

PLANNING & DEVELOPMENT COMMITTEE

20 OCTOBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0533/13 (KL)
APPLICANT: ADW Group Ltd
DEVELOPMENT: Outline planning permission with all matters reserved except access for the erection of up to 765 square metres of industrial buildings (flexible B1 / B2 / B8) , parking, drainage and ancillary works (updated plans received 23/08/22)
LOCATION: LAND AT BRYNGELLI ESTATE, MEADOW LANE, HIRWAUN
DATE REGISTERED: 11/05/2022
ELECTORAL DIVISION: Hirwaun, Penderyn and Rhigos

RECOMMENDATION: Approve, subject to conditions

REASONS: The proposal would provide additional industrial units within an established industrial estate which is located within the defined settlement boundary for Hirwaun. Whilst the application is made in outline with all but access being reserved for future consideration, it is considered that the site could be developed in such a way that it would have a limited impact upon the character and appearance of the application site, and upon the amenity and privacy of surrounding residential properties. Furthermore, the site would be accessed via the existing entrance to the industrial estate and this is considered to be acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Outline planning permission is sought for the construction of up to 765 square metres of industrial buildings (flexible B1/B2/B8 use) and associated parking at an existing industrial estate known as Bryngelli Industrial Estate, which is located on Meadow

Lane, Hirwaun. Details of access are included for consideration in this application with all other matters being reserved for future consideration.

Whilst matters of layout are reserved for future consideration, the application is accompanied by an indicative site layout plan which indicates how the site might be developed. The plan shows that the development may consist of a number of industrial units with 4 being arranged along the southern boundary of the site and 1 being positioned adjacent to the eastern boundary. Access would be provided via the existing entrance to the wider industrial estate with the existing estate road being extended to serve the new units. The plan indicates that a number of parking spaces would be situated to the fronts or sides of the proposed units.

Details submitted with the application indicate minimum and maximum dimensions for the proposed units, as detailed below:

Unit 1:

- Width: Min. 18.0m; Max. 20.0m;
- Depth: Min. 12.0m; Max. 13.5m;
- Height to Ridge: Min. 6m; Max. 6.5m;
- Height to Eaves: Min. 5.25m; Max. 5.75m;

Unit 2:

- Width: Min. 15.0m; Max. 16m;
- Depth: Min. 7.5m; Max. 8.0m;
- Height to Ridge: Min. 6.0m; Max. 6.5m;
- Height to Eaves: Min. 5.25m; Max. 5.25m;

Unit 3

- Width: Min. 15.0m; Max. 16m;
- Depth: Min. 7.5m; Max. 8.0m;
- Height to Ridge: Min. 6.0m; Max. 6.5m;
- Height to Eaves: Min. 5.25m; Max. 5.25m;

Unit 4

- Width: Min. 10.0m; Max. 12.0m;
- Depth: Min. 12.0m; Max. 13.5m;
- Height to Ridge: Min. 6.0m; Max. 6.5m;
- Height to Eaves: Min. 5.25m; Max. 5.25m;

Unit 5

- Width: Min. 12.0m; Max. 13.5m;
- Depth: Min. 20.0m; Max. 21.0m;
- Height to Ridge: Min. 6.0m; Max. 6.5m;
- Height to Eaves: Min. 5.25m; Max. 5.25m;

The application is accompanied by the following:

- Planning Statement
- Transport Statement
- Geo-Environmental and Geo-Technical Desk Study Report.

SITE APPRAISAL

The application site comprises of a vacant parcel of land which is located on an established industrial estate known as Bryngelli Industrial Estate, Hirwaun. The industrial estate is located at the southern edge of the settlement of Hirwaun, with access being served from Meadow lane which runs east to west along the northern boundary of the estate.

The site has an irregular shaped footprint with an area of approximately 0.3 hectares. It is generally flat for the most part; however, it rises gradually towards the southern end. It predominantly comprises of an area of hardstand, which appears to be used for informal parking associated with the industrial estate, with some areas of grass and scrub to the south.

