

PLANNING & DEVELOPMENT COMMITTEE

22 June 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0988/10 (KL)
APPLICANT: LS Storage
DEVELOPMENT: Change of use to B8 for use as a storage facility (storage containers and caravans). (Preliminary Ecological Appraisal rec. 13/05/2021)
LOCATION: FORMER PUROLITE SITE, COWBRIDGE ROAD, PONTYCLUNN.
DATE REGISTERED: 09/11/2020
ELECTORAL DIVISION: Talbot Green

RECOMMENDATION: Refuse

REASON: Whilst the proposed development would not have any adverse impact upon the character and appearance of the site or the surrounding area, the amenity and privacy of residential properties, or upon highway safety in the vicinity of the site, insufficient information has been submitted to demonstrate that the proposed development would not have an adverse impact upon the ecology of the site.

The application would therefore fail to comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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 change of use of the site to a self-storage facility consisting of both storage containers and parking bays for touring caravans.

The existing access to the site, which is located off a private road between the site and the existing Leekes building (off Cowbridge Road), would be retained and would

form the only access to the site. A cantilever gate (electrified) would be installed at the entrance which would measure 5 metres in width by 2.4 metres in height.

The plans submitted with the application indicate that the site would consist of the following:

- 153 storage containers measuring 6 metres in length, 2.4 metres in depth and 2.5 metres in height.
- 12 storage containers measuring 3 metres in length, 2.4 metres in depth and 2.5 metres in height.
- 44 parking bays for touring caravans (8 metres in length and 3m in width).
- One gatehouse at the entrance to the site.

The containers and parking bays would be arranged around internal roadways within the site. A total of 10 lighting posts would be installed around the perimeter of the site with industrial floodlights attached.

The application is accompanied by the following:

- Preliminary Ecology Survey
- Lighting Specification
- Gates Specification.

SITE APPRAISAL

The application site relates to a vacant parcel of land which is located adjacent to the junction between the A473 and the A422 (Cowbridge Road) in Pontyclun. The site is irregular in shape and measures approximately 0.9 hectares. It is relatively flat in ground profile and predominantly comprises of hardstanding with some areas of scrub. The perimeter of the site is defined by a number of trees to the north, west and south. Access to the site is off the private road to the south.

The site is bound by the A473 to the north, the A422 (Cowbridge Road) to the west, a private road to the south and an undeveloped area of land to the east. The private road to the south also provides access to the existing Leekes store which is located further south. A car sales garage is situated opposite the site on Cowbridge Road (to the west) whilst residential properties and an Extra Care facility are situated approximately 60m to the north.

PLANNING HISTORY

The following applications are on record for this site:

18/1394	J H Leeke and Sons Ltd, Cowbridge Road, Talbot Green	Demolition of existing store and construction of replacement store, mixed	Granted 21/02/20
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17/0559	Land Adjacent to Cowbridge Road and A473, Talbot Green, CF72 8XU	<p>retail floorspace and foodstore, together with associated access, car parking and other facilities (Coal Mining Risk Assessment received 14 January 2019)</p> <p>Section 73 application seeking the variation of Condition 2 as imposed on outline planning permission 11/1330/13 (Development of new town centre comprising: a 10,801sq m gross foodstore (Class A1); 8 pump petrol filling station; 35,522 sq m gross retail floor space (Class A1); 600sq m gross cafe space (Class A1); 1,000sq m financial/professional service space (Class A2); 2,390sq m gross food and drink space (Class A3); 1,400sq m gross office space (Class B1); 750sq m gross Class D1 space; 8 screen cinema; 80 bed hotel; 64 dwellings (Class C2/C3); multi storey and surface level car parking; associated access infrastructure, re-profiling of land, landscaping and flood alleviation works) to allow additional time for the submission of reserved matters and the commencement of development.</p>	Granted
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14/1128	Sainsburys Supermarkets Ltd, Land South of A473, Talbot Green	Variation of Condition 2 and removal of Conditions 47, 48 and 49 of planning permission 12/1102/10 to allow minor alterations to the approved plans comprising a reduction in net sales area, internal and external alterations to the approved store and alterations to the layout of plant within the service yard	Granted 31/08/18
12/1102	Land South of A473, Talbot Green (North - East Of Leekes Dept Store).	Erection of a supermarket (class A1), service yard, car park, petrol filling station, new customer access road and new access from A473 and associated development (Amended vehicular and pedestrian accessibility, landscaping and elevation plans received 18/02/13).	Granted 27/11/13
11/1330	Land Adjacent to Cowbridge Road and A473 (Inc Leekes Dept Store, Former Purolite Works And Staedtler Factory Site), Talbot Green, CF72 8XU	Development of new town centre comprising: a 10,801sq m gross foodstore (Class A1); 8 pump petrol filling station; 35,522 sq m gross retail floor space (Class A1); 600sq m gross cafe space (Class A1); 1,000sq m financial/professional service space (Class A2); 2,390sq m gross food and drink space (Class A3); 1,400sq m gross office space (Class B1); 750sq m gross Class D1 space; 8 screen cinema; 80 bed hotel; 64 dwellings	Granted 24/12/14

