PLANNING & DEVELOPMENT COMMITTEE

11 April 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO:	**22/0357/10 (MF)**
APPLICANT:	**Tom Prichard (Holdings) Ltd**
DEVELOPMENT:	The proposed change of use of vacant land to the north of Earthmovers House for the creation of an area of hardstanding for vehicle parking and storage, including the diversion of Public Right of Way Llantrisant 223, and associated works (amended plans and documents received 29/06/22)
LOCATION:	**UNIT 16 EARTHMOVERS HOUSE, LLANTRISANT BUSINESS PARK, LLANTRISANT, PONT-Y-CLUN, PONTYCLUN, CF72 8LF (PHASE 2)**
DATE REGISTERED:	**29/06/2022**
ELECTORAL DIVISION:	**Llantrisant and Talbot Green**

RECOMMENDATION: Approve, subject to Section 106 and conditions.

REASONS: While greenfield in nature, the application site lies within settlement limits and the employment land bank for Llantrisant Business Park industrial estate. It also has a long history of planning permissions for employment use, benefiting from extant consent. The proposed works would improve facilities at an existing commercial site allowing the business to continue to operate within the County Borough, generating economic growth and a number of employment opportunities in the local area. The principle of development is therefore considered acceptable.

It is accepted the proposed use will inevitably result in a degree of impact to the amenity standards currently enjoyed by occupiers of the closest neighbouring properties, but, on balance, it is not considered any potential impact would be significant enough to warrant refusal of the application.

While the works would result in a considerable alteration to the current character and appearance of the greenfield site, the development would be suitably contained from the open countryside to the north/east and would form an appropriate rounding-off of the industrial estate in this location.

It is also considered the impact of the scheme upon biodiversity and land drainage can be properly mitigated, and an appropriate diversion for the existing public right of way that crosses the site can be accommodated.

It is therefore considered the application complies with the relevant policies set out in the Local Development Plan and national guidance, and is subsequently recommended for approval.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the change of use of this open field to a hardstand area. The resulting development would be used for the parking/storage of vehicles/plant associated with the Applicant's existing business at the adjacent Earthmovers House depot (south). Essentially, the application seeks an extension of the existing depot site into the area of undeveloped land immediately to the north-east, but only for vehicle parking / plant storage and not for any of the other operations permitted at the existing depot site.

Members will note that this proposed yard extension originally formed an element of a recent planning application granted by Committee at the existing depot (20/0932/10, granted 21/03/22). However, the applicant removed this element of the scheme from the earlier application due to issues of potential noise/disturbance to the nearest residents to the east/north-east. Following the granting of the earlier *'Phase 1'* application and the discharge of conditions attached to it, which included subsequent further noise monitoring, the applicant has now undertaken further relevant noise survey work associated with this extension site and has submitted this *'Phase 2'* application.

The proposed works would involve the levelling (cutting) and hard-surfacing of the land, and the setting out of 29 no. HGV parking spaces along with associated access/turning areas (resulting in 68 no. HGV spaces in total across the existing depot and proposed extension sites). Landscaping would be introduced to the northern and eastern boundaries of the extension area and a Sustainable Drainage System (SuDS) feature along the western boundary, which would also include landscaping. A fence with access gates would be sited roughly centrally across the site, in effect splitting it in half to provide an enclosed, secure area to the rear (north).

The above works would require the removal of an earth bund at the north-eastern corner of the existing depot yard that was conditioned to remain as part of the earlier Phase 1 planning permission at that site (Condition 18 of planning permission 20/0932/10). The bund would have to be removed to allow for the proposed

access/turning/parking facilities to be implemented on this Phase 2 site and has subsequently been included within the current application site boundary (within the red line). If approved, this application would effectively see Condition 18 of the earlier planning permission become redundant. It is noted however that any proposal to remove that condition from the earlier consent would be subject of a separate planning application.

The bund and associated landscaping above were conditioned to remain in perpetuity to protect the amenities of residents to the east/north-east by way of a visual and sound barrier. However, the Applicant details that all relevant noise assessments submitted with this current application have been undertaken on the basis that the bund has been removed and a 5m high acoustic fence has been erected along the eastern boundary of the site, between the site and the nearest residential properties beyond; and that the assessments include the cumulative impact from both the existing depot site and proposed extension area. The acoustic fence was also required by the earlier Phase 1 consent and has recently been completed. Further noise monitoring was required following completion of the fence via Condition 15 of that permission. The noise levels were considered acceptable and the condition discharged (22/1311/38, granted 14/12/23). The fence is included within the blue line (adjacent land under the ownership of the Applicant) of this application because while it already has planning permission, this this proposed scheme relies upon it (for noise mitigation).

Members are advised that the inclusion of the bund within the application site boundary is one of two reasons amended plans were received on 29/06/22. It was originally outside of the application site boundary.

No details in respect of the proposed hours of operation have been submitted. It is noted however that the recent planning permission at the existing depot site restricted operational activities (re-fuelling/watering of, the un-loading and re-loading of, the washing of, and the repair of vehicles and plant equipment stored at the site, etc.) to 08:00am to 19:00pm on any given day; and outside of that time the use of the site shall solely be restricted to the parking and movement (to and from) of either staff vehicles or the vehicles being stored at the site. It is therefore on this basis the application has been considered.

In addition to the above, it is proposed Public Right of Way (PRoW) Llantrisant 223, which currently crosses through the centre of the site, would be diverted along the northern/eastern boundaries. This proposal is subject to a separate, concurrent Public Path Diversion Order to the Council's Countryside section.

Members are advised that the proposed diversion of the PRoW is the second reason amended plans were received on 29/06/22. The proposed altered route of PRoW has been included within the application site boundary.

The Applicant has detailed that the additional parking/storage facilities would alleviate current on-site congestion issues without the need to relocate to a larger site elsewhere; and secondly, that the proposed extension of the yard will reduce the pressure on existing infrastructure, enabling the business to operate in a more efficient manner going forward.

The Applicant has also advised that 60 no. HGVs, as well as other various plant equipment, are already stored at the existing site at any one time. But that it is not envisaged there would be a significant increase in the number of vehicles/equipment stored at the resulting site following development, with only 68 no. HGV spaces proposed in total. The extension would simply allow for the entire site to be laid out in a more formal/efficient manner, and any increase in vehicle/plant numbers would be contained by the constraints of the site.

Finally, the Applicant has also detailed that it is not envisaged the works would result in a significant increase in the number of staff working at the site going forward, but that the extension of the depot would allow for growth in future, providing further jobs within the County Borough for RCT residents.

