved matters by a further 10 years and the extension of the permitted time frames for the	Approved 9 th December 2021

commencement of development by a further 1 years, or by 2 years from the date of the last reserved matters to be approved which ever is the later. Additional environmental information planning policy update and site masterplan received 9th July 2021

20/0246	4no. landscape bunds	Approved 9 th April 2020
19/0901	Sewage pumping station, odour control unit and motor control centre kiosk	Approved 2 nd October 2019
19/0688	NMA alterations to highway detail approved under 18/0737	Approved 12 th July 2019
18/1074	Reserved matters for plot access, appearance landscaping layout and scale relating to plot C3 for the construction of a B1/B2/B8 employment unit with ancillary offices	Approved 14 th November 2018
18/0737	Reserved matters layout of highway works	Approved 10 th August 2018
09/0386	Employment development of up to 30,937 square metres gross floor area, non-residential institutions (use class D) up to 3,716 square metres, outdoor recreation up to 0.71 hectare with ancillary changing rooms and energy centre (outline application)	Approved 27 th January 2011
06/2159	Construction of permanent bund of excavated material with a topsoil covering	Approved 14 th May 2007
06/1148	Construction of underground foul pumping station and storage tank with above ground control kiosks	Approved 20 th August 2006
04/1285	Construction of new factory and warehouse offices, access road parking, landscaping and other site works	Withdrawn 30 th September 2005
94/0912	750,000 square foot of B1, B2 and B8 and 15,000 square foot of A1, A2 and A3 service retail	Approved 8 th January 1999
94/0911	750,000 square foot of B1 or B2 , associated uses and new access road to the A4119	Approved 8 th January 1999
94/0798	Coedely (top tip) reclamation scheme and coedely colliery and coke works scheme (observations requested by MGCC)	Raise no objection 23 rd January 1995

93/0433	Land reclamation works including extension of existing access to form service road and roundabout with comprehensive landscaping	Raise no objection 2 nd August 1993
91/0364	Land reclamation work including new access extension of existing access and landscaping	Raise no objection 5 th August 1991

PUBLICITY

The application has been advertised by means of press notice, site notices, neighbour notification letters, and no objections or observations have been received

CONSULTATION

Transportation Section: - No objections

Flood Risk Management: - No objections subject to conditions on the outline planning permission being carried forward.

Public Health & Protection: - No objections

Countryside: - No objections subject to conditions

Glamorgan Gwent Archaeological Trust: - have no comment to make in respect of this application

Natural Resources Wales: - initially expressed concern that there should be no infiltration of storm waters into the ground and subsequently indicated that if the Local Planning Authority are satisfied that condition 5 of the outline planning permission addresses the issue they have no further comment to make.

Dwr Cymru Welsh Water: - raise no objection but have substituted their initial holding response with a condition requiring agreement of an upgraded water supply should it prove necessary to serve the development.

South Wales Fire & Rescue Service: - the developer should consider the need for the provision of adequate water supplies on the site for firefighting purposes and appropriate access for emergency firefighting appliances.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

(More emphasis on the policies particularly relevant to the application and abbreviated.) e.g.

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were

commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy CS6 – sets out employment requirements for the Local Development Plan and though primarily concerned with strategic sites it also states that land for the provision of 47 hectares of new B1, B2 and B8 local employment development is allocated in accordance with ...policies SSA7 and SSA14.

Policy CS10 – seeks to protect resources and contribute to the local, regional and national demand for a continuous supply of minerals, without compromising environmental and social issues.

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 place making, including landscaping.

Policy AW8 – aims to preserve and enhance the distinctive natural heritage of the County Borough

Policy AW10 – mitigates against development that cause harm to public health, and/or local amenity as a result of air pollution, noise pollution, light pollution, contamination, landfill gas, land instability, water pollution or flooding.

Policy AW14(2) - requires that mineral resources should be safeguarded from any development which would unnecessarily sterilise or hinder their extraction.

