

## **PLANNING & DEVELOPMENT COMMITTEE**

**05 October 2023**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0350/10 (EL)  
**APPLICANT:** Mr K Jarman  
**DEVELOPMENT:** Construction of detached garage building and associated private parking area (Amended plans received 07/07/23).  
**LOCATION:** LAND WEST OF WILLOWS FARM, RHIGOS ROAD, RHIGOS, ABERDARE, CF44 9UD  
**DATE REGISTERED:** 07/07/2023  
**ELECTORAL DIVISION:** Hirwaun, Penderyn and Rhigos

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**RECOMMENDATION:** Approve subject to conditions

**REASONS:** The application involves the construction of a modern commercial garage building, required in connection with the operation of an existing HGV operating centre. The building is acceptable in terms of its scale, design and appearance; impact on residential amenity and highway safety and therefore accords with relevant local and national planning policy.

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

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

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of a detached garage building and associated private parking area on a parcel of land located to the west of Willows Farm, Rhigos Road, Rhigos.

The proposal involves the construction of one large building, measuring 30.0 metres in length and 12.0 metres in depth. The building would act as a garage for commercial vehicles, with access being achieved via three large vehicular access doors in the east elevation, addressing the service yard. A secondary pedestrian access door would also be formed in the same elevation. The building would have a ridge roof construction, extending to 7.0 metres at its ridge and 5.7 metres at its eaves. The building would be a steel portal frame construction, with elevations finished in colour coated steel cladding.

The building would be located toward the western boundary of the application site. The development would be served off an existing access (that serves the existing site) which connects with Rhigos Road to the south of the application site.

The agent has indicated that the proposal is intended as a modern replacement for the existing building, due to the fact it is no longer suitable for its purpose, being too small to accommodate larger vehicles. They have confirmed that the garage will be used primarily as overnight secure in door parking for the vehicles that they operate, following instances of damage caused and theft from the vehicles, whilst they have been parked overnight outside. The building will also be used to undertake any necessary repairs of vehicles when needed.

## **SITE APPRAISAL**

The application site is a commercial compound that is currently utilised as a vehicle storage yard and servicing depot for the haulage company, Kevin Jarman Transport. The site consists of a parcel of land measuring approximately 3700sqm located to the west of Willows Farm, Rhigos Road. The site lies at the southern periphery of Hirwaun Industrial Estate, with its south and western boundaries being bounded by Rhigos Road (A4061) and Fifth Avenue. The site currently consists of hard surface, used for vehicle storage/ parking. An existing commercial building/ garage is situated at the eastern extent of the site. An existing access is place, off Rhigos Road. A small number of residential properties are located to the east of the application site. With the land to the north being in use for commercial/ industrial use, forming part of Hirwaun Industrial Estate.

## **PLANNING HISTORY**

17/1207	Kevin Jarman Transport, Willows Farm Yard, Rhigos Road, Hirwaun,	New 2.4 metre high fence to boundary.	Granted	08/12/17
16/0145	Kevin Jarman Transport, Willows Farm Yard, Rhigos Road, Hirwaun,	Replacement of existing fence with new 2.4 metre high fence.	Granted	20/04/16
84/0346		Haulage contractors depot with ancillary fleet maintenance.	Granted	–

## **PUBLICITY**

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

## **CONSULTATION**

Highways and Transportation - no objections raised.

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

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

Dwr Cymru – no objections raised, conditions suggested.

Natural Resources Wales – no objections raised

South Wales Fire and Rescue – no objections raised.

Countryside, Landscape and Ecology – no objections raised, condition relating to biodiversity enhancement in the form of bird boxes / bricks suggested.

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

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

Indicates that the site is outside settlement limits and is in an area allocated as a Strategic Waste Site.

CS9 – refers to waste management and allocates site for this purpose.

AW2 promotes development in sustainable locations.

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

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

AW8 refers to the protection and enhancement of the natural environment.