As well as all relevant plans, the application is also supported by:

- Planning Statement
- Nosie Impact Assessment
- Site Investigations Report
- Drainage Strategy Report (amended survey received 29/06/22)
- Preliminary Ecological Appraisal (amended survey received 29/06/22)
- Transport Statement (amended survey received 29/06/22)

SITE APPRAISAL

The application site is a roughly rectangular shaped parcel of land located at the north-eastern extent of Llantrisant Business Park industrial estate. It amounts to approximately 0.64ha and forms an area of undeveloped land immediately to the rear (north-east) of the Applicant's existing vehicle/plant depot. The existing depot provides construction / waste recycling vehicles/plant and associated support across England and Wales.

The site forms an element of a broader development plot that has outline planning permission for the extension of the wider industrial estate. The wider development plot has been split in to two separate parcels, the section subject of this application (easternmost element); and a further plot immediately to the west which recently gained full planning permission for 8 industrial units (19/0840/10). Both plots are under the ownership of the applicant and groundworks at the adjacent site are currently underway.

The application site was historically used for grazing, but the applicant has recently cleared and partially levelled the area in preparation for development. The land gently rises from front to back (south-west to north-east) but the very northern extent falls steeply away to the Nant Castellau below. The Stream and its banks form part of the Nant Muchudd Site of Importance for Nature Conservation (SINC) and are located within a C2 flood zone. Open countryside is located beyond the Stream (north).

Primary access to the site was historically gained via a dirt track at the south-western corner of the wider development parcel and a field access at the north-eastern corner. However, as the adjoining development plot is now under construction access from this area has been removed. A further access has instead been created from within the Applicant's existing depot yard, at north-eastern corner of that site through the earth bund that is proposed to be removed as part of this scheme.

The northern and eastern boundaries of the site are defined by mature trees and well-established hedgerows, although it is noted the Applicant has recently erected a 5m high timber acoustic fence along the eastern boundary in accordance with a condition of the earlier Phase 1 planning permission at the existing depot site. The western boundary of the site is open and defined by a post and wire fence. PRoW Llantrisant 223 crosses through the centre of the plot (to be diverted).

Whilst open countryside is located to the north and east of the site, it is noted that several scattered residential dwellings are located in this area, the nearest being Tal-y-Fedw Farm and Ty Carreg Glas approximately 50m to the north-east, and Bryn-y-Fedw approximately 130m to the east.

Land to the south and south-west of the application site forms part of the wider Llantrisant Business Park industrial estate. The estate is comprised of numerous industrial units of varying design and scale and has been the subject of significant commercial development over the past few decades.

PLANNING HISTORY

The site is subject to a substantial planning history, some of which is associated with the nearby Tal-y-Fedw Farm to which the plot formally belonged. As such, only the previous planning applications that are considered relevant to this development are detailed below. For clarity, the site's planning history is also separated into the current application site (the undeveloped field to the rear of the existing depot) and the existing Earthmovers House site to which this development would be associated:

<u>Application site (undeveloped field)</u>

19/0012/10 (current application site only) – Change of use to allow the extension of the existing plant and vehicle depot on to adjoining farmland, remodelling of the land to create a flat plateau, landscaping works and diversion of Public Right of Way (Llantrisant 223).

Decision: Withdrawn by applicant, 02/03/21

17/0582/15 (wider development plot to rear of existing depot – includes both the current application site and the adjoining plot to the west subject of the recent planning permission for the extension of the industrial estate – 8 new units) – Variation of Condition 1(c) of application 14/0284/15 for the approval of reserved matters shall be made before the expiration of six years from 11 June 2014 and removal of Conditions 25 (Code for Sustainable Homes), 26 (BREEAM) and 27 (BREEAM) as they no longer accord with Welsh Government policy as to sustainable building.
Decision: Granted, 20/09/17

14/0284/15 (wider development plot) – Variation of Condition 1 of planning application no. 10/1285/15 to extend by three years the period within which reserved matters applications may be submitted.
Decision: Granted, 31/01/11

10/1285/15 (wider development plot) – Application to vary condition 1(c) imposed on planning permission no. 07/0364/13.
Decision: Granted, 31/01/11

07/0364/13 (wider development plot) – Employment development (outline) including all associated building, engineering operations and landscaping.
Decision: Granted, 22/04/08

Earthmovers House

23/1119/10 – Part retention, part proposed construction of a retaining wall, additional yard space, repositioning of fuel tanks, drainage, landscaping and associated works.
Decision: Granted, 16/01/24

22/1311/38 – Discharge of condition 15 (noise impact assessment) of 20/0932/10.
Decision: Granted, 14/12/23

22/1127/38 – Partial discharge of condition 6 (site investigations) of 20/0932/10 insofar that it relates to the ground gas monitoring element of the condition only.
Decision: Granted, 23/06/23

22/0804/39 – Non-material amendment to 20/0932/10 – revise the description of development by removing reference to amended plans/documents.
Decision: Granted, 01/08/22

22/0538/38 – Discharge of condition 3 (biodiversity mitigation/enhancement measures) of 20/0932/10.
Decision: Granted, 26/07/22

22/0435/38 – Discharge of condition 14 (acoustic fence colour) of 20/0932/10

Decision: Granted, 20/04/22

22/0430/38 – Discharge of condition 9 (highway tie-ins and yard surfacing) of 20/0932/10.
Decision: Granted, 17/05/22

20/0932/10 – The proposed retention and extension of the existing workshop building, retrospective extension of the existing office building, relocate covered vehicle washdown area, fuel pumps and water tanks, an extension of the existing staff/customer car park, a new gatehouse, erection of acoustic fence and associated works.
Decision: Granted, 21/03/22

18/1156/15 – Variation of Conditions 2, 7 and 8 of 14/0979/10.
Decision: Withdrawn by applicant, 02/03/21

18/0006/10 – Proposed additional bays to previously approved vehicle repair and maintenance workshop.
Decision: Granted, 28/02/18

18/0004/15 – Variation of Condition 2 (approved plans and documents) of previously approved planning application 16/1251/10 to vary the position and details of the proposed workshop and fuelling station.
Decision: Granted, 28/02/18

17/1241/10 – Retention and modification of existing gates and provision of additional fencing.
Decision: Granted, 11/01/18

16/1251/10 – Construction of new vehicle repair and maintenance workshop, fuelling station and associated concrete slab areas.
Decision: Granted, 22/11/17

16/1226/10 – Retention of offices, associated car park, new vehicular access and boundary fencing. Construction of new gatehouse.
Decision: Granted, 22/11/17

16/1222/38 – Discharge of Conditions 3 (drainage arrangements), 4 (details of hardcore materials and tie in details), 5 (wheel washing), 6 (hedgerow and wildlife protection plan) and 7 (scheme of landscaping) of 14/0979/10.
Decision: Withdrawn by applicant, 25/10/17

16/1220/15 – Removal / variation of conditions of planning permission 14/0979/10.
Decision: Granted, 09/11/17

14/0979/15 – Change of use of undeveloped land to a depot for the parking and storage of vehicles and construction plant. Works include erection of security fencing and security cameras.
Decision: Granted, 07/01/15

PUBLICITY

The statutory consultation process involved 28 properties being individually notified of the proposal by letter, 5 notices being placed on and within the vicinity of the application site, and a notice being placed in the local press (Western Mail).