The site forms part of the wider industrial estate which sits between Meadow Lane to the north and the A465 to the south. The immediate area to the north of the site is characterised by a number of existing industrial units of varying scales and designs. It is understood that all of the units are within B1/B2/B8 use. A number of single storey residential properties are situated to the east of the site (Tower Road) with a rear access lane and fence with an associated hedgerow being located at the boundary. A vacant parcel of land lies to the west of the site. This site forms part of the employment area; however, an application has been submitted for 35no. dwellings (planning ref. 21/1491/10). This application is currently being considered.

PLANNING HISTORY

The following planning applications are on record for the wider Bryngelli Industrial Estate:

21/1491	Land adj. Bryngelli Industrial Estate, Meadow Lane, Hirwaun	Residential development of (35 no. units) (Amended Plans	Pending
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			rec. 23/05/22) (Amended Ownership Certificate and Additional Marketing Information rec. 24/05/22).	
11/1459	Ferrari's Bryngelli Estate, Meadow Lane, Hirwaun	Bakery, Industrial	Demolition of existing buildings and erection of foodstore (Class A1), petrol filling station, highways works, car parking, landscape and ancillary works (amended application site and layout - received 01/03/13).	Granted 28/10/14
11/1127	Unit 1, Industrial Estate, Meadow Lane, Hirwaun	Bryngelli	Change of use to a Public Service Vehicle operating centre	Granted 21/08/13
05/2086	Ferrari's Bryngelli Estate, Meadow Lane, Hirwaun	Bakery, Industrial	Bakery premises extension to house purpose built refrigerated food store and freezer	Granted 13/02/06
05/0398	Bryngelli Estate, Meadow Lane, Hirwaun	Industrial	Single storey extension to front elevation (Retail area).	Granted 24/05/05
04/2229	Land adj. Industrial Estate	Bryngelli	Bakery shop advertisement	Granted 01/02/05

PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of site notices in the vicinity of the site. One letter of representation has been received which is summarised as follows:

- The planning application is on land that forms the access to an adjoining site.
- The development would block access to the adjacent land.
- The application should be put on hold until Land Registry have updated their records to determine the extent of landownership.
- A Deed of Transfer plan has been provided as evidence to show the extent of land purchased by the adjoining landowner.

Further consultation (direct neighbour notification and further site notices) undertaken upon receipt of amended plans which removed a fence, gate and narrow strip of land

beyond from the applicant's ownership. No other amendments were made to the scheme. One further letter of objection has been received from the adjoining landowner which repeats that the development would block access to the adjoining land and prevent HGVs from accessing the site.

CONSULTATION

The following consultation responses have been received:

Countryside, Ecology and Landscape: No objection, condition recommended.

Fire Safety: No objection, advice and recommendations provided.

Flood Risk Management: No objection, condition recommended.

Highways and Transportation: No objection, subject to conditions.

Hirwaun and Penderyn Community Council: No objection.

Natural Resources Wales: No objection, subject to conditions.

Public Health and Protect: No objection, conditions recommended.

Welsh Government (Transport): No objection, advice provided.

Welsh Water: No objection

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site forms an unallocated parcel of land which is situated within the defined settlement boundary for Hirwaun. The following policies are considered to be relevant in the determination of this application:

Policy CS1 (Development in the North): places emphasis on building strong, sustainable communities

Policy AW2 (Sustainable Locations): advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 (New Development): sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 (Design and Placemaking): requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW8 (Protection and Enhancement of the Natural Environment): advises that RCT natural heritage will be preserved and enhanced by protecting it from inappropriate development.

Policy AW10 (Environmental Protection and Public Health): development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy NSA3 (Development in the Key Settlement of Hirwaun): permits commercial development within Hirwaun where development is of a high standard of design and integrates positively with existing development.

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 LDP 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.

Supplementary Planning Guidance

Design and Placemaking
Nature Conservation
Planning Obligations
Access Circulation and Parking

National Guidance

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

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

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

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.

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant policy guidance consulted:

PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
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:

It is considered that the key considerations in the determination of this planning application will be whether the principle of the proposed development at the application site is acceptable in the first instance, and if so, whether the site is capable of accommodating the proposed industrial units, associated means of access/parking/turning facilities and sufficient amenity space without resulting in a

detrimental impact upon the amenity and privacy of neighbouring properties; the character and appearance of the surrounding area; and highway safety in the vicinity of the site.