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

NSA12 sets out the criteria for development within and adjacent to settlement boundaries in the Northern Strategy Area.

### National Guidance

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

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

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

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

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking

### **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues**

The application site lies outside settlement limits and in an area with a history of commercial activity, and that is also allocated for waste management purposes. The proposal seeks to develop a new industrial building on a parcel of land that is currently vacant, but is used as parking/ vehicle storage, in connection the existing commercial compound and servicing depot for the haulage company, Kevin Jarman Transport. As such, the key considerations in the determination of the planning application are the compatibility of the proposed building and uses with the established area, along with the potential impact upon the amenity of neighbouring occupiers. The impact of the proposals upon both the character of the area and highway safety are further considerations.

### Principle and amenity impacts

It is acknowledged that the site forms a parcel of land that is located outside the settlement limits, and that in most instances, development in unsustainable locations is resisted. However, in this case the application site is a parcel of land that forms part of a wider area, that is evidently in use for commercial/ industrial purposes. It is understood that the site, which is accessed off Rhigos Road, benefits from an historic planning consent dating back to 1984, to operate as a haulage contractors depot with ancillary fleet maintenance. It is also understood that the current operator (and named applicant) runs the site as a vehicle storage yard and servicing depot for their haulage company.

The application submission indicates that a modern garage building is required on the site as the existing structure is no longer suitable for its intended purpose, being large enough to accommodate only one vehicle. It is noted that the proposed garage building will be used to provide and overnight secure in door parking, along with being a space where any repairs and maintenance to the vehicles they operate may be undertaken. The applicant also comments that the building is required to prevent instances of damage caused and theft from the vehicles, which have occurred whilst they have been parked outside overnight.

Based on the planning history of the site, its allocation and its position in relation to the established Hirwaun Industrial Estate, in this case, it is considered that the principle of a new building on the site, to enable the continued operation and expansion of the business is acceptable, subject to an assessment of the following criteria;

- The impact of the proposed development upon the character and appearance of the building surrounding area
- The impact of the development on the residential amenities of neighbouring properties.
- The impact of the proposal on highway safety.

### Character and Appearance

As set out above, the proposed building would be located on a parcel of land that is situated on the junction of Rhigos Road and Fifth Avenue. The proposed building would be situated toward the western extent of the site, it is considered that this configuration presents a logical layout for the site, presenting an opportunity to retain a large open surface parking area to the front of the proposed garage building. As a result of its siting, close to the junction of two roads, it is inevitable that the building would form a visible feature in the street scene. Furthermore, with a footprint of approximately, 360sqm it is acknowledged that the building would be large construction, however, given its position at the periphery of the industrial estate, it is not considered that the structure would be out of keeping with the scale, style or character of buildings in the vicinity of the site. It is also noted that the use of a fairly shallow pitch to the roof has enabled a reduction in the overall height of the building (to 7.0 metres), thereby limiting its prominence.

The building itself would be an uncomplicated steel frame construction clad in colour coated steel profile cladding, with the design and appearance being dictated primarily by the functional requirements. Notwithstanding this, it would be comparable in terms of its overall scale, proportions and appearance to existing commercial units located on the wider industrial estate. Overall, it is not considered that the resulting development would appear either harmful to or out of keeping with the character of the immediate site of its wider setting and therefore accords with policy AW5 of the Local Development Plan.

### Amenity

It is acknowledged that whilst the land to the north is primarily in use for commercial purposes, a number of residential properties are located to the east of the application site. Whilst it is acknowledged that the proposal would be partially visible from the closest of these properties, the building itself would be off set by a distance of approximately 80 metres. Consideration must also be given to the fact that the site already operates as a haulage yard, and that the proposed building is required in connection with the existing business. As such, it is considered that residents in the vicinity of the site, would be accustomed to 'comings and goings' and the associated activities at both this site and those on the neighbouring industrial estate (located to the north).