One letter of objection has been received from a nearby resident, and a letter on behalf of the same resident and a further neighbour has been received from a planning consultant on their behalf. The points raised are summarised below:

Nosie/disturbance

- The existing depot site results in severe noise disturbance to the nearest residential properties, both internally and within garden spaces. These impacts will be increased by the removal of the earth bund at the rear of that site and the extension of that site into the adjacent field beyond, which will increase the intensity of operations at the depot.

- The earth bund at the rear of the existing depot site was conditioned to remain in perpetuity as part of the Phase 1 planning permission to act as a noise buffer between the site and the nearest residential properties to the east / north-east. There has been no change in circumstance at the site since the granting of that permission and therefore the bund should remain. Its removal will only exacerbate existing issues of noise and disturbance.

- An earlier noise survey undertaken by the Objector's consultant during the Phase 1 planning application advised that an 8m high acoustic fence would be required to mitigate any potential unacceptable noise impact; and even then, a degree off impact would still occur. With only a 5m high barrier erected any increase in activity at this site will have a further detrimental impact to the nearest residents. The applicant has not demonstrated that the 5m high fence is appropriate and consequently determination of this application should be delayed until such a time that it has been. The development of a 10m high earth bund along the eastern boundary of the site should be considered instead.

- If approved, operational activities should be restricted to the same times as that at the existing depot during weekdays, 8am to 7pm, and to Saturday mornings only with no operations on Sundays or Bank Holidays. It would also seem reasonable that the extension area is enclosed and locked outside of these times to ensure the use is properly restricted.

- If approved, appropriate restrictive conditions should be attached in respect of the proposed use/operations at the site.

- Concerns with the methodology and results of the noise surveys/report.

- The historic outline planning permissions at the site set out a number of restrictive noise level conditions including no external storage and all plant and machinery shall be enclosed within appropriate soundproofed housing. We would expect these conditions to be reimposed on any permissions at this site ging forward to protect the amenities of the closest residents.

- The Planning and Development Committee cannot make decisions in contravention of the Human Rights Act 1998. Protocol 1, Article 1 of the Act states that people are entitled to the peaceful enjoyment of their property. The current noise conditions and levels included in the conditions for the existing depot site are already being exceeded. If any extension occurs, based upon current knowledge/experience, there will likely be further breaches.

- The Applicant does not comply with the hours of operation restrictions on the existing depot site. It is therefore unlikely that any restrictions on this extension site will be complied with either, resulting in further noise and disturbance to the closest residents. The acoustic fence only adds to this by providing a shield for the Applicant to hide behind and undertake unauthorised operations.

Other Issues

- The historic outline planning permissions at the site set out a number of landscaping proposals along the eastern boundary, adjacent to the nearest residential properties. We would expect these conditions to be reimposed on any permissions at this site ging forward to mask the visual impact of the site.

- No details of external lighting have been provided with the application. Since development has begun at this site the removal of landscaping that masked neighbouring units on the wider industrial estate has introduced unnecessary glare at the nearest residential properties. In addition, the regular use of portable lighting within the site adds to the unsightliness of the environment at night. Concerns that any external lighting at the site will exacerbate this issue and consequently none should be installed, or least properly controlled if approved.

- The Council appear to be incapable of taking enforcement action at this site and others owned/operated by the Applicant. There is no faith that appropriate enforcement action will be taken at this site if the application is approved and the inevitable breaches occur.

- The Definitive Map details that the current route of PRoW Llantrisant 223 passes through our garden, although that route has not been used during our occupancy of the property or for many years before we lived here. If a diversion to the Footpath is to occur as part of this application, it would be prudent to update the Map to reflect the route that is actively used.

CONSULTATION

Public Health and Protection – No objection subject to conditions. The supporting information demonstrates that, providing the acoustic barrier remains in place, any noise and disturbance from the site would not result in an impact significant enough to warrant an objection. Conditions are however suggested to ensure the noise barrier is retained; to restrict the hours of operation; to restrict vehicle movements and the use of the site to that set out in the noise modelling assessments; regarding noise monitoring and future complaints; and a condition requiring a fence be erected around the site clearly separating it from the existing depot. Further conditions are also suggested in respect of dust suppression and hours of operation during construction, and lighting both during construction and future operation.

Countryside, Landscape and Ecology – No objection subject to conditions and Section 106 agreement (S106) for long-term habitat management / water quality monitoring. As the undeveloped plot has already been cleared it does not have any significant ecological value. However, the adjacent Nant Castellau and its banks form part of the Nant Muchudd SINC and there is potential for contamination given the site's surface water would discharge into the stream. As such, long-term compensatory management/monitoring of that area would be required through a S106. The ecology mitigation/enhancement measures set out in the Preliminary Ecological Appraisal and Drainage Strategy reports should also be conditioned to ensure they are implemented and retained.

Natural Resources Wales – No objection subject to conditions and informative notes. While there is some concern with the proposed development, the supporting information demonstrates that there would be no detrimental impact to the adjacent Nant Muchudd SINC or any European protected species, subject to the mitigation measures set out in the Preliminary Ecological Appraisal being implemented. Further, there is no objection to the site's surface water discharging into the adjacent stream, providing it is first treated in compliance with the statutory SuDS guidance, as indicated in the Drainage Strategy Report.

While an area of the application site is located within a C2 flood zone, as no development works are proposed in this small area of the site and the development proposed is classed as 'less vulnerable development' within the TAN, no objections are raised in this respect.

Flood Risk Management – No objection, standard advice and informative notes offered. A detailed surface water drainage strategy has been provided that is generally

acceptable in most respects. It is considered that any potential issues could be overcome during the necessary, separate SuDS application that would have to be submitted to and approved by the Council as SuDS Approving Body (SAB) prior to any development works commencing on site.