Principle of the proposed development

The application seeks outline planning permission for the construction of up to 765 square metres of industrial buildings on a parcel of land that is situated within the defined settlement boundary. The site sits at the southern end of an established industrial estate in which there are a number of existing industrial units of varying scales and designs. It is understood that all of the units are within Use Class B1/B2/B8.

Given the location of the site at the southern edge of an established built-up area, the site is considered to have good access to key local services and amenities as well as good access to a range of sustainable modes of transport with bus stops being located in close proximity to the site. Although there are a number of existing residential properties immediately adjacent to the east of the site (Tower Road), the site forms part of the existing industrial estate in which there are already a number of existing industrial and commercial uses (Use Class B1/B2/B8). It is therefore not considered that the proposal to construct additional industrial units at this site would unacceptably conflict with existing uses in area. As such, the application site is considered to be located within a sustainable location, as defined by Policy AW2 of the Rhondda Cynon Taf Local Development Plan and the application would therefore comply with this policy.

Policy NSA3 permits development in the key settlement of Hirwaun providing that the development is of a high standard of design and integrates positively with existing development. Whilst details of overall design (i.e. layout, scale and appearance) are reserved for future consideration, the indicative site layout and minimum and maximum dimensions proposed suggest that the site could be developed in a way that would be sympathetic to that of the surrounding area. Whilst this matter could be controlled in the consideration of a reserved matters application, the Planning Statement indicates that the proposal would utilise materials that would suit the character and appearance of the area and, as such, no concern is raised in this regard. The Planning Statement also states that any unit provided to the east of the site would be limited to B1 use to ensure that there would be no negative impact upon the neighbouring residential street (Tower Road).

Policy CS2 further supports commercial development in locations that would support and reinforce the roles of the Key Settlements. As the site forms part of an existing industrial estate, the proposed development would help to reinforce the commercial aspect of this particular area of Hirwaun. Furthermore, the application site currently forms an area of hardstanding with some scrub towards the southern boundary. Some of the site is currently being used for informal parking for the wider industrial estate however, the majority of the site is vacant and does not appear to be used for any particular purpose. Given its relationship with the existing industrial estate, the site is

unlikely to be suitable for any other development, and so it is considered that the development would ensure the re-use of under-used land.

In light of the above assessment, the principle of the proposed development is considered to be acceptable, subject to further consideration of the criteria set out in the subsequent sections below:

Impact on the character and appearance of the area

As indicated above, the application is made in outline with matters of layout, scale and appearance being reserved for future consideration. As such, no details are required to be submitted with regards to the overall design of the proposal; however, the application is accompanied by an indicative site layout plan that indicates how the site could be developed.

The plans indicate that units would typically be arranged adjacent to the southern boundary of the site with one unit being situated adjacent to the eastern boundary. Given the layout of the existing industrial estate and the location of the existing internal estate road, this is considered to be a feasible way of laying out the site. It is also considered that the site is capable of accommodating the number of units and/or the maximum floor space proposed without resulting in overdevelopment of the plot or impacting upon the character and appearance of the site and surrounding area.

In terms of the scale of the proposed units, the minimum and maximum dimensions are considered to be acceptable and in-keeping with the variety of different industrial units that already exist within the existing industrial estate. Furthermore, the details submitted with the application indicate that appropriate external materials would be proposed in the submission of a future reserved matters application.

Whilst the overall siting, scale and design of the units would be controlled by a reserved matters application, given the indicative information provided at this outline stage, it is considered unlikely that the proposal would have an adverse impact upon the character and appearance of the site or the surrounding area. The application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The application site is situated towards the southern edge of an established industrial estate however, it is noted that there are a number of residential properties located almost immediately to the eastern boundary (Hillside, Rose Villa, Bank View & Three Winds, all on Tower Road) and it will therefore be important to consider the amenity and privacy of these properties. These properties are all single storey and are all off-set from the boundary of the application site by enclosed gardens and a rear access lane.

The indicative site layout plan indicates that one unit could be constructed adjacent to the eastern boundary and, as such, there is potential for this unit to impact upon the amenity and/or privacy of the adjacent neighbouring properties.