Policy SSA4 - supports commercial development in the key settlement of Tonyrefail that is of a high standard of design and integrates positively with existing development, supports the provision of local services and promotes accessibility to local services by a range of sustainable modes of transport.

Policy SSA14(1) – in accordance with policy CS6 allocates 14.32 hectares at Coed Ely for B1/B2 development.

policySSA21(6) promotes the extension and enhancement of cycle paths and community routes, including the Pontypridd to Tonyrefail via Llantrisant cycle route.

Supplementary Planning Guidance

Design and Placemaking

Nature Conservation

Planning Obligations

Access Circulation and Parking

Employment Skills

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local

Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's 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 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: *(or not in the case of refusals)*

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
- Policy 9 – Resilient Ecological Networks – green infrastructure/ecology
- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 13: Tourism;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 19: Telecommunications;
PPW Technical Advice Note 23: Economic Development
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The principle that the site is suitable for the type of development proposed was established by the grant of outline planning permission in 2011 and reiterated in its renewal in 2021.

The application site lies within the Southern Strategy Area in Tonyrefail as defined in the Local Development Plan. The site is allocated for employment development in its totality under LDP policy SSA14.1 for use class B1 and B2 (light and general industrial) uses. The purpose of the policy designation is the support of the key settlement of Tonyrefail by promoting growth in the local economy.

Impact on the character and appearance of the area

The application site sits centrally within the colliery site west of the A4119 and is a pre formed plateau area with planted areas at its borders. The wider site was reclaimed with redevelopment for industrial and commercial purposes as an intended end use. As such, there has always been an acceptance that the character and appearance of this and the wider site would change substantially. The current proposals are compliant with the design parameters agreed at the outline planning approval stage. As such, the impact of the proposed development on the character and appearance of the site are regarded as acceptable.

The development represents at least in part the re industrialisation of this part of the site regenerating the site for employment use and its development would be discreet and set within its own boundaries and clearly distinguishable and separated from the residential areas by the A4119 and river Ely as was the colliery and coke works before it.. As such, the proposals satisfy the requirements of Local Development Plan Policies AW5 and AW6 insofar as they relate to the character and appearance of the area.

Impact on residential amenity and privacy

The application site lies to the west of the village of Coedely with a flat wooded area, the river Ely and the A4119 lying between the two. As such, there is sufficient separation between the application site and the main residential area to ensure that there are no impacts on the residential amenity and privacy of existing residents of Coedely that would result from the development proposed, though it would be clearly visible from elevated areas within the village that face the site. To the south and west of the site, there are a number of isolated residential properties. These properties are a considerable distance from the site and generally well elevated and this results in the impacts of the current proposals being acceptable in their impacts. As such, it is considered that the impact of the proposed development on residential amenity and privacy is minor at most and acceptable in the context of Local Development Plan Policies AW5 & AW6.

Access and highway safety

Access and highways safety details were addressed in the context of the site under application 21/0001, and the highway related conditions applied to that permission still apply to this application for approval of reserved matters. In considering the detail of the proposed layout for plot C5 the Transportation Section have had due regard to the issues that relate specifically to the development of the site, access, parking arrangements service yards etc. and have concluded that the details are acceptable and that there is no need or requirement for further conditioning.

Ecology

The ecology of the site was dealt with in some detail under application 21/0001. Whilst the current application seeks approval of details for the site it has been submitted concurrently with planning application 22/0058 which seeks to discharge a number of pre commencement conditions associated with the development of site C5 including a wildlife protection plan for the development. The ecologist has also advised subject to minor alterations that can be addressed through planning conditions.

Contamination and Drainage

Members will note that Natural Resources Wales initially expressed concern that there should be no drainage infiltration due to concerns that it might mobilise remnant contaminants at the site into the water table. However, condition 5 of the renewed outline planning permission 21/0001 specifically precludes the use of infiltration surface water drainage into the ground due to its potential to affect controlled waters. In addition, any drainage scheme to serve the site would need to have regard to the requirements of this condition, and if infiltration drainage were proposed, would need to demonstrate that it could be done so safely without the above effect. This is an issue that the developer will need to have due regard of when designing the drainage scheme to serve the development.