Dwr Cymru Welsh Water – No objection subject to condition. Foul flows would be disposed of via the existing public sewerage system and surface water via a SuDS which are acceptable. A condition is however requested to restrict surface water from entering the public sewerage system. Several standard informative notes are also offered.

Highways and Transportation – No objection or conditions suggested. Post development the site would provide for safe and adequate off-street parking provision, internal circulation and site access/egress arrangements.

The Coal Authority – No objection, standard advice offered. Whilst a coal seam of workable thickness infers to outcrop across the northern part of the site, as the proposal would not require any significant ground works the risk of subsidence in the area of development is considered to be low.

Public Rights of Way Officer – No objection, standard advice offered. An appropriate alternative route for PRoW Llantrisant 223 has already been agreed with the Applicant which will enable the development to be satisfactorily accommodated and the PRoW to remain.

Health and Safety Executive – No objection. The operation of the nearby major hazard site, The Royal Mint, would not impact upon the proposed development, and vice-versa.

Llantrisant Community Council – No comments received.

POLICY CONTEXT

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and a replacement is in the process of being produced. 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 04 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 04 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 24 September 2020.

The existing LDP therefore remains the development plan for consideration when determining this planning application.

Rhondda Cynon Taf Local Development Plan

The application site is located within the settlement boundary for Llantrisant and also the Llantrisant Business Park employment land bank.

Policy CS2 – sets out criteria for development in the Southern Strategy Area.
Policy AW2 – supports development in sustainable locations which includes sites that are within the defined settlement boundaries, are accessible by a range of sustainable transport modes, have good access to key services and facilities, and would not unacceptably conflict with surrounding uses.
Policy AW4 – details the criteria for planning obligations including Section 106 agreements and the Community Infrastructure Levy.
Policy AW5 – sets out criteria for new development in relation to amenity and accessibility.
Policy AW6 – requires development to involve a high-quality design and to make a positive contribution to placemaking, including landscaping.
Policy AW7 – identifies that proposals which affect PRoWs will only be permitted where it can be demonstrated the proposal would preserve or enhance the public facilities.
Policy AW8 – sets out the criteria for the protection and enhancement of the natural environment.
Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.
Policy SSA3 – sets out criteria for residential and commercial development within the Principle Town of Llantrisant / Talbot Green.

Supplementary Planning Guidance

- Design and Placemaking
- Nature Conservation
- Planning Obligations
- Access, Circulation and Parking Requirements

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 12) (PPW) was issued on 07 February 2024. It incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the Welsh Government's (WG) current policy position on planning issues relevant to the determination of all planning applications. Future Wales: The National Plan 2040 (FW2040) sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and

national level, although it should form the basis of all decisions. The thrust and general context of each of the policy documents are aimed at sustainable development.

It is considered 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
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 33 – National Growth Areas – Cardiff, Newport and the Valleys

Other relevant national planning 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 15: Development and Flood Risk
- PPW Technical Advice Note 23: Economic Development

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.

Principle of the Proposed Development

The application seeks full planning permission for the extension of an existing vehicle/plant depot into an area of undeveloped land directly to the rear for use as vehicle/plant storage in association with the existing business.

The application site forms a vacant parcel of land that is located entirely within the settlement boundary of Llantrisant and the established employment land bank for Llantrisant Business Park, constituting possibly the last available site to be developed for employment purposes within the industrial estate. In view of its relationship with other existing similar developments in the immediate locality, the proposal is unlikely

to unacceptably conflict with surrounding uses to the west/south. It is accepted however that there would be a degree of impact to the closest residential properties to the east/north-east, but it is not considered any impact would be so significant as to warrant refusal of the application (as set out in detail below).

The site is subsequently considered acceptable in relation to the general sustainable development requirements of Policy AW2; the key principles and requirements for placemaking set out in PPW and FW2040; and is also considered consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles.

It is also considered that the site's development would support the objectives of core strategy Policy CS2 of the LDP, by providing opportunities for inward investment within a sustainable location inside the settlement boundary; and by bringing a vacant area of the industrial estate into beneficial use, in turn contributing to the vitality and viability of the local economy and jobs market.

Finally, while this plot has remained undeveloped through the years, it has been subject to several planning permissions for employment purposes since 2007, still benefiting from an extant consent (see planning history above). Consequently, the principle of developing the site for employment purposes is long established.

It is therefore considered the proposed development is acceptable, in principle, subject to compliance with the other relevant material considerations set out below.

Neighbour Amenity

The application site is bound by a variety of industrial/commercial uses to the south/south-west located within the established Llantrisant Business Park industrial estate. Therefore, while it is accepted the scheme would result in a considerable alteration to the character of what is currently a greenfield site, given that the proposed scheme would result in a use comparable to that at the existing, adjacent units, it is not considered the proposal would have any undue impact upon the amenities or operation of the neighbouring properties in those areas.

Furthermore, given the separation distance and change in levels between the application site and the nearest residential dwellings to the east/north-east, and the general nature of the works proposed, i.e. a vehicle/plant storage facility, it is not considered the development works would result in any physical detriment to those properties such as overbearing, overshadowing or loss of privacy. It is acknowledged however that there would inevitably be a degree of impact to the amenity standards currently enjoyed by the occupiers of those properties by way of noise/disturbance through operation of the site. This is the main concern of the objectors (as set out in detail above) and has been the subject of numerous complaints over the last few years from neighbouring residents in respect of the existing Phase 1 depot site, and also other sites in the area under the ownership of the Applicant.

The Applicant has acknowledged that impacts of noise and disturbance would occur and has subsequently undertaken a noise survey to identify any potential impacts and necessary mitigation measures. The survey has been undertaken on the basis that the acoustic barrier constructed as part of the Phase 1 planning permission would remain and the earth bund to the rear of the existing depot would be removed (the proposed final layout of the existing depot and this extension site). The survey is also on the basis that the hours of operation approved at the existing depot would be adhered to at this Phase 2 extension site.

Public Health and Protection (PHP) have considered the Noise Impact Assessment report and are content with its methodology and findings. It was commented that while there is some concern with regard noise and it is accepted that a degree of noise / general disturbance will inevitably occur to the closest residents, the report demonstrates, with the retention of the acoustic barrier, that any impact would not be so intrusive as to result in unacceptable levels at the closest residential properties. This is however providing the use of the site and vehicle movements do not vary from that set out in the report, and the hours of operation are restricted.

Subsequently, subject to appropriate mitigation and restrictions, PHP do not consider any potential impact would be over and above that which residents living adjacent to an industrial estate could expect, and any potential impact would not be significantly over and above the existing noise levels that the closest residents in this area are already exposed to. As such, any potential impacts in these respects would not be significant enough to warrant a PHP objection to the application.

