



**CYNGOR BWRDEISTREF SIROL
RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL**

GWŶS I GYFARFOD PWYLLGOR

C Hanagan
Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu
Cyngor Bwrdeistref Sirol Rhondda Cynon Taf
Y Pafiliynau
Parc Hen Lofa'r Cambrian
Cwm Clydach, CF40 2XX

Dolen gyswllt: Jess Daniel - Council Business Unit, Democratic Services (01443 424103)

Bydd cyfarfod rhithwir y **Pwyllgor Cynllunio a Datblygu** yn cael ei gynnal **DYDD IAU, 5ED TACHWEDD, 2020** am **3.00 PM**.

MAE MODD I AELODAU NAD YDYN NHW'N AELODAU O'R PWYLLGOR AC AELODAU O'R CYHOEDD OFYN I ANNERCH Y PWYLLGOR YN YSTOD Y CYFARFOD SY'N YMWNEUD Â'R MATER SYDD WEDI'I NODI. RYDYN NI'N GOFYN EICH BOD CHI'N RHOI GWYBOD AM EICH BWRIAD I SIARAD DRWY E-BOSTIO GWASANAETHAUCYNLLUNIO@RCTCBC.GOV.UK ERBYN 5PM AR DYDD MAWRTH, 3 TACHWEDD 2020, GAN NODI A FYDDWCH CHI'N SIARAD YN GYMRAEG NEU'N SAESNEG.

MAE'N BOSIB BYDD TREFN YR AGENDA'N NEWID ER MWYN HWYLUSO BUSNES Y PWYLLGOR.

AGENDA

Tudalennau

1. DATGAN BUDDIANT

Derbyn datganiadau o fuddiannau personol gan Aelodau, yn unol â gofynion y Cod Ymddygiad.

Nodwch:

1. Mae gofyn i Aelodau ddatgan rhif a phwnc yr agendwm mae eu buddiant yn ymwneud ag ef a mynegi natur y buddiant personol hwnnw; a
2. Lle bo Aelodau'n ymneilltuo o'r cyfarfod o ganlyniad i ddatgelu buddiant sy'n rhagfarnu, mae **rhaid** iddyn nhw roi gwybod i'r Cadeirydd pan fyddan nhw'n gadael.

2. DEDDF HAWLIAU DYNOL 1998 A PHENDERFYNIADAU RHEOLI DATBLYGU

Nodi y dylai Aelodau o'r Pwyllgor, wrth benderfynu materion rheoli datblygu ger eu bron, roi sylw i'r Cynllun Datblygu ac, i'r graddau y bo hynny yn berthnasol, i unrhyw ystyriaethau perthnasol eraill. Rhaid i Aelodau, wrth ddod i benderfyniadau, sicrhau nad ydyn nhw'n gweithredu mewn modd sy'n anghyson â'r Confensiwn Ewropeaidd ar Hawliau Dynol fel y'i hymgorfforwyd mewn deddfwriaeth gan Ddeddf Hawliau Dynol 1998.

3. DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Nodi bod Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn gosod dyletswydd ar gyrff cyhoeddus i gynnal datblygiadau cynaliadwy yn unol â'r egwyddor datblygu cynaliadwy, ac i weithredu mewn modd sy'n anelu at sicrhau y caiff anghenion y presennol eu diwallu heb amharu ar allu cenedlaethau'r dyfodol i ddiwallu eu hanghenion hwythau.

4. COFNODION

Cadarnhau cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 3 Medi, 2020 yn rhai cywir.

5 - 8

CEISIADAU A ARGYMHELLIR AR GYFER EU CYMERADWYO GAN Y CYFARWYDDWR MATERION FFYNIANT A DATBLYGU

5. CAIS RHIF: 19/1066

Adran 73 - Amrywio amodau 1, 2, a 3 o ganiatâd cynllunio 10/0792/13 i ganiatáu amser pellach ar gyfer cyflwyno materion wedi'u cadw'n ôl - (rhoddwyd caniatâd gwreiddiol yn dilyn apêl ar 18 Hydref 2016).