As such, it is not considered that the development and operation of the building proposed, would cause undue disturbance or adversely affect the levels of amenity that the closest occupiers of residential properties currently enjoy, to such a point that would warrant the refusal of the planning application.

### Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section.

In terms of access, it is noted that the applicant proposes to utilise the existing access off Rhigos Road. In support of the application, they have submitted a swept path analysis of the largest anticipated vehicle to use the access, which shows that the access is suitable for the proposed use, which is considered acceptable. It is commented that the applicant has also submitted an amended red line boundary plan, to include the shared access, which is considered acceptable.

In terms of parking, the existing area is used as a storage area for large vehicles. The applicant states that no additional vehicles will be travelling to and from the site and that the proposed garage is required to maintain the current fleet of vehicles. Taking into consideration that there is ample space for vehicles to park off-street internally, along with parking bays within the proposed garage on-balance, the proposal is considered acceptable in this regard.

To conclude, taking into consideration that the proposed garage building will be used in connection with the existing use, of the storage of large vehicles and that there is ample space internally, for off-street parking and for the turning of vehicles, the proposed is considered acceptable and in accordance with policy AW5 of the Local Development Plan. As such, it is not considered that the proposal would result in an adverse impact upon highway safety in the vicinity of the site, and the observations of the Council's Transportation Section conclude by raising no objections to the scheme.

### Contamination

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

### Ecology and Protected Sites

As the application site is located within 450m of Blaen Cynon Special Area of Conservation (SAC), consultation has also been undertaken with Natural Resources Wales. Having assessed the scheme, their observations conclude that NRW consider that the proposal is not likely to have a significant effect on the SAC, as there are no potential pathways to the protected site.

Similarly, whilst they note that the application site is within 450m of Cors Bryn-y-Gaer Site of Special Scientific Interest (SSSI), based on the information submitted, they consider that the proposed development is also not likely to damage the features for which Cors Bryn-y-Gaer SSSI, is of special interest.

As such, Natural Resources Wales conclude by raising no objections to the application. Similarly, given that the site itself has little ecological value, being hard surface that is already in use for the parking of commercial vehicles, the Council's Ecologist has also raised no objections to the application. They have however, recommended the use of a condition which would require biodiversity enhancement, in the form of the incorporation of bird boxes in the construction. As such, it is considered that the proposal accords with the requirements of policy AW8 of the Local Development Plan.

## **COMMUNITY INFRASTRUCTURE LEVY (CIL) LIABILITY**

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

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

## **CONCLUSION**

The proposal represents the construction of modern garage building, which is required in connection with an existing commercial business to provide secure storage/parking and repair space. The site is located on an established industrial estate, where a range of commercial uses already operate. Whilst it is acknowledged that some residential properties are located in vicinity of the site, given the relationship between these and the site, and the existing established character of the area; it is not considered that any impacts resulting from the operation of the garage would unacceptably affect the amenities of these occupiers. Furthermore, it is not considered that the scale, proportions and appearance of the building would be out of keeping with, or harmful to the character of the site and its wider setting; and the proposal is also considered acceptable in highway safety terms. Therefore, the proposal is recommended for approval, subject to the conditions specified below.

## **RECOMMENDATION: Approve**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)
  - Drawing no. 938.01 Proposed Elevations
  - Drawing no. 938.02 Proposed Elevations

- Drawing no. 938.03 Proposed Plans
- Drawing no. 938.04 Proposed Section
- Drawing no. 938.05 Block Plan
- Drawing no. 938.06 Site Location Plan

and documents received by the Local Planning Authority on 18/04/23 and 07/07/23 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

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

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

4. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

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

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

5. The building, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 4) have been implemented

and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority

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

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

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

7. Prior to commencement of development, details of bird nesting boxes shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the exact location, specification and design of the nesting boxes. The nesting boxes shall be provided in accordance with the details so approved, installed prior to the first occupation of the building and shall be maintained as such thereafter.

Reason: To enhance and afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.