PHP did however suggest a number of conditions be attached to any consent to ensure the noise barrier is retained in perpetuity; relevant noise testing/monitoring is carried out from this site once developed; to restrict the hours of operation and use; and to restrict vehicle movements to that set out in the noise modelling assessment. A further condition was suggested requiring this Phase 2 area to be enclosed and separated from the main depot area to further restrict its use.

The conditions in respect of the use of the site and vehicle movements are considered reasonable and necessary to ensure the Applicant does not deviate from any consent and to allow effective enforcement action to be taken should this happen.

PHP suggest the hours of operation are restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and not at all on Sundays or Bank Holidays. While this suggestion is noted, the existing Phase 1 area is permitted to operate between 8am and 7pm on any given day. Given the Phase 2 area is directly adjacent to the existing depot and the use would be restricted to ‘only the parking of vehicles and storage of plant’, it is considered unlikely the Phase 2 area would result in significantly more disturbance to the closest residents than the existing Phase 1 area. It would also be almost impossible to enforce two different sets of operational hours on what will essentially be one site; and it is considered the conditions restricting the use and vehicle movements at the Phase 2 area would be sufficient to ensure any potential

noise impact is at acceptable levels, ensuring that appropriate and effective enforcement action can be taken if any deviation is made.

Therefore, while the suggested hours of operation from PHP are acknowledged, it is considered that it would be unreasonable and impractical to apply different operational hours to this Phase 2 area from that at Phase 1, i.e. 8am to 7pm on any given day.

The alteration of the operational hours suggested in the condition has been discussed with PHP. PHP commented that they would still suggest any consent is restricted to the hours set out within their initial comments to ensure any potential impact to the nearest residents is minimised. However, they also noted that, on balance, replication of hours of operation already approved at the Phase 1 area at the Phase 2 site would not warrant an objection to the application, based on the results on the submitted acoustic surveys. The condition suggested below therefore matches that of the already approved Phase 1 site.

Members are advised however that this is an 'on balance' conclusion and it could just as easily be considered the initial hours suggested by PHP are reasonable given the history of unauthorised works at this site and the number of complaints received over the years. But it must be highlighted that it would be extremely difficult to prove any breach due to the combined use of both sites and to then take effective enforcement action.

While the acoustic barrier does not technically form part of this application and its construction, timeframes for construction and retention form an element of the earlier Phase 1 planning permission at the existing depot site, this application relies heavily upon it – without the acoustic fence noise levels at this site may not be acceptable in residential amenity terms. Therefore, should Members be minded to approve the application, with the fence included within the 'blue line' it would be considered both reasonable and necessary to include PHP's suggested condition for its retention as part of this development. It would also be considered appropriate to add the conditions suggested in respect of further noise surveys/monitoring from this site once developed to ensure the new yard extension does not exceed the relevant noise levels.

With regard the condition requesting the site be enclosed and separated from the existing main depot area to further restrict its use, it is considered the other conditions relating to hours of operation, use and vehicle movements would sufficiently restrict/control the use of the site and would provide adequate control for the LPA to take effective enforcement action if necessary. While both sites will effectively form one use, there is a clear distinction between the rear of the existing depot site and this extension area – the extension site is located behind the workshop building at the existing site which will allow any interested parties to differentiate between the two Phases. Further, any enclosure along the southern boundary of the site would restrict access and remove parking/storage areas which this application seeks consent for. This would effectively grant consent for a different development to that proposed. It is therefore considered this condition is unnecessary and unreasonable.

The above point has been discussed with PHP who commented that while they would still suggest the Phase 2 area is separated from Phase 1 by a clear enclosure to ensure any potential impact to the nearest residents is minimised, again, on balance and based on the results on the submitted acoustic surveys, the lack of any enclosure would not warrant an objection to the application. The suggested condition is therefore omitted from the list below.

A further point raised by PHP was that the proposed vehicle parking area could result in a degree of light pollution to the nearest properties. As such, a condition requiring full details of any external lighting be submitted to and approved by the LPA before it is installed is suggested. This condition is considered necessary to ensure the amenities of the closest residents are protected and so the Council has control over this matter going forward.

Finally, as well as the comments set out above, PHP also suggested conditions be attached to any consent in relation construction activities and dust suppression. Given the history of complaints at this site it would be considered prudent to attach the construction hours condition in this instance, but that dust suppression can be more efficiently controlled by other legislation available to the Council. An informative note in respect of dust during construction is considered sufficient.

Subsequently, whilst the concerns of the neighbours are fully acknowledged and have been taken into account by both the Planning and Public Health Officers during the lengthy consideration of this application, and it is accepted that a degree of impact would inevitably occur to the amenity standards currently enjoyed by existing surrounding residents; subject to appropriate mitigation and restrictive conditions, on balance, it is not considered any potential impact upon the amenities of neighbours would be so detrimental as to warrant refusal of the application.

Character and Appearance

The works would involve the levelling and hard-surfacing of the land, the introduction of landscaping to the eastern and northern boundaries, and a SuDS feature along the western boundary which would also include landscaping.

The site is currently an open greenfield parcel that previously formed an element of the adjacent Tal-y-Fedw Farm. Although it has recently been cleared for development and is bound by industrial uses to the south/west, a stream runs adjacent to the northern boundary which along with the eastern boundary, is defined by mature trees and hedgerows. The site therefore retains a semi-rural character and appearance.

Notwithstanding the above, the land has been allocated for an extension of the adjacent Llantrisant Business Park industrial estate for a number of years, benefiting from a continuous history of planning consents for employment use since 2007. It has

therefore been long-accepted as inevitable that there would be a significant change to its character and appearance in future.

The majority of the adjoining land to the south and south-west has already been developed for commercial purposes and is characterised by large, industrial buildings with associated parking/delivery areas and infrastructure. Additionally, the land immediately to the west of the site also forms part of the industrial estate's employment land bank and is currently under construction for 8 new industrial units. It is therefore considered the proposed development, simply comprising the levelling of the ground and laying out of a vehicle/plant parking area as an extension of the existing depot yard, would not result in a change that would be out of context with its immediate surroundings. And furthermore, it is not considered the activities associated with the proposed use would be out of character in this context either.