		(Class C2/C3); multi storey and surface level car parking; associated access infrastructure, re-profiling of land, landscaping and flood alleviation works (Further information comprising - Environmental Statement addendum, Design and Access Statement addendum and revised plans received August 2012) (Transport Assessment Addendum Report received January 2013).	
05/1514	Purolite International Ltd, Cowbridge Road, Talbot Green, Pontyclun, CF72 8YL	Variation of Condition No 7 as imposed on Planning Permission Ref. 04/1820 (Remediation Works) to allow a raised clean up target for Ethyl Benzene to 300 mg/kg (amended description 05/05/06).	Granted 21/07/06

PUBLICITY

The application has been advertised by means of direct neighbour notification as well as through the erection of site notices in the vicinity of the site. No letters of objection or representation have been received.

CONSULTATION

The following consultation responses have been received:

Countryside, Ecology and Landscape: The Preliminary Ecological Survey is an appropriate assessment however it identifies the high potential for reptiles and a need for further survey work and mitigation. No further survey work has been submitted to support the application and the impact of the proposed development cannot be fully assessed.

Flood Risk Management: No objection or condition recommended. However, the development would be greater than 100m² and a separate application for Sustainable Drainage Approval will be required.

Highways and Transportation: No objection or condition recommended

Natural Resources Wales: No objection, subject to condition in relation to land contamination.

Public Health and Protection: No objection, subject to condition in relation to land contamination.

Welsh Water: Advise that the site is crossed by a trunk/distribution watermain which could be diverted under Section 185 of the Waste Industry Act 1991.

No other responses have been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located inside the defined settlement boundary for Talbot Green. It is located within the town centre and retail centre of Talbot Green as well as the Mwyndy/Talbot Green Strategic site boundary. The following policies are considered to be relevant to this application:

Policy CS2 (Development in the South) - sets out criteria for achieving sustainable growth that benefits RCT as a whole. This will be achieved by protecting the culture and identity of communities by focusing development within defined settlement boundaries and promoting the reuse of under used and previously developed land and buildings.

Policy CS3 (Strategic Sites) - identifies the County Borough's Strategic Sites which have been allocated to promote sustainable growth for residential, employment, retail and recreational purposes. The application site is identified as Strategic Site 7 (Mwyndy/ Talbot Green).

Policy CS7 (Retail Development) - sets out the County Borough's retail development allocations, detailing that Strategic Site 7 (Mwyndy/ Talbot Green) has an allocation of 23,400m² net.

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) -ensures that there would be no unacceptable impact upon features of importance to landscape or nature conservation, including ecological networks.

Policy AW10 (Environmental Protection and Public Health) - development proposals must overcome any harm to public health, the environment or local amenity.

Policy SSA3 (Development in the Principal Town of Llantrisant/Talbot Green) - sets out the criteria for development in Llantrisant/Talbot Green.

Policy SSA8 (Mwyndy/Talbot Green Area) - sets out the criteria for the development of Strategic Site 7 (Mwyndy/Talbot Green), allocating land for the construction of 500 no. dwellings, 15 hectares of employment land, 23,400m² net of new retail floor space, 10,000m² net of leisure floor space, a primary school, library/community facility, and informal amenity space in a landscape setting.

Policy SSA16 (The Retail Hierarchy) - identifies the retail hierarchy for the Southern Strategy Area with Llantrisant/Talbot Green being classed as a Principal Town Centre.

Policy SSA17 (Retail Development in the Retail Centres of Principal Towns and Key Settlements) - states that new and improved retail facilities and other appropriate uses will be permitted within the retail centre of Llantrisant/Talbot Green.

Supplementary Planning Guidance

Design and Placemaking

Nature Conservation

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.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it

is not considered the policies set out in the document are specifically relevant to this application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
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:

Principle of the proposed development

The proposal relates to the change of use of the site to a self-storage facility which would include the siting of a number of storage containers and caravans at the site.