The plan shows that the unit would be situated 18.5 metres away from Hillside with the separation distance increasing northwards, resulting in Three Winds being situated approximately 27 metres away. This distance, along with the likely orientation of the building (which will be limited by the position and direction of the boundary) and the maximum eaves/ridge height dimensions proposed (5.75m/6.50m respectively), it is unlikely that this unit would have an adverse overbearing impact upon. Furthermore, it is noted that three of the four properties along this section of Tower Road have detached garages or outbuildings adjacent to their rear boundaries which would provide further screening and reduce the overall impact of the proposed development.

The unit would be situated to the north-west of these properties and would therefore not give rise to any overshadowing or loss of light. Whilst no details have been included with the proposal to indicate whether the unit would incorporate any windows or doors to the rear elevation, it is not considered that the unit would result in an adverse level of overlooking towards existing properties due to existing boundary treatments at the site and the position of existing garages/outbuildings at the rear boundaries of neighbouring properties. The indicative site layout plan also indicates that a number of new trees would be planted at the boundary which would further reduce any potential overlooking impact.

The remaining 4 units would likely be situated towards the southern end of the site, adjacent to the A465 and it is not considered that units 3-5 would result in any impact upon existing residential properties. The indicative site layout plan shows that Unit 2 could be sited in close proximity to the south-western side boundary of Hillside with the separation distance being approximately 15 metres (between the dwelling and the closest point of unit 2). Given this distance, the siting of this unit to the south-west of Hillside and with it being predominantly sited towards its side elevation, it is not considered that the unit would give rise to any significant overbearing, overshadowing or overlooking impact.

Whilst it is noted that the proposal would result in an intensification of the existing industrial estate use, it is not considered that the proposal would result in an adverse impact upon surrounding residential properties in this respect. Surrounding residents would already be accustomed to some degree of noise and disturbance as a result of the existing industrial estate (which has no restrictions in terms of hours of operations) and it is not considered that 5 additional units, which are all limited in terms of their scale, would significantly increase the level of noise and disturbance. It is also noted that the Planning Statement indicates that the unit closest to the eastern boundary and therefore closest to existing residential properties would be restricted to B1 use, which by its very nature (business), would have the least impact. This could be conditioned to ensure that the development would have no adverse impact upon the nearest neighbouring properties. The Council's Public Health and Protection team have also

recommended that a condition be added to restrict the opening hours of the premises to 08:00hrs - 18:00hrs. Whilst it is noted that the development is in close proximity to a number of residential properties, the wider site is not restricted in terms of its hours of operation. It is not considered that the additional units would give rise to any impact that would be significantly different to that created by existing industrial units and so the imposition of such a condition is considered to be unreasonable in this case. Furthermore, it is considered that the proposal to restrict the use of the closest unit to B1 use only would help to limit any potential impact in this regard and, as such, it is recommended that a condition be added to restrict the use of any unit adjacent to the boundary with any residential property along Tower Road to Use Class B1.

The proposed units would all be accessed via the existing industrial estate entrance to the north, off Meadow Lane. Whilst the proposal could result in additional traffic and therefore additional noise and disturbance at this location, the Transport Statement submitted with the application indicates that the likely trips generated would not be significant and it is therefore not considered that the noise and disturbance in this regard would be significantly increased.

Whilst the overall siting, scale and design of the units would be controlled by a reserved matters application, given the indicative information provided at this outline stage, it is considered that the site could be developed in such a way that it would have a limited impact upon the amenity and privacy of neighbouring residential properties. The application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

The application has been assessed by the Council's Highways and Transport section and no objection has been raised in relation to the proposal (subject to conditions). The response received indicates that access would be provided by extending the existing internal industrial estate road. A 5.5m wider shared surface road is proposed with two turning areas provided.

It is considered that the internal access is acceptable to remain in the ownership of the applicant as a private shares access industrial estate. The road would provide sufficient space for two large vehicles to pass one another, in accordance with Manual for Streets.

The applicant proposes a 5.5m shared surface with no segregated footway facilities which raises cause for concern; however, taking into account the limited pedestrian movement associated with the proposed development, and that there is space for pedestrians to seek refuge off the carriageway in the event of two large vehicles passing, the proposal is considered to be acceptable.