Further to the above, the well-established tree and hedgerow screens along the northern and north-eastern boundaries of the site are to be retained and additional landscaping is proposed throughout these areas. The existing 5m high acoustic fence here, which must remain for the lifetime of the existing depot development, provides a further degree of screening in this area. Additionally, native grasses, trees, wildflowers and shrubs would be planted along the western boundary of the site to soften this area. It is therefore considered the proposed development will be self-contained and suitably screened from the open countryside to the north/north-east/north-west, and there would be a clear separation between the wider industrial estate and the land beyond. It is therefore considered the development works would not be overly prominent from these areas.

It is noted however that full details of the proposed landscaping scheme have not been submitted with the application. It is therefore considered a condition should be added to any consent requiring the details, including long-term future management, be submitted to and approved by the Local Planning Authority (LPA) prior to any works commencing on site to ensure an appropriate scheme is implemented. A condition to this effect is set out below.

Finally, the development works would require removal of an earth bund at the north-eastern corner of the existing depot yard that was conditioned to remain as part of the earlier Phase 1 planning permission to protect the visual amenities of residents to the north/north-east. This is a key area of concern for the objectors. While its removal would result in the existing depot site and wider industrial estate being more visible from the nearest properties to the north/north-east, given the scale of the wider industrial estate and the elevated nature of the closest residential properties, considerably above that of the neighbouring industrial area, in reality the bund only restricts views from these properties to rear of the existing depot site and the remainder of the industrial estate is still in clear view from these properties. Consequently, while it is accepted the outlook from the closest properties to the north/north-east would be altered following removal of the bund, it is not considered

any change in outlook would be detrimental, or significant enough to warrant refusal of the application.

In light of the above, whilst it is accepted the proposed development would inevitably result in a considerable alteration to the current character and appearance of the site and would alter the outlook from the closest residential properties, the site's use for employment purposes has long been established and the development works would be appropriately contained from the surrounding countryside. It is therefore considered the development would appear as an appropriate rounding-off of the wider industrial estate in this location and the scheme is generally considered acceptable in respect of its potential visual impact.

Ecology

The submitted Preliminary Ecological Appraisal report found evidence of otters adjacent to the northern boundary of the application site along the Nant Castellau. The report also details that the Nant Castellau wooded river corridor is a likely corridor for commuting and foraging bats and contains several trees that have been identified as having bat roost potential.

Following assessment of the scheme and the ecology surveys the Council's Ecologist commented that as the undeveloped plot has already been cleared, it is has very little ecological value. However, there is potential for the proposed development to impact upon the Nant Castellau and its riverbank directly to the north of the site, both of which form part of the Nant Muchudd SINC. The Nant Castellau feeds into the Nant Muchudd nearby which is an important salmonid river with otter usage and good water quality. As such, it is vulnerable to pollution from this site. While the Drainage Strategy Report submitted references various pollution control measures, there is some concern with the proposal to discharge surface water into the stream and the adequacy of the proposed mitigation measures.

Natural Resources Wales (NRW) commented that they also have some concerns with the proposal, but that the information submitted is generally sufficient to demonstrate the proposed development would not result in a detrimental impact to protected species. This is however subject to the mitigation an enhancement measures set out in the ecology report being implemented on site and an appropriate external lighting scheme being installed. Conditions to these effects are suggested.

NRW also commented that they have no objection to the sites surface water discharging into the stream, providing it is first treated in compliance with the statutory SuDS guidance, as indicated in the Drainage Strategy Report that supports the application.

The Council's Ecologist commented that he generally agrees with NRW's observations but considers that further conditions should be added to any permission, the first

requiring submission of a Habitat and Species Mitigation Plan; and the second requiring full landscaping details.

The Ecologist also considers that given the sensitive nature of the stream and surrounding SINC, conditions alone would not be sufficient to control the long-term habitat management of the area, or the surface water discharge to and long-term water quality monitoring of the outfall to the stream; and that both would require the level of control only provided through a S106.

Given the history of unauthorised works at the site and the sensitive nature of the adjacent SINC, it is considered the above conditions and S106 are necessary in this instance. The Applicant has confirmed that he is willing to enter a S106 with the Council for the above.

Therefore, subject to the imposition of suitable conditions and a S106 to secure the implementation and long-term maintenance of the ecological mitigation measures put forward as part of the application, it is considered the proposal in acceptable in ecology/biodiversity terms.

Land Drainage and Flood Risk

The application is accompanied by a Drainage Strategy Report that identifies the Applicant's proposed intentions for the site's surface and foul water drainage arrangements, which would consist of a SuDS surface water management strategy and use of the existing sewerage network respectively.

No objections have been raised by the Flood Risk Management team following assessment of the proposed drainage scheme. They commented that the Applicant has provided a detailed surface water drainage strategy that is generally acceptable in most respects, and that any potential issues could be overcome during the necessary, separate SuDS application that would have to be submitted to and approved by the Council as SAB prior to any development works commencing on site. Further, when reviewing the application in relation to the relevant guidance set out in TAN 15: Development and Flood Risk, the applicant has demonstrated that the development does not propose to increase the risk of surface water flooding. Subsequently, no objections are raised or conditions suggested.

It is noted that the very northern element of the application site (the bank of the Nant Castellau) is located within a C2 flood zone. However, no development works are proposed in this small area of the site and in any case the development proposed is classed as 'less vulnerable development' within the TAN, i.e. development that can be considered acceptable in such locations providing suitable mitigation is proposed. Following consultation NRW confirmed that as no development would take place within the element of the site that is located inside of the flood outlines and the limited extent of the C2 Zone into the application site, they have no objection to the scheme.

They do however suggest an informative note be added to any consent advising the developer of the potential risks.

It is also noted that no objections were received from Dwr Cymru Welsh Water in respect of foul water drainage, subject to standard conditions and advice.

Highway Safety

No objections have been raised or conditions suggested by the Council's Highways and Transportation section following consideration of the scheme. In their assessment it was commented that the application site would be served via the existing means of access from Llantrisant Business Park which is acceptable in terms of geometry and vision, and that the plans indicate expected vehicles at the site would be able to access/egress safely in forward gear. Furthermore, the proposed works would not result in a significant intensification of use of the existing depot and would provide additional off-street parking for the existing use, which is acceptable.

In light of the above, it is not considered the proposed development would have any undue impact upon pedestrian or highway safety in the vicinity of the site.

Historic Mining Activities

The application site lies within a defined Development High Risk Area and consequently there is a potential for historic mining activities to have an impact upon any future development at the site. In light of this issue a Site Investigations report has been submitted in support of the application and consultation with the Coal Authority (CA) undertaken.

The CA commented that a coal seam of workable thickness infers to outcrop across the northern part of the site that it may have historically been worked at shallow depths beneath the site. However, as the proposal would not require any significant ground works, the risk of ground subsidence in the area of development is considered to be low, and it is therefore considered the application site is safe and stable for development. Consequently, no objection is raised or conditions suggested.

