

**PLANNING & DEVELOPMENT COMMITTEE**

**05 DECEMBER 2024**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/1334/FUL (MF)  
**APPLICANT:** Mr J Ayoubkhani  
**DEVELOPMENT:** Construction of 4no. industrial units for B1/B2/B8 use, and associated works (amended plans and Transport Briefing Note received 01/10/24; amended description received 10/05/24; Ecology Summary Note and amended site location plan received 02/02/24)..  
**LOCATION:** Land North of Ffordd Prichard, Ffordd Prichard, Llantrisant Business Park  
**DATE REGISTERED:** 1 October 2024  
**ELECTORAL DIVISION:** Llantrisant And Talbot Green

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**RECOMMENDATION:** Approve

**REASONS:** Llantrisant Business Park is an established employment site where the construction of further industrial units, of a similar style and scale to existing buildings, would be compatible with the neighbouring land uses and consistent with the character of the area.

The proposal represents a positive investment within the County Borough, offering flexible floor space which would support economic growth and future employment opportunities.

While the works would result in the loss of a green space within the industrial estate, the development would form an appropriate in-fill that would not detract from the character and appearance of the area.

There would be no impact to the amenities/ operation of the neighbouring units, and it has been demonstrated that appropriate biodiversity mitigation/enhancement measures can be provided.

It is therefore considered the application complies with the relevant policies set out in the Local Development Plan and those set out in national guidance.

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## **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 construction of 4no. Class B1/B2/B8 industrial units and associated access, parking and landscaping at the application site.

The submitted details demonstrate that the units would adjoin one another and would be located roughly centrally within the plot, with an associated delivery/ operational yard to the front (south) and off-street parking to the western side.

The units would be of a typical industrial design and a relatively minor, 'starter unit' scale, each having a gross floor area of 96m<sup>2</sup>. It is noted however that the application sets out that the units would be capable of being combined into between 1 – 4no. units if necessary, depending on future use(s).

In respect of external dimensions and finishes, the elevations would be of grey cladding with each unit incorporating a red roller shutter door to the front and a pedestrian access door at the rear. The whole structure would measure 34m in length by 13m in depth, incorporating a pitched roof design to 5.5m in height.

Areas of landscaping and ecological mitigation would be sited to the eastern and western extents of the site. It is also proposed the structure incorporate a green roof. These elements have been included to mitigate the loss of what is currently a green space within the industrial estate.

A new vehicle access would be created off Ffordd Pritchard (south) to serve the delivery/ operational yard. 10no. off-street parking spaces would be created along the western boundary of the site, off the unnamed industrial estate road.

Members are advised that the application has been amended three times, firstly on 02/02/24 when the site boundary was enlarged to include the off-street parking area at the western extent of the site layout; again on 10/05/24 when the site layout was amended and an A3 use removed to overcome initial highway safety concerns; and finally on 01/10/24 when the site layout was again amended to overcome further highway safety concerns and to include biodiversity mitigation/ enhancement measures.

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

- Planning Statement
- Tree Survey
- Ecology Summary Note
- Transport Briefing Note

## **SITE APPRAISAL**

The application site is an irregular, 'U-shaped' parcel of land located at the south-eastern extent of Llantrisant Business Park. It amounts to approximately 0.1ha, forming an area of undeveloped grass verge within the industrial estate.

The main element of the site (southern section) sits directly south of a neighbouring industrial unit, with the eastern and western elements of the site wrapping around that neighbouring unit, forming the 'U' shape. Public highways bound the site to the front (south) and western side, and a group of mature trees is located to the east (which would remain following development). Overhead power lines cross the site.

The surrounding area 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**

No previous planning applications have been submitted at the site.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notices. No representations have been received.

## **CONSULTATION**

Highways and Transportation – No objection subject to conditions in respect of the access and parking areas' construction details, and a Construction Method Statement.

Countryside, Landscape and Ecology – No objection subject to condition in respect of biodiversity mitigation/ enhancement measures.

Public Health and Protection – No objection subject to conditions in respect of construction related issues and contaminated land site investigations.

Flood Risk Management – No objection subject to a condition in respect of site drainage arrangements.

National Grid – No objection and no conditions suggested. While the new units would be located directly below overhead electricity cables, they would not exceed the relevant safety limit of 8.89m in height.

Waste Services – No comments received.