In terms of parking, each unit would be provided with two car parking spaces and a van/delivery space which complies with the Parking Standard requirements.

Table B2 of the SPG indicates that for office use (Use Class B1 and A2), the following would be required:

Offices (<1000m ²)	1 space per 20-25m ²
Offices (>1000m ²)	1 space per 25-40m ²

The table above is the worst-case scenario in the event that all of the units would be occupied as office use (B1). In this case, the proposed development would require 34 spaces.

Should the development be used as general industry, the proposal would require 10 car parking spaces with 5 delivery spaces:

Type of Development	Operational	Non-operational
General Industry (<235m ²)	1 van space	2 spaces
General Industry (>235m ²)	See Note 4	1 space per 80m ²
Distribution/Storage (<1000m ²)	35% of GFA	1 space per 80m ²
Distribution/Storage (>1000m ²)	25% of GFA	1 space per 80m ²

The proposal includes units that are small scale starter units and so should all of the units be used for office (B1) use, the proposal could potentially be short of the maximum standards required. However, taking into account that there is space within the site for overspill car parking to take place without impacting on the public highway, the proposal is considered to be acceptable.

It is also noted that cycle parking stands would be provided adjacent to units 1 and 5. Each provides parking for 8 no. bicycles, resulting in a total of 16 cycle spaces. This equates to a cycle parking provision of approximately 1 per 50m² which far exceeds the minimum requirements of the Parking Standards.

The application is supported by a Transport Statement which estimates that the existing permitted use of the site has the potential to generate some 15 people movements during the morning peak hour (0800-0900), 17 people movements during the evening peak hour (1700-1800) and a total of 161 people movements over the course of a day (based on typical trip rates derived from TRICS data) The following table is provided, which indicates trip rates of 2540m²; however, the figures are consistent with a GFA of 765m², which represents the proposed scheme.

Time	Trip Rate per 100m ²			Trip Generation of 2540m ²		
	Arrivals	Departures	Total	Arrivals	Departures	Total
08:00-09:00	1.452	0.556	2.008	11	4	15

17:00-18:00	0.741	1.529	2.27	6	12	17
Daily	10.549	10.534	21.083	81	81	161

2011 Census data reveals that 73% of the workplace population in Hirwaun drive to work. Based on this proportion of driven trips, it can be expected that the proposed units would generate 15-17 peak hour vehicle movements equating to 1 every 3.5 minutes, which is not considered to be significant.

A review of injury accident records for the area around the site has been undertaken for the latest five-year period, for which data is available (2017-2021) inclusive). The data reveals that there are no recorded accidents on Meadow Lane, Bryngelli Close or Rhigos Road.

Concern is raised regarding the access leading to the application site off Meadow Lane in terms of the acute junction and narrow width with limited visibility however, taking into account that it is an existing access serving an existing industrial use with anticipated vehicular movements to be similar to the existing use, the access is considered to be acceptable. Furthermore, the existing access previously served a much larger industrial estate with the proposal being for 5 small starter units generating up-to 17 people two-way trips which is considered to be minimal. As such, the proposal is considered to be acceptable.

In light of the comments received from the Highways and Transportation section, the proposal is considered to be acceptable in terms of the impact it would have upon highway safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

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.

Land Drainage and Flooding

The proposal has been assessed by the Council's Flood Risk Management team and no objection has been raised in this regard. The comments received indicate that the application proposed a total construction area of 765 square metres which triggers the need for the applicant to submit a separate application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB), under Schedule 3 of the Flood and Water Management Act 2010. It is also indicated that the development would need to comply with Part H of the Building Regulations.

Details submitted with the application indicate that the site's surface water will be disposed of via SuDs however, the Flood Risk Management team consider that it

would be necessary to impose a condition to any grant of planning consent in order for further information to be submitted to demonstrate how surface water will be managed at the site. It is advised that the information should include the general arrangement of the proposed drainage layout and pre and post discharge rates to ensure that the development complies with the requirements of Section 8.3 of Technical Advice Note 15. Whilst the recommended condition is noted, it is not considered necessary as the drainage details would be fully considered and approved under the separate SuDS application.