HEN FFERM YNYSYCYNON, CWM-BACH, ABERDÂR, CF44 0JL

9 - 22

6. CAIS RHIF: 19/1278

Cais amlinellol gyda phob mater wedi'i gadw'n ôl ar gyfer 5 eiddo preswyl (dymchwel yr adeiladau cyfredol) (Derbyniwyd y cynllun wedi'i ddiwygio sy'n cynnwys mesurau lliniaru safleoedd clwydo ystlumod ar 12/08/2020).

YR HEN YSGOL, HEOL MERTHYR, LLWYDCOED, ABERDÂR, CF44 0UT

23 - 42

7. CAIS RHIF: 20/0349

Newid defnydd o westy i 9 fflat (Derbyniwyd Asesiad Rhagarweiniol ar gyfer Clwydfannau Ystlumod ac Adar sy'n Nythu ar 28/09/2020)

ADEILAD APOLLO, HEOL ABER-RHONDDA, PORTH, CF39 0LD

43 - 56

8. CAIS RHIF: 20/0553

Fferm Solar gan gynnwys is-orsaf, ffensys a cheblau o dan y ddaear. (derbyniwyd y strategaeth ddraenio wedi'i diwygio ar 17 Gorffennaf 2020)

Y TIR ODDI AR HEOL PANTYBRAD, HEOL LLANTRISANT, YNYSMAERDY, LLANTRISANT, CF72 8YY.

57 - 74

9. CAIS RHIF: 20/0671

Ysgubor. (Derbyniwyd yr Asesiad Risg Mwyngloddio ar 08/09/2020)

Y TIR I'R GOGLEDD O FAES MOSS, ABER-NANT, ABERDÂR, CF44 0YU

75 - 84

10. CAIS RHIF: 20/0701

Caniatâd cynllunio ôl-weithredol ar gyfer dreif, cyntedd, ffensys a feranda y tu cefn i'r adeilad, a gwaith allanol arall. (Derbyniwyd cynlluniau ychwanegol ar 25/08/20) (Derbyniwyd cynlluniau diwygiedig ar 28/09/20).

21 BRYN Y FAENOR, MEISGYN, PONT-Y-CLUN, CF72 8JP

85 - 94

11. CAIS RHIF: 20/0827

Newid defnydd o siop coffi A3 i siop pysgod a sglodion (siop cludfwyd)

6 STRYD Y FELIN, TONYREFAIL, PORTH, CF39 8AA

95 - 106

12. CAIS RHIF: 20/0877

2 uned dau-lawr newydd gyda mân ddiwygiadau i'r briffordd gyfagos.

PARC BUSNES CWM ELAI, TERAS YR ORSAF, PONT-Y-CLUN

107 - 122

CEISIADAU WEDI'U GOHIRIO

13. CAIS RHIF: 20/0843/10

Annedd arfaethedig.

Tir rhwng Clwb Rygbi Wattstown a 25 Teras Dan-y-graig, Ynys-hir.

123 - 136

ADRODDIAD ER GWYBODAETH

14. GWYBODAETH I AELODAU SY'N YMWNEUD Â'R CAMAU GWEITHREDU WEDI'U CYMRYD O DAN BWERAU DIRPRWYEDIG

Rhoi gwybod i'r Aelodau am y canlynol, ar gyfer y cyfnod 05/10/2020 – 23/10/2020.

Penderfyniadau Cynllunio a Gorfodi – Apeliadau a Dderbyniwyd

Penderfyniadau Dirprwyedig – Ceisiadau wedi'u cymeradwyo a'u gwrthod gyda rhesymau.

137 - 152

15. **MATERION BRYD**

Trafod unrhyw faterion sydd, yn ôl doethineb y Cadeirydd, yn rhai brys yng ngoleuni amgylchiadau arbennig.

Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu

Cylchrediad:-

Aelodau o'r Pwyllgor Cynllunio a Datblygu:

Cadeirydd ac Is-gadeirydd y Pwyllgor Materion Rheoli Datblygu
(Y Cynghorydd S Rees a Y Cynghorydd G Caple)

Y Cynghorydd J Bonetto, Y Cynghorydd P Jarman, Y Cynghorydd D Grehan,
Y Cynghorydd G Hughes, Y Cynghorydd J Williams, Y Cynghorydd W Owen,
Y Cynghorydd R Yeo, Y Cynghorydd D Williams ac Y Cynghorydd S Powderhill

Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu
Cyfarwyddwr Materion Ffyniant a Datblygu
Pennaeth Datblygu Mawr a Buddsoddi
Pennaeth Cynllunio
Pennaeth y Gwasanaethau Cyfreithiol
Uwch Beiriannydd

**PWYLLGOR CABINET CYNGOR RHONDDA CYNON TAF
PWYLLGOR CYNLLUNIO A DATBLYGU**

Cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd Dydd Iau, 3 Medi 2020 am 3.00 pm.

Y Cyngorwyr Bwrdeistref Sirol - Pwyllgor Cynllunio a Datblygu Aelodau oedd yn bresennol:-:-

Y Cyngorydd S Rees (Cadeirydd)

Y Cyngorydd G Caple Y Cyngorydd J Bonetto
Y Cyngorydd P Jarman Y Cyngorydd D Grehan
Y Cyngorydd G Hughes Y Cyngorydd J Williams
Y Cyngorydd R Yeo Y Cyngorydd D Williams

Swyddogion oedd yn bresennol

Mr J Bailey, Pennaeth Cynllunio
Mr S Zeinali, Rheolwr Datblygu Priffyrdd a Mabwysiadu Priffyrdd
Mr S Humphreys, Pennaeth y Gwasanaethau Cyfreithiol

Y Cyngorwyr Bwrdeistref Sirol eraill oedd yn bresennol

Y Cyngorydd R Bevan

Y Cyngorydd J James

280 YMDDIHEURIADAU AM ABSENOLDEB

Cafodd ymddiheuriadau am absenoldeb eu derbyn gan Gyngorwyr y Fwrdeistref Sirol S. Powderhill a W. Owen.

281 DATGAN BUDDIANT

Yn unol â Chod Ymddygiad y Cyngor, doedd dim datganiadau o fuddiant ynglŷn â'r agenda.

282 DEDDF HAWLIAU DYNOL 1998 A PHENDERFYNIADAU RHEOLI DATBLYGU

PENDERFYNWYD nodi y dylai Aelodau o'r Pwyllgor, wrth benderfynu materion rheoli datblygu ger eu bron, roi sylw i'r Cynllun Datblygu ac, i'r graddau y bo hynny yn berthnasol, i unrhyw ystyriaethau perthnasol eraill. Rhaid i Aelodau, wrth ddod i benderfyniadau, sicrhau nad ydyn nhw'n gweithredu mewn modd sy'n anghyson â'r Confensiwn Ewropeaidd ar Hawliau Dynol fel y'i hymgorfforwyd mewn deddfwriaeth gan Ddeddf Hawliau Dynol 1998.

283 DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

PENDERFYNWYD nodi bod Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn gosod dyletswydd ar gyrff cyhoeddus i gynnal datblygiadau cynaliadwy yn unol â'r egwyddor datblygu cynaliadwy, ac i weithredu mewn modd sy'n anelu at sicrhau y caiff anghenion y presennol eu diwallu heb amharu ar allu cenedlaethau'r dyfodol i ddiwallu eu hanghenion hwythau.

284 COFNODION

PENDERFYNWYD cadarnhau'r cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 16 Gorffennaf, 2020 yn rhai cywir.

285 NEWID I DREFN YR AGENDA

Cytunodd y Pwyllgor y byddai'r agenda yn cael ei hystyried mewn trefn wahanol yn unol â'r manylion yn y cofnodion isod.