Public Right of Way

PRoW Llantrisant 223 currently runs through the centre of the site and would have to be diverted to allow the development to progress. The PRoW is subject to a separate Public Path Diversion Order in association with the current development being undertaken at the adjacent site (west). The Council's PRoW Officer has commented that an appropriate alternative route for the PRoW along the northern/eastern boundaries of the site has been identified which will enable the PRoW to remain and as such, there does not appear to be any reason why an alternative route could not be agreed.

Neighbour Consultation Responses

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

- *Removal of earth bund at rear of existing depot site that was conditioned to remain in place as a noise and visual barrier as part of the earlier, Phase 1 planning permission.*

As set out in detail above, it is not considered removal of the bund would have a significant impact upon the outlook from the nearest residential properties to the east / north-east. Further, while it was considered necessary during the earlier, Phase 1 application to reduce any potential noise impact, appropriate information has been provided with this current application to demonstrate that it is no longer required, mainly due to the erection of the acoustic fence. The supporting information has been assessed by PHP who consider it acceptable, and there is subsequently no justification to require the bund be retained.

- *Noise survey undertaken by the objector's consultant during the Phase 1 planning application advised that an 8m high acoustic fence would be required to mitigate any potential unacceptable noise impact. Only a 5m high barrier has been erected and the Applicant has not demonstrated that it is appropriate. The determination of this application should consequently be delayed until such a time that the noise barrier has been proved to be acceptable. The development of a 10m high earth bund along the eastern boundary of the site should be considered instead.*

The content of both the Applicant's and the objector's consultant's noise surveys were assessed by PHP during the earlier, Phase 1 application. PHP considered that a 5m high acoustic fence was acceptable and subsequent testing has been undertaken since its erection as required by conditions of that consent, which found the noise levels to be acceptable.

While the Objector may feel that a 10m high earth bund along their boundary would be a more appropriate option, the LPA can only consider what is submitted as part of any application. In this case that is reliance on the existing 5m high acoustic fence, which is considered acceptable.

- *The historic outline planning permissions at the site set out a number of restrictive conditions in respect to noise and landscaping. These should be reimposed.*

While it is noted the historic outline permissions at the site included several restrictive conditions relating to various issues associated with those proposed developments, this current application is submitted in full and is therefore independent of the earlier outline consents. This application must therefore be considered on its own individual

merits and the conditions set out below are considered sufficient in respect the development now proposed.

- *The Planning and Development Committee cannot make decisions in contravention of the Human Rights Act 1998. Protocol 1, Article 1 of the Act states that people are entitled to the peaceful enjoyment of their property.*

As set out in detail further above, it is not considered any potential noise impact would be significant enough to warrant refusal of the application. As such, it is not considered any breach of the Act would occur.

- *Concerns that appropriate enforcement action has not been undertaken to date and that the Applicant will continue to breach conditions going forward.*

It is acknowledged that many complaints have been received at this site over the years and that several breaches / various unauthorised developments have occurred. However, while the objectors may not agree, Members can be assured that all complaints have been properly investigated. It has not yet however been considered expedient to take any formal enforcement action due to ongoing, mainly retrospective, planning applications at the site. However, going forward, should this application be approved, it will set clear restrictions for the Applicant and will allow the Council to be able to take effective enforcement action if necessary.

- *The Definitive Map details that the current route of the PRoW passes through our garden, although that route has not been used during our occupancy of the property or for many years before we lived here. If a diversion to the Footpath is to occur as part of this application, it would be prudent to update the Map to reflect the route that is actively used.*

This section of the PRoW is outside of the application site and therefore cannot be considered as part of this planning application. Any proposal to formally divert this section of the PRoW would be a private matter for the landowner to take up with the Council's Countryside section.

National Sustainable Placemaking Outcomes

Chapter 2 of PPW emphasises that development proposals should demonstrate sustainable placemaking to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes to ensure this is the case.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further above, a brief outline of how the proposed development is considered to align particularly well with the national sustainable placemaking outcomes is set out below:

- Creating and Sustaining Communities: The development would allow an existing business to expand and continue to operate within the County Borough, generating economic growth and a number of employment opportunities in the local area into the future.
- Growing Our Economy in a Sustainable Manner: The development would have a small but positive effect in terms of construction jobs and employment at the site.
- Making Best Use of Resources: The development accords with the aim to prioritise the use of sustainable building practices/materials.
- Maximising Environmental Protection and Limiting Environmental Impact: The development would include suitable landscape planting and biodiversity enhancement measures.
- Facilitating Accessible and Healthy Environments: The application site is in a sustainable location within a long-established industrial estate where such uses are best placed.

In respect of the other national outcomes listed, the development would be considered to have a neutral impact.

Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables Local Planning Authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy Regulations 2010, with effect from 06 April 2010, states that a planning obligation, under S106, may only legally constitute a reason for granting planning permission if it is:

1. Necessary to make the development acceptable in planning terms.
2. Directly related to the development.
3. Fairly and reasonably related in scale and kind to the development.

Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable

development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. PPW advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the LDP and the Council's SPG: Planning Obligations, however it is made clear that this is only intended to form the basis of negotiations between all parties.

In this case the developer would be required to enter a S106 Agreement with the Council for the following:

- Ecology/Landscape – the delivery of long-term habitat management of the SINC area under the ownership of the applicant; and a scheme of long-term outfall water quality monitoring to the Nant Castellau.

It is considered that these requirements meet all of the above tests and are compliant with the relevant legislation (as set out in detail within the Ecology section of the report above). Members are also advised that the applicant has agreed to these terms.

Community Infrastructure Levy 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

Having taken account of all issues identified above, while it is accepted the proposed use will inevitably result in a degree of impact to the amenity standards currently enjoyed by occupiers of the closest residential properties, and the concerns of the objectors are fully acknowledged, on balance, it is not considered any potential impact would be significant enough to warrant refusal of the application.

Furthermore, while the works would result in a significant alteration to the current character and appearance of the greenfield site, the site would be suitably contained from the open countryside to the north/east and would form an appropriate rounding-off of the industrial estate in this location.

Finally, it is considered the impact of the scheme upon ecology and land drainage can be properly mitigated, and an appropriate diversion for the PRoW that crosses the site can be accommodated.

It is therefore considered the proposed development complies with the relevant local and national planning policies and is acceptable, subject to the S106 set out above and the conditions detailed below.

RECOMMENDATION: Approve, subject to S106 above and conditions below.