It is also commented that a review of Natural Resources Wales Surface Water Flood Risk maps shows that there are limited areas of low and medium surface water flood risk throughout the site, which appear to be localised low points across the site. There also appears to be a medium risk surface water conveyance route to the north of the site towards Bryngelli Close. It is advised that the applicant is made aware of the potential impact that the proposed development may have on downstream surface water flows and flood risk.

The application has also been assessed by Welsh Water who have also not raised any objection to the proposal. The comments received indicate that foul flows would be disposed of via the public sewerage system, which is considered to be acceptable.

Welsh Water have also advised that the water supply system has insufficient capacity to serve the development without causing detriment to existing customers' supply. They advise that a hydraulic modelling assessment is required to establish the scope of any reinforcement works to be completed prior to the making of a new connection as part of a formal application for a new water connection under Section 45 of the WIA (1991). A condition is recommended in this regard however, it is considered that this would be dealt with under separate legislation and it is not considered appropriate to add the condition to the consent.

It is further advised that the application site is crossed by a trunk/distribution watermain with the accompanying plan showing this to be located at the south-eastern corner, roughly between units 1 and 2, as shown on the indicative site layout plan. Conditions are recommended in relation to Development near a Watermain however it is also advised that the watermain could be diverted under Section 185 of the Water Industry Act 1991. Notes to this effect can be added as advisory notes to the applicant.

Ecology

The proposal has been assessed by the Council's Ecologist who considers that there is negligible ecological interest at the site. Therefore, no ecological assessments are required however, it is recommended that a condition is added to any grant of planning consent for details of biodiversity enhancement (bird box provision).

Land Contamination

The Council's Public Health and Protection team have indicated that the site has a potentially contaminating former use as an industrial area and is within 250m of a former landfill site.

The application is accompanied by a Geo-Environmental and Geo-Technical Desk Study Report which has been assessed by both Public Health and Natural Resources Wales. The comments received from Public Health indicate that the site area covered within the report is much larger than the current site boundary indicated in the plans and they have raised concern that the report does not include all relevant land. A number of contaminated land conditions have therefore been recommended, should permission be granted.

Natural Resources Wales also raise concern with regards to the application however, the response received indicates that the concerns could be overcome by attaching conditions to any grant of planning consent. The comments indicate that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details are required in order to ensure that risks are appropriately addressed prior to development commencing. It is noted that the Desk Study concludes that site investigations are required and NRW concur with this conclusion, adding that appropriate conditions will need to be added to any grant of planning consent to ensure that risk to controlled waters is assessed and appropriately managed.

Other Issues raised by objector

It is noted that one letter has been received from a member of the public who claims to have ownership of a parcel of land which is located immediately adjacent to the northern boundary of the application site. The plans originally submitted with the application appeared to include the fence and gate which enclosed the adjacent land, along with a narrow strip of land on the other side of the fence, within the blue line boundary (i.e. indicating that it was in the applicant's ownership and control). This was queried with the applicant upon receipt of the objection and it was subsequently confirmed that this was an error and amended drawings were submitted to remove this section. The plans now show that the applicant's ownership extends up to the fence and gate (blue line) however, the red line boundary (i.e. the application site) is set some 3 metres in from the fence and gate to ensure that the gate can still be accessed.

Further consultation was undertaken upon receipt of the amended plans and the adjoining landowner was directly notified of the change to the ownership boundaries. No further issue was raised in terms of landownership however, concern was raised that the development would continue to block the access to the adjoining site and cause access problems for the HGVs that regularly require access to the adjoining site. It is noted that Unit 1, as shown in the indicative site layout plan, would be set in from the fence which would ensure that access could still be obtained; however, the concerns raised by the adjoining landowner in relation to HGVs

accessing the site are noted and were previously brought to the attention of the applicant. No further amendments have been made to the scheme and the application must therefore be considered as currently submitted.

It must be noted that the application is made in outline with the matter of the site layout being reserved for future consideration. As such, the indicative site layout plan submitted with the application is for illustrative purposes only and the exact siting of unit 1 may therefore change at reserved matters stage. Indeed, the unit would not be sited any closer to the fence/gate than what is shown in the plans and it is noted that there is sufficient space to set unit 1 further in from the boundary.