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 that 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 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 AW8 – sets out 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 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 construction of 4no. small industrial units at the site. The plot forms a vacant parcel of land within the industrial estate and in view of its relationship with other existing similar developments in the immediate locality, the proposal is unlikely to unacceptably conflict with surrounding uses.

It is 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.

The development would also accord with many of the National Sustainable Placemaking Outcomes contained within PPW, against which developments should be assessed. The creation of employment, potential for regeneration, the fostering of economic activity and the accessibility of the site are particularly relevant to those placemaking aims.

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

## **Character and Appearance**

Since this plot has yet to be developed the proposal would markedly alter the character and appearance of the site, resulting in a prominent feature within the immediate locality.

That said, the industrial estate already accommodates many, much larger industrial units of differing design, scale and height, as well as many comparable buildings to that proposed.

Consequently, it is not considered the development of the site for industrial use and the construction of industrial style buildings would be out of character with its surroundings.

Furthermore, the application site is considered capable of accommodating the proposed units whilst leaving adequate space around them for landscaping and biodiversity enhancement, lessening any potential visual impact.

It is therefore considered the proposed units would be in-keeping with the character and appearance of the wider industrial estate and would have no undue impact upon the visual amenity of the surrounding setting.

## **Neighbour Amenity**

Located within a long-established industrial estate the application site is surrounded by a variety of industrial/ commercial uses. 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 uses comparable to that at the existing, adjacent units, it is not considered the development would have any undue impact upon the amenities or operation of the neighbouring properties.

## **Highway Safety**

Following a series of amendments to the site layout and an A1 use being removed from the proposal, leaving only B1/B2/B8 use, no objections have been raised by the Council's Highways and Transportation section (H&T), subject to several relevant conditions.

In their assessment of the scheme H&T 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.

Concern was raised with regard the vision splay to the right when egressing the service yard and from the road junction between Ffordd Prichard and Llantrisant Business Park. However, the submitted ATC demonstrates that vehicles are at slow speeds on approach to the road junction, and the proposed 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 in the locality. Consequently, on balance, the concerns are not considered significant enough to warrant a reason for refusal.

H&T also commented that the proposed development has a maximum off-street street parking requirement of 12 no. spaces, with only 10 no. proposed, which also raises some concern. However, given the sustainable location of the site and the fact that cycle storage would be provided, on balance, the shortfall is considered acceptable in this instance.

H&T did note however that conditions would be required in respect of the access and parking areas' construction details, and a Construction Method Statement (set out below). It is considered these conditions are appropriate and necessary.

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

## **Ecology**

The Council's Ecologist noted that the application site forms a wide grass verge that was originally designed as part of the green space infrastructure of the industrial estate. It is wildflower rich and an excellent pollinator habitat, and also has potential to support reptiles. It currently provides a biodiversity 'stepping stone' function through the estate, allowing biodiversity connectivity between the adjacent Llantrisant Common and nearby Rhos Tonyrefail SSSIs. Therefore, any development at the site will have a direct biodiversity impact and robust and effective ecological mitigation/ enhancement will be required.

No ecology information was submitted with the application at first, and consequently the Ecologist raised a holding objection.

An ecology assessment was subsequently undertaken which resulted in the scheme being altered to include landscaped areas within the site and a green roof to the new building, each incorporating native wildflower rich planting.

The Ecologist is now of the view that while the optimal scenario would be no development at the site, enough stepping stone habitat will be provided going forward to ensure that the loss of the verge would be sufficiently mitigated. However, how much capacity is realised will be dictated by the details of the proposed mitigation scheme and long-term aftercare, full details of which have not been submitted for assessment. As such, a condition requiring this information be submitted for approval before any development works commence on site is suggested.

Subsequently, subject to the imposition of condition 3 set out below to secure the implementation and long-term maintenance of the ecological mitigation measures proposed, it is considered the proposal is acceptable in ecology/ biodiversity terms.

### **Land Drainage and Flood Risk**

No objections have been raised by the Council's Flood Risk Management team. They did however note that no site drainage arrangements have been submitted with the application and therefore suggest a condition be added to any consent requiring the details before any development works commence on site.

While these comments are acknowledged, the development would be subject of separate SuDS approval from the SAB which would ensure an appropriate drainage scheme is implemented on site; and this separate approval is required before any development can commence. It is therefore considered such a condition would be unnecessary and unreasonable in this instance and an appropriate informative note would suffice.

### **Public Health**

Public Health and Protection advise that the site has the potential to be contaminated by previous land uses and therefore request conditions be attached to any consent requiring site investigations be undertaken prior to any development works commencing. Given the historic industrial use of the area these conditions are considered necessary.