286 CAIS RHIF: 20/0415

Datblygu Annedd Sengl. 1 MAES ALEXANDRA, ABERCYNON, ABERPENNAR, CF45 4YA

Darllenodd Pennaeth Materion Cynllunio gynnwys sylwadau ysgrifenedig a dderbyniwyd gan Mr Gordon Williams a oedd yn gwrthwynebu'r cais.

Aeth Pennaeth Materion Cynllunio ymlaen i gyflwyno'r cais i'r Pwyllgor a rhannodd gwybodaeth ar lafar mewn perthynas â'r diwygiadau sydd eu hangen mewn perthynas â gwall sydd wedi'i nodi yn Amod 3 o'r adroddiad i sicrhau bod y geiriad cywir yn cael ei nodi sef 'Alexandra Place' yn hytrach na 'Alexander Place'.

Yn dilyn trafodaeth, **PENDERFYNODD** y Pwyllgor gymeradwyo'r cais yn unol ag argymhellion y Cyfarwyddwr Materion Ffyniant a Datblygu, yn amodol ar ychwanegu Amod Rhif 3 sydd wedi'u hamlinellu uchod.

287 CAIS RHIF: 20/0293

Ailadeiladu adeilad y crochendy (cafodd yr adeilad gwreiddiol ei ddifrodi gan dân). Derbyniwyd y cynllun safle diwygiedig, yn dangos mynedfa a lleoedd parcio, ar 17 Gorffennaf 2020; derbyniwyd datganiad atodol ar 6 Awst 2020. SOUTHCLIFFE POTTERY, HEOL CREIGIAU, LLANILLTUD FAERDREF, PONTYPRIDD, CF15 9NN.

Darllenodd Pennaeth Materion Cynllunio gynnwys sylwadau ysgrifenedig gan Mr a Mrs Sharples sy'n nodi'u cefnogaeth gyffredinol ar gyfer y cais, gan godi rhai pryderon ynglŷn ag elfennau o'r datblygiad arfaethedig.

Yn unol â'r gweithdrefnau sydd wedi'u mabwysiadu, derbyniodd y Pwyllgor Mr Gareth McDonagh (Ymgeisydd). Cafodd e bum munud i gyflwyno'r cais uchod i'r Aelodau.

Siaradodd yr Aelod Lleol, Cynghorydd y Fwrdeistref Sirol J. James, nad yw'n aelod o'r Pwyllgor, am y cais gan fynegi ei gefnogaeth i'r datblygiad arfaethedig.

Aeth y Pennaeth Materion Cynllunio ymlaen i gyflwyno'r cais, ac yn dilyn trafodaeth, **PENDERFYNODD** yr Aelodau gymeradwyo'r cais yn unol ag argymhellion y Cyfarwyddwr Materion Ffyniant a Datblygu.

288 CAIS RHIF: 19/0840

Cam 2 - Ymestyn Parc Busnes/Diwydiannol ar safle cae gwyrdd oddi ar safle Parc Busnes Llantrisant (cynlluniau diwygiedig wedi'u derbyn ar

18/12/19 a 23/04/20). TIR YN NHAL Y FEDW, PARC BUSNES LLANTRISANT, LLANTRISANT, PONT-Y-CLUN, CF72 8LF

Darllenodd Pennaeth Materion Cynllunio gynnwys sylwadau ysgrifenedig gan Mr J Hope sydd yn siarad o blaid y cais.

Cyflwynodd Pennaeth Materion Cynllunio y cais i'r Pwyllgor. Ar ôl trafod y cais, **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr Materion Ffyniant a Datblygu.