The key objective of national planning policy is that development is located in sustainable locations and this is further supported within the Rhondda Cynon Taf Local Development Plan with both Policies CS 2 (Development in the North) and AW 2 (Sustainable Locations) supporting development within sustainable locations and within the defined settlement boundaries. Whilst the proposal would generally comply with the sustainable objectives of these policies, it is noted that the site is identified as a Strategic Site (Strategic Site 7 - Mwyndy/Talbot Green Area) within Policies CS 3 (Strategic Sites) with SSA 8 (Mwyndy/ Talbot Green Area) indicating that the application site and the area immediately surrounding it is allocated for retail purposes (23,400 m² net of retail floorspace).

Given that this proposal is not for a retail use, it would inevitably conflict with criterion 7 of Policy AW 2 (Sustainable Locations) in that it would not support the development of a Strategic Site. Indeed, should permission be granted for this development, it could prejudice any retail development from coming forward and therefore prevent the site from being developed as prescribed in Policy SSA 8 (Mwyndy/ Talbot Green Area). However, it must also be noted that the site has been vacant for a very long period of

time, despite planning permission being granted for a new town centre (planning permission ref. 11/1330 and 17/0559, the subsequent Section 73 application to extend the time period for reserved matters to be submitted, although the details of the S106 agreement have not yet been agreed despite the application being reported to the Planning and Development Committee in September 2019) and for the erection of a supermarket (planning ref. 12/1102 and 14/1128, the subsequent Section 73 application to reduce the approved trading floorspace). As such, given the lack of progress on the above-mentioned developments coming forward and the current climate, it would seem unlikely that the site would be developed for retail purposes in the immediate or near future. It is therefore considered that the principle of the proposed development could be acceptable however, due to the site being allocated for retail purposes in the LDP and given the temporary nature of the development, it is considered that a temporary permission for 2 years (suggested) would be appropriate, if Members were of the mind to support the application.

Impact on the character and appearance of the area

The application site is enclosed by a number of trees along its northern, southern and western boundaries and the applicant has confirmed that these trees are to be retained. On that basis, the site is very well screened from the surrounding area and the siting of storage containers and caravans is unlikely to have an adverse impact upon the character and appearance of the surrounding area.

Furthermore, the site has been vacant for a number of years following the demolition of the previous chemical factory and, as a result, it is currently an area of hardstanding with some areas of scrub. Whilst the siting of a number of storage containers would inevitably change the visual appearance of the site, it is not considered that this would be unduly harmful, given the current condition of the site and the previous the use of the site. It is also noted that the containers and caravans are temporary structures and can be removed from the site at any time. The site can therefore be easily restored back to its current condition.

As such, it is considered that the proposed development would be acceptable in visual terms and 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 located adjacent to an existing retail unit (Leekes) with the nearest residential properties being approximately 60 metres away to the north (Fanheulog) and approximately 100 metres to the west (Railway Terrace). The site is also well screened by trees to the northern, western and southern boundaries and the storage containers are unlikely to be highly visible from the surrounding area.

The nature of the proposed use would result in members of the public accessing the site at various times throughout the day and night to either store or remove items from

their storage containers or to pick up or drop off touring caravans. It is therefore considered that the use has the potential to result in some degree of noise and disturbance to the surrounding area. However, the operation of the site would be similar to that of another self-storage site owned by the applicant in Tonyrefail (Tynybryn Road – planning permission granted under 17/0943) in that the site would only be accessible to customers of the business who would be granted access through the entrance gates electronically. Whilst the site could be accessed at any time during the day or night, the applicant has confirmed that, as with the Tonyrefail site, the majority of customers would access the site during normal daytime hours with very few visiting late into the evening or indeed overnight. The applicant has also indicated that customers are reminded to be mindful of surrounding neighbours if they choose to visit the site outside of normal ‘office’ hours and they are advised that contracts could be terminated should complaints be received from residents.

The Tonyrefail site is located in very close proximity to residential properties (much closer than in this case) and the operation of that site has not caused any known issues in terms of noise or disturbance. It is therefore considered that a self-storage business could be operated within residential areas without resulting in any adverse impact upon existing residents. In the case of this application, residential properties are located some distance away from the site with access to the site being located at the southern boundary of the site, approximately 160 metres from both Fanheulog and Railway Terrace. As such, it is unlikely that the proposed use would have a detrimental impact upon existing residents.

Furthermore, it is considered that a self-storage business, such as that proposed, would have a significantly reduced impact upon residents in comparison to that of any potential development for retail (either in accordance with the previous applications at the site or otherwise), which would see vast numbers of comings and goings throughout the day and night.