In terms of ownership, both the applicant and adjoining landowner have attempted to demonstrate their ownership of their respective parcels of land however, neither have been able to successfully demonstrate this as Land Registry have not yet updated their records following the purchase of the respective areas of land. The adjoining landowner considers that the application should be put on hold until the details have been updated by Land Registry however, from the documents submitted by the adjoining landowners (Deeds of Transfer), the area outlined as being purchased by them does not extend into the area outlined by the applicant in the site location plans. Furthermore, the applicant has adequately advertised the application in a local newspaper prior to submitting the application and completed Certificate D of the landownership certificates, which is considered to be appropriate in such circumstances and it is therefore not considered that the adjoining landowner has been prejudiced in any way. The adjoining landowner would appear to have a right of access over the applicant's land (although it is noted that there is another entrance to the adjoining site which would not be affected by the development) however, a right of access would be a private legal matter in which the Council would not get involved.

The application details and the evidence provided by the applicant/adjoining landowner have been reviewed by the Council's Legal Officer and it has subsequently been confirmed that there is no reason to prevent the Council from determining this application.

It is also noted that a property on Tower Road currently has a vehicular access off the Industrial Estate however, this would again appear to be a right of access rather than the occupier owning the land. Similarly, this would be a private legal matter between the respective parties.

Community Infrastructure Levy (CIL) Liability

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications.

Conclusion

The application site is located within the defined settlement boundary and within an established industrial estate. The principle of developing the site for additional industrial units would therefore be acceptable. Furthermore, whilst the application is made in outline with all matters except access being reserved for future consideration, it is considered that the site could be developed in such a way that it would have a limited impact upon the character and appearance of the application site and surrounding area, and upon the amenity and privacy of surrounding residential properties. Furthermore, the development would be accessed via the existing access to the industrial estate, off Meadow Lane to the north, which is also considered to be acceptable.

RECOMMENDATION: Approve

1. (a) Details of the layout, scale, appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

(b) Any applications for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

(c) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Sections 92 and 93 of the Town and Country Planning Act 1990.

2. Any unit developed immediately adjacent to any residential property on Tower Road shall be restricted to Use Class B1, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To adequately define the extent of the consent hereby granted.

3. Access, parking and turning facilities shall be in accordance with the submitted layout plan, Drawing No. 1101, 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. 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, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;
 - a) the means of access into the site for all construction traffic,
 - b) the parking of vehicles of site operatives and visitors,
 - c) the management of vehicular and pedestrian traffic,
 - d) loading and unloading of plant and materials,
 - e) storage of plant and materials used in constructing the development,
 - f) wheel cleansing facilities,
 - g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic, Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to the construction of the industrial units hereby approved details of the materials to be used in the construction of the external surfaces of the units shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development 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 otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing. The scheme shall include:

1. A preliminary risk assessment which has identified:
 - i. All previous uses
 - ii. Potential contaminants associated with those uses
 - iii. A conceptual model of the siting indicating sources, pathways and receptors
 - iv. Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of developments as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long term monitoring are implemented to prevent unacceptable risks from contamination, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Prior to the occupation of the development or phase of development, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

10. Prior to the occupation or operation of the development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:
1. Details of the methods and triggers for action to be undertaken.
 2. Timescales for the long-term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required;
 3. Timescales for submission of monitoring reports to the LPA e.g. Annually.
 4. Details of any necessary contingency and remedial actions and timescales for actions.
 5. Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. If during development works or construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out in accordance with the approved details.

Reasons: To minimise the risk to both future users of the land and neighbouring land and to ensure that the development can be carried out safely without unacceptable risks, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution to the water environment, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. Notwithstanding the submitted details, prior to above ground works, a scheme for biodiversity enhancement, such as incorporation of permanent nesting opportunities for birds, shall be submitted to and agreed in writing by the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for the designed purpose in accordance with the approved scheme. The scheme shall include, but not be limited to, the following details:

- a) Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
- b) Materials and construction to ensure long lifespan of the feature/measure.
- c) A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- d) When the features or measures will be installed and made available.

Reason: To provide biodiversity enhancement, in accordance with Chapter 6 of Planning Policy Wales and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.