289 CAIS RHIF: 20/0394

Gosod swyddfa y mae modd ei thynnu i lawr, gan gynnwys toiledau, cegin/ystafell egwyl ac ystafell loceri. I'w gosod ar sail sy'n bodoli eisoes yn dilyn dymchwel adeilad â ffrâm ddr. HEN SAFLE RHONDDA READY MIX CONCRETE, DEPO DINAS, HEOL Y CYMER, DINAS, Y PORTH, CF39 9BL

Cyflwynodd Pennaeth Materion Cynllunio y cais i'r Pwyllgor. Ar ôl trafod y cais, **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr Gwasanaeth Materion Ffyniant a Datblygu.

290 CAIS RHIF: 20/0404

**Cabinet Telathrebu - Virgin Media
1 Y RHODFA, PONTYPRIDD, CF37 4PU**

Yn unol â Chofnod Rhif: 262 o'r Pwyllgor Cynllunio a Datblygu a gafodd ei gynnal ar 6 Awst 2020, ystyriodd y Pwyllgor adroddiad Cyfarwyddwr y Gwasanaethau Cyfreithiol a Democrataidd, a oedd yn amlinellu canlyniad yr ymweliad â'r safle a gafodd ei gynnal ar 18 Awst 2020 mewn perthynas â'r cais a gafodd ei argymhell i'w gymeradwyo gan y Cyfarwyddwr Gwasanaeth - Materion Cynllunio.

Cyflwynodd Pennaeth Materion Cynllunio y cais i'r Pwyllgor ac yn dilyn trafodaeth **PENDERFYNWYD** cymeradwyo'r cais, yn unol ag argymhelliad Cyfarwyddwr Gwasanaeth Materion Ffyniant a Datblygu yn amodol ar ddiwygiad Rhif 3 i'r adroddiad sy'n gofyn bod lliw'r cabinet yn newid i fod yn llwyd i sicrhau ei fod yn cyd-fynd â chymeriad a golwg y stryd, yn unol â natur yr ardal gadwraeth.

291 GWYBODAETH I AELODAU SY'N YMWNEUD Â'R CAMAU GWEITHREDU WEDI'U CYMRYD O DAN BWERAU DIRPRWYEDIG

PENDERFYNODD yr Aelodau dderbyn adroddiad Cyfarwyddwr Gwasanaeth – Materion Cynllunio – mewn perthynas â Phenderfyniadau Apeliadau Cynllunio a Gorfodi a oedd wedi dod i law, Ceisiadau wedi eu Cymeradwyo a'u Gwrthod gyda rhesymau trwy'r drefn Penderfyniadau wedi'u Dirprwyo, Crynodeb o'r Achosion Gorfodi a Phenderfyniadau Gorfodi trwy'r drefn Ddirprwyo ar gyfer y cyfnod 10/08/2020 hyd at 21/08/2020.

Daeth y cyfarfod i ben am 4.10 pm

**Y Cynghorydd S Rees
Cadeirydd.**

tudalen wag



PLANNING & DEVELOPMENT COMMITTEE

5 NOVEMBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/1066/15 (GD)
APPLICANT: Landare Investments Ltd
DEVELOPMENT: Section 73 - Variation of conditions 1, 2, & 3 of planning permission 10/0792/13 to allow further time for the submission of reserved matters - (original permission granted on appeal 18th October 2016).
LOCATION: FORMER YNYSCYNON FARM, CWMBACH, ABERDARE, CF44 0JL
DATE REGISTERED: 18/08/2020
ELECTORAL DIVISION: Cwmbach

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development of the site has been well established in the earlier planning permissions granted on this site.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Director of Prosperity & Development
Three or more letters of objection have been received;

APPLICATION DETAILS

Application is being made under Section 73 of the Town & Country Planning Act 1990, to vary conditions 2 & 3 of planning permission 10/0792 to allow further time for the submission of reserved matters in the development of the site. Planning application 10/0792/13 was granted consent at appeal on 18th October 2016 and the conditions state –

2) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

The application aims to extend the lifespan of the current consent

In dealing with the appeal the Minister determined that the application should be supported with an Environmental Impact Assessment though its terms of reference were narrow and confined to the ecology of the site.