Consequently, it is not considered that the proposed development would have an adverse impact upon the amenity and privacy of surrounding residential properties and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

The proposal has been assessed by the Councils Highways and Transportation section in order to determine the potential impact of the proposal upon highway safety in the vicinity of the site. The comments received indicates that the proposed development would be served off the existing private road which is considered to be acceptable. It is not considered that the trip generation associated with a self-storage facility would be significant and it is noted that there is ample space within the site to allow for vehicles to enter and exit in a forward gear. Furthermore, the circulatory road is wide enough to allow vehicles to pull up in front of the containers without restricting

access for other vehicles. Furthermore, the proposal to install automated 5m wide gates is considered to be acceptable.

As such, no objection is raised in relation to the proposal and the application is therefore considered to be acceptable in terms of the impact it would have upon highway safety in the vicinity of the site. The application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Ecology

The application is supported by a Preliminary Ecological Survey (dated April 2021) which has been assessed by the Council's Ecologist. The report was considered to be an appropriate assessment and identifies high potential for reptiles and a need for further survey work and mitigation. The applicant was advised in May 2021 that the recommended reptile survey would need to be carried out prior to the determination of the application however, no such survey has ever been submitted despite two reptile seasons having passed since the need for the survey was identified/advised. Furthermore, the original Preliminary Ecological Survey has now also expired (the report indicates a lifespan of 18 months to 2 years) and a further survey would now be required to support the application.

The applicant was reminded of the need for the further reptile survey in December 2022 and was given until the end of January 2023 to either submit the relevant information for consideration (or advise that it would be submitted in due course), proceed to have the application refused on insufficient information or to provide a written request to withdraw the application. No further correspondence has been received from the applicant and, given that a further 4 months has passed since the January 2023 deadline, it can only be assumed that the applicant wishes for the application to be determined on the basis of the information currently submitted.

As such, insufficient information has been submitted to support the application in order to enable a full and proper assessment of the impact of the proposed development upon the ecology of the site. The application would therefore fail to comply with Policy AW8 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.

Drainage

The proposal has been reviewed by the Council's Flood Risk Management team and no objection has been raised. It is commented that the site is a brownfield site and that the works would be greater than 100m². The applicant would therefore be required to

submit a separate application to the Sustainable Drainage (SuDs) Approval Body (SAB) and the development would also be required to comply with Part H of the Building Regulations, which sets out the design requirements associated with the use of infiltration drainage. As such, the Flood Risk Management team raise no objection to the proposal.

Land Contamination

The application site was previously occupied by a chemical factory which is known to have been contaminated. Concern was originally raised by both Natural Resources Wales and the Council's Public Health department in this respect and a contaminated land report was requested. However, the applicant provided additional information which confirmed that no ground works would be undertaken at the site. The site is currently characterised by concrete bases and areas of compacted stone (from the demolition of the factory). The applicant has indicated that the concrete bases and areas of compacted stone would be used to site caravans whilst the storage containers would be held up off the ground by blocks placed under each corner and arranged around the remainder of the site. The gates would be fixed upon the existing concrete pad and all structures, by their very nature, would be temporary. It is not intended to turn any soil or lay any foundations for more permanent structures.

The information was further assessed by Natural Resources Wales and Public Health and whilst some concern still remained, it was advised that no objection would be raised providing that a condition be added to any grant of planning consent to ensure that any unsuspected contamination be dealt with appropriately.

Historic Coal Mining

It is noted that the site is located within a High Coal Mining Risk Area however, guidance issued by the Coal Authority indicates that developments for non-permanent structures or for developments that would not result in any significant ground works (i.e. cabins for storage purposes) are exempt from having to provide a Coal Mining Risk Assessment.

Location of Watermain

Welsh Water have indicated that the site is crossed by a trunk/distribution watermain however, it is noted that it is possible for the watermain to be diverted under Section 185 of the Water Industry Act 1991. An informative note should therefore be added to any grant of planning consent to highlight this issue to the applicant.

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 not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The application proposes the siting of a number of storage containers and caravans on a site that is allocated for retail purposes under Policy CS7 of the Rhondda Cynon Taf Local Development Plan and there is concern that the development would prejudice appropriate retail development from coming forward. However, given the history of the site and the lack of retail development currently coming forward for this site, it is considered that a temporary permission for a storage facility may be acceptable. The development would not have any detrimental impact upon the character and appearance of the site, upon the amenity and privacy of residential properties or upon highway safety in the vicinity of the site however, insufficient information has been submitted to support the application to demonstrate that the development would not have an adverse impact upon the ecology of the site.

RECOMMENDATION: Refuse

1. Insufficient information has been submitted to demonstrate that the proposed development would not have an adverse impact upon the ecology of the site and the application would therefore fail to comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.