Several further conditions were also recommended in respect of construction noise, waste, dust and lighting. Whilst these comments are appreciated, it is considered that these matters can be more efficiently controlled by other legislation available to the Council. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting the potential issues would be sufficient.

### **Overhead Power Lines**



The new units would be located directly below overhead electricity cables. National Grid (NG) advised that those lines are of 132kV and that the relevant clearance limit to construct below such cables is 8.89m. Therefore, with a maximum height of only 5.5m, NG have no objection to the proposed units being constructed below the power lines.

### **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 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. Therefore, no CIL would be payable.

### **Conclusion**

Being located within an existing, established industrial estate, the proposed development would be compatible with surrounding land uses and would benefit the local economy, while also providing opportunities for employment.

Furthermore, the proposal would have no undue impact upon neighbour amenity or the character and appearance of the site/ immediate locality. The scheme is also considered acceptable in terms of access and parking, and it is considered the impact of the scheme upon ecology can be appropriately mitigated.

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

**RECOMMENDATION:** Approve, subject to 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:

- Site Location Plan - 235091-IDL-01-XX-DR-A-P1001-S3-P03
- Proposed Elevations 01 of 02 - 235091-IDL-01-XX-DR-A-P3035-S3-P03
- Proposed Elevations 02 of 02 - 235091-IDL-01-XX-DR-A-P3036-S3-P03
- Proposed Roof Plan - 235091-IDL-01-01-DR-A-P2034-S3-P03
- Proposed Ground Floor Plan - 235091-IDL-01-GF-DR-A-P2028-S3-P04
- Proposed Site Plan - 235091-IDL-01-XX-DR-A-P2026-S3-P07

- Proposed Sections - 235091-IDL-01-XX-DR-A-P4040-S3-P02
- Vehicle Tracking Plan - 10396-010-01 Rev. E

and documents received by the Local Planning Authority, 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 commence on site, including any site clearance and general enabling works, until a scheme of biodiversity mitigation and enhancement measures (including full details of the green roof, site landscaping and a long-term aftercare plan), have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and shall be retained/ maintained in good order for the lifetime of the development.

Reason: In the interests of biodiversity and ecology, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

- 4 No development shall commence on site, other than site clearance and general enabling works, 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 the Local Planning Authority dispenses with any such requirement specifically and in writing:
- i. A desk-top study carried out by a competent person 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.
  - ii. A site investigation shall be carried out by a competent person 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 completed satisfying the requirements of paragraph (i) above.
  - iii. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

- 5 The development hereby approved shall not be brought into beneficial use 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. Any validation report shall be carried out by a competent person.

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

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

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through an appropriate remediation strategy to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks to health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 7 No development shall commence on site, including any site clearance and general enabling works, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for:
- i. The means of access into the site for all construction traffic.
  - ii. The parking of vehicles of site operatives and visitors.
  - iii. The management of vehicular and pedestrian traffic.
  - iv. Loading and unloading of plant and materials.
  - v. Storage of plant and materials used in constructing the development.
  - vi. Wheel cleansing facilities.
  - vii. The sheeting of lorries leaving the site.

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

Reason: In the interests of highway and pedestrian safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- 8 Notwithstanding the details shown on the approved plans, no development shall commence on site, other than site clearance and general enabling works, until details of the delivery/ operational yard to be constructed in permanent material have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to beneficial occupation of the first unit.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- 9 Notwithstanding the details shown on the approved plans, no development shall commence on site, other than site clearance and general enabling works, until design and details of the vehicular crossover to the parking spaces served off the un-named Llantrisant Business Park road at the western extent of the site have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to beneficial occupation of the first unit.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- 10 Notwithstanding the details shown on the approved plans, no development shall commence on site, other than site clearance and general enabling works, until design and details of the vehicular crossover to the delivery/ service yard served off Ffordd Prichard, in accordance with the Council's Standard Detail 111 have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to beneficial occupation of the first unit.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- 11 The parking areas shall be constructed in permanent materials and retained for the purposes of vehicle parking only.

Reason: To ensure that vehicles are parked off the highway in the interests of highway and pedestrian safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- 12 Surface water run-off from the proposed development shall not discharge onto the public highway or be connected to any highway drainage system.

Reason: In the interests of highway and pedestrian safety and to prevent overcapacity of the existing highway drainage system and potential flooding, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.