As such, the application is accompanied by the following:

Planning Statement;

- Preliminary ecology appraisal 29th September 2019
- Ecology update 11th August 2020.
- Dormouse habitat assessment

The ecological work referenced above updates the ecological work submitted in respect of the environmental impact assessment and has been undertaken to the same standards. Consequently, it has been determined that a formal environmental statement is not required in this instance

SITE APPRAISAL

The application site is comprised in the 3.34 hectares of land that forms undeveloped north-eastern section of the Ynyscynon Farm (otherwise known as Ynyscynon Park) site. The site is steep and generally falls from north east to south west though there is also a substantial cross fall downwards in a south westerly direction towards the developed areas of Ynyscynon Farm.

The site is largely well defined by established residential development at its boundaries comprising the established elements of Ynyscynon Farm, Ynyscynon Street, Pinecroft Avenue and Windermere Close. The boundaries of the northernmost part of the site are defined by mature trees and hedgerow and the Nant Guegarn stream which are an element of a Site of Interest for Nature Conservation.

The site for the most part is largely overgrown with scrub vegetation however its boundaries and fringe area are in part well vegetated as described above.

PLANNING HISTORY

10/0792

Outline application with
some matters reserved
for residential

Approved at appeal 18th
October 2016

development to include
77 dwellings

51/91/0568

Nursing home and elderly persons bungalows Approved 4th January 1992

PUBLICITY

The application has been advertised by means of press notice, site notice and neighbour notification letters and this has generated 4 letters of objection raising the following issues –

- The site is heavily wooded and has been for a number of years and as such should be protected for its habitat value. Bats, slow worms, common lizard's owls and dormice are known to use the site.
- The land is greenbelt.
- The development of the site for 77 dwellings would lead to an additional 154 cars accessing the site as well as any associated works vehicles.
- Access/egress and the amount of traffic in this area is already considerable and there is no need for any more. The access via well place is congested and double parked and often obstructs the free flow of traffic and further development will increase the problem and adversely affect the people living in any new development.
- Sufficient brownfield sites exist in the Cynon Valley to meet its housing needs without this wooded area being developed.
- It is questioned why the house types are not included for scrutiny as they have the potential to impact on existing properties.
- The development of the site has the potential to adversely impact the privacy that existing residents currently enjoy.
- The development of the site might prove to be a source of light pollution.
- The development of the site has the potential to increase noise pollution for existing residents both in the development of the site itself and in removal of the trees which currently provide residents with a natural noise attenuation barrier.
- Dust from the development of the site has the potential to pollute property and adversely affect people's health
- The development will have a negative impact on the locality, facilities will become strained, doctor's surgeries and schools are at capacity, and increased traffic will put extra strain on the road system and ultimately the council.
- Residents specifically object to there being any link to Bracken Rise.
- The 10 metre no dig or build zone shown on the masterplan between the site and Bracken Rise is welcomed as it presents the opportunity to maintain a green barrier between proposed and established development.

CONSULTATION

Transportation Section – No Objections subject to the re imposition of conditions issued at appeal

Flood Risk Management – No objections

Public Health & Protection – Raise no objection and suggest a series of conditions to deal with pollution related matters.

Natural Resources Wales – Express their concern at the application but ultimately make no objections subject to certain surveys being referenced in the approved details and the re imposition of conditions originally applied at appeal.

Dwr Cymru Welsh Water – Raise no objection subject to the re-imposition of conditions originally applied at appeal.

South Wales Fire & Rescue Service – No response received

Countryside – Indicate that the detail submitted in respect of the ecology of the site and its management is acceptable.

Waste Services – no objections – the detailed layout must make adequate provision for access for refuse vehicles and have appropriately appointed bin storage areas.