Other matters

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Dwr Cymru Welsh Water have expressed some concern over the water supply situation and the needs of potential end users. The applicant's agent has confirmed their client is content for the proposals to progress on the basis that water supply on a domestic scale only be provided to resolve the issue. As a speculative development, they have also confirmed that should any of the potential end users require greater demand that matter can be dealt post the grant of consent.

Key issues such as socio economic conditions, flood risk, air quality, cultural heritage and archaeology and noise were adequately addressed in the context of the earlier application 21/0001 and require no further consideration in the context of this reserved matters application.

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 application is considered to comply with the relevant policies of the Local Development Plan and national policy as described in PPW11 and Future Wales 2040 inasmuch as they relate to the development now proposed. Furthermore, the development represents the next step in the redevelopment of the site that as inward investment will create jobs and help to address the socio-economic inequality that has been a characteristic of this part of the County Borough for too long. The development of this part of the site will help to promote the site as a place for industry whilst at the same time having due regard to the recognised ecological importance of the wider area.

RECOMMENDATION: Approve

1. The development hereby approved shall be carried out in accordance with the approved plans ref: -
 - Site Location Plan Drawing No. 20318 P0001 Rev B
 - Site Plan Drawing No.20318 P0002 Rev E
 - Unit 100 Context plan Drawing No.20318 P0003 Rev E
 - Unit 100 Building Plan Drawing No.20318 P0004 Rev E
 - Unit 100 Roof Plan Drawing No. 20318 P0005 Rev D
 - Unit 100 Elevations & Indicative Sections Drawing No.20318 P0006 Rev D
 - Unit 200 Context Plan Drawing No.20318 P0007 Rev D
 - Unit 200 Building Plan Drawing No.20318 P0008 Rev D
 - Unit 200 Roof Plan Drawing No.20318 P0009 Rev D
 - Unit 200 Elevations & Indicative Section Drawing No.20318 P0010 Rev D
 - Unit 300 Context Plan Drawing No. 20318 P00011 Rev D
 - Unit 300 Building Plan Drawing No.20318 P0012 Rev D
 - Unit 300 Roof Plan Drawing No.20318 P0013 Rev D
 - Unit 300 Elevations & Indicative Sections Drawing No.20318 P0014 Rev D
 - Unit 400 Context Plan Drawing No.20318 P0015 Rev D
 - Unit 400 Building Plan Drawing No.20318 P0016 Rev D
 - Unit 400 Roof Plan Drawing No. 20318 P0017 Rev D
 - Unit 400 Elevations & Indicative Sections Drawing No.20318 P0018 Rev D
 - Unit 500 Context Plan Drawing No.20318 P0025 Rev C
 - Unit 500 Building Plan Drawing No.20318 P0026 Rev B
 - Unit 500 Roof Plan Drawing No.20318 P0027 Rev C

- Unit 500 Elevations & Indicative Sections Drawing No.20318 P0028 Rev B
- Site materials Drawing No.20318 P0019 Rev D
- Cycle Shelter Drawing No.20318 P0020 Rev D
- Bin Store Drawing No.20318 P0021 Rev D
- Security Drawing No.20318 P0022 Rev E
- Substation Drawing No.20318 P0023 Rev E
- Landscape Proposals Drawing No.LAS 341 01

and documents received by the Local Planning Authority on 24/01/2022 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. Notwithstanding the details shown on the plans hereby approved, the detailed landscaping of the site shall be undertaken in accordance with the amended details received 9th March 2022.

Reason: In the interests of maintaining the biodiversity of the site in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

3. The development hereby approved is for use classes B1, B2 and B8 as defined by the Town & Country Planning (Use Classes) Order 1987 (As amended).

Reason: to define the extent of the permission hereby granted.