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 plans ref:

   - PR 100 Rev. M – Site Location Plan
   - PR 101 Rev. B – Existing Site Plan
   - PR 110 Rev. DD – Proposed Site Plan
   - 7206 / ASP3 / P2 Rev. A – Landscaping Strategy Plan - Phase 2

   and documents received by the Local Planning Authority on 21/03/22, 24/03/22 and 29/06/22, 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. The development hereby approved shall be carried out in accordance with methods, recommendations and mitigation/enhancement measures set out in:

   - Nosie Impact Assessment (Hunter Acoustics, March 2022)
   - Site Investigations Report (Integral Geotechnique, May 2020)
   - Drainage Strategy Report (Grays Consulting Engineers Ltd, May 2022)
   - Preliminary Ecological Appraisal (Soltys Brewster Ecology, May 2022)
   - Transport Statement (Corun, May 2022)

   Unless otherwise agreed in writing by the Local Planning Authority or 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.

4. No development shall commence on site until a comprehensive scheme of landscaping, which includes only native species, has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following approval of the landscaping scheme. Any trees or plants which within a period of five years from planting 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 the Local Planning Authority gives written consent to any variation.

   Reason: To reduce the visual impact of the site, to protect the amenities of surrounding residents and to afford protection to local wildlife species, in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence on site until a Habitat and Species Mitigation Plan, including full details of the proposed biodiversity mitigation/enhancement measures set out in the submitted Preliminary Ecological Appraisal (Soltys Brewster Ecology, May 2022), has been submitted to and approved in writing by the Local Planning Authority. The biodiversity mitigation/enhancement measures shall include, but not be limited to:

   i. Tree and hedgerow protection/management.
   ii. Bird nesting enhancement measures.
   iii. Design of site lighting to minimise light levels along retained habitat boundaries.
   iv. A long-term aftercare plan.

   The approved mitigation/enhancement measures shall be implemented on site prior to beneficial use and shall be retained thereafter.

   Reason: In the interests of ecology and to afford protection to local wildlife species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

6. All surface water runoff intended to be disposed to ground or any watercourse must first be treated in compliance with the Sustainable Drainage Systems Statutory Guidance, as indicated in the Drainage Strategy Report (Grays Consulting Engineers Ltd, May 2022) submitted in support of the application. No direct infiltration of surface water drainage into the ground or any watercourse is permitted.

   Reason: To prevent the development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of

water pollution, in accordance with Policies AW8 and AW10 of the Rhonda Cynon Taf Local Development Plan.

7. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents, and to ensure no pollution of or detriment to the environment, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No external lighting shall be installed on site without the express permission of the Local Planning Authority. Prior to the installation of any external lighting on site, full details of the type, position and angle of glare of any artificial lighting (temporary or permanent) including measures for ensuring that light does not shine directly towards the nearest residential properties or the retained vegetation along the Nant Castellau, as well as details of future monitoring measures, shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained as such thereafter.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties and to afford protection to local wildlife species, in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

9. If during development works any contamination should be 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 development shall cease and revised contamination proposals, carried out by a competent person, shall be submitted to and approved in writing by the Local Planning Authority prior to works recommencing. The development shall comply with the approved, revised scheme thereafter.

Reason: In the interests of health and safety and environmental amenity, in accordance with Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

10. The use of the site hereby approved shall be limited to the parking/storage of and movement (to and from) of vehicles/plant associated with the adjacent, existing Earthmover's House depot only. At no time shall the site be used for other operations associated with the existing depot such as re-fuelling/watering of, un-loading/re-loading of, washing/cleaning of, and repair/maintenance of vehicles/plant etc. The approved operational activities at the site shall be restricted to between 08:00 and 19:00 hours on any given day.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. The Noise Impact Assessment (Ph2) (6131/NIA1_Rev1, 01 March 22, Hunter Acoustics Ltd) in Section 7.2 outlines the conditions under which the noise modelling was carried out in respect of activities happening per hour at the site. At no time shall vehicle movements and activities on the site exceed the specified number of movements and speeds set out in the report.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. Within 2 months of the first beneficial use of the parking/storage area hereby approved, the developer shall submit to the Local Planning Authority for approval a noise assessment undertaken by an independent acoustic consultant to demonstrate compliance with the noise levels set out in the Noise Impact Assessment (Ph2) (6131/NIA1_Rev1, 01 March 2022, Hunter Acoustics Ltd), the methodology of which shall first be agreed in writing with the Local Planning Authority.

Should noise levels not be in compliance with the details set out in Noise Impact Assessment (Ph2) (6131/NIA1_Rev1, 01 March 2022, Hunter Acoustics Ltd), then further mitigation measures shall be submitted to the Local Planning Authority for approval within 1 month of the noise survey being undertaken.

Any additional mitigation required as a result of the above shall be installed on site within 1 month of the date of agreement by the Local Planning Authority and a further noise assessment, using the agreed methodology, shall be undertaken and submitted to the Local Planning Authority for approval.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. The acoustic barrier, as approved by planning permission ref. 20/0932/10 and subsequent discharge of conditions applications ref. 22/0435/38 and 22/1311/38, shall remain in place and be maintained in good order in perpetuity. Should any part of the barrier become seriously damaged it shall be repaired in good time with like-for-like materials, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. Within 21 days from receipt of a written request of the Local Planning Authority, and following a validated complaint to the Local Planning Authority relating to noise emissions arising from the operation of any part of the application site, the site operator shall provide a written protocol for the assessment of the noise levels to the Local Planning Authority for approval. The written protocol shall be produced by an independent acoustic consultant.

Within 2 months of the protocol being approved by the Local Planning Authority the site operator shall provide to the Local Planning Authority the independent noise consultant's assessment, unless the Local Planning Authority gives written consent to any variation. The assessment shall include all data collected for the purposes of undertaking the compliance measurements and analysis and certificates of calibration of the equipment. Such data is to be provided in a format to be first agreed with the Local Planning Authority.

The assessment shall propose further noise mitigation measures should there not be compliance with the noise levels set out in Noise Impact Assessment (Ph2) (6131/NIA1_Rev1, 01 March 2022, Hunter Acoustics Ltd); and any additional mitigation required as a result of the above shall be installed on site within 1 month of the date of agreement by the Local Planning Authority and a further noise assessment, using the agreed methodology, shall be undertaken and submitted to the Local Planning Authority for approval.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. Construction works on the development hereby approved shall not take place other than between the following times:

- Monday to Friday – 08:00 to 18:00 hours
- Saturdays – 08:00 to 13:00 hours
- Sundays and Bank Holidays – not at all

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

==========