Western Power Distribution – If the applicants require a new connection or service alteration separate permission will be required from Western Power distribution

Structural Engineer - if retaining walls are required then Compliance with the Mid Glamorgan Act will be required

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for achieving sustainable development in the northern strategy area of the County Borough

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

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 place making, including landscaping.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Supplementary Planning Guidance

Design and Placemaking
Affordable Housing
Nature Conservation
Planning Obligations
Access Circulation and Parking
Development of Flats
Employment Skills

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 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 21: Waste;
PPW Technical Advice Note 23: Economic Development;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

In this instance, the applicants are seeking to extend the period of time within which reserved matters can be submitted for the consideration of this Authority. In such circumstances, it is appropriate to consider whether there has been any change in policy or any other material circumstance that might affect the proposal; however, it is not appropriate to challenge the heart of the consent itself.

The key consideration in the determination of this application is that planning policy remains supportive of the proposed development within the terms laid down by the adopted Rhondda Cynon Taf Local Development Plan. The site remains allocated for residential development under policy NSA 9.9 of the plan. Since the initial grant of outline planning permission at appeal planning policy has been updated at the national level with the introduction of Planning Policy Wales 10 in 2018. The key objective of the new national policy is to support sustainable development through placemaking and the proposed development sits well with the key themes that achieve that.

A key element in the initial consideration of the original application was the impact of the development on the ecology of the site, to this end the applicants have provided updated ecological information that clearly illustrates that the development of the site can be managed in a manner that respects the ecology of the area. Members will note that the proposals are considered acceptable in consultation with Natural Resources Wales and the Council's own Ecologist.

Applications made under Section 73 of the Town & Country Planning Act 1990 allow the Local Planning Authority to do one of two things when an applicant seeks to vary the condition, it can:-

- a) Grant consent either with or without conditions; or,
- b) Refuse.

In that the Council can approve with or without conditions, it is also appropriate to consider, if planning permission is to be renewed, the extent and nature of all the previous conditions and amend them to reflect current circumstances and requirements if it is appropriate to do so. In this instance it is considered that the conditions imposed by the inspector in 2016 remain relevant and do not need to be varied, altered or augmented.

Other Issues:

Members will note that local residents have raised certain concerns regarding the development of the site. These are not new issues and were the subject of consideration when the application was first considered. Notwithstanding that point the following comments are offered.

- Whilst the site is wooded much of it is overgrown scrub – in any event the applicants have exercised due diligence and properly evaluated the ecological value of the site and have been able to demonstrate that the impacts of the proposed development are acceptable.
- The land is not greenbelt or for that matter outside of settlement limits and in countryside as defined by the Local Development Plan.
- Access to the site has been the subject of detailed consideration and no objection is raised by the transportation Section. It would be inappropriate to resist this proposal on the basis that congestion exists off site. The new development would be expected to deliver sufficient parking space to meet its own needs and that is a matter of detail to be resolved at the reserved matters stage.
- The claim made in respect of brownfield sites is not backed with any evidence to support the claim.
- Whilst the application is supported with an illustrative layout which indicates how the site might potentially be developed, the actual detail will follow at the reserved matters stage should this application be approved. The layout is not bound by this. Similarly there are no house types under consideration in this application.
- Any detailed proposals that might come forward in the future would be expected to demonstrate that they would maintain sufficient respect for the privacy of established homes in their layout orientation and level.
- The claims in respect of light pollution are speculative and not substantiated with any evidence to support the claim.
- Noise and dust are an inevitable consequence of developing the site in the short term and their control is governed by other legislation. As such the potential disruption that it might cause forms no basis for the refusal of the planning application.
- No evidence is offered to suggest that the claims made in respect of services and infrastructure would happen.
- Whilst the illustrative masterplan indicated that there was potential for a link between Bracken Rise and the site this is not fixed by granting permission for this development and the detail will be determined at the reserved matters stage. Similarly the potential for the retention of the green barrier is a matter of detail to be considered in the detailed design of the site.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is CIL liable under the CIL Regulations 2010 (as amended). As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications.

However, the application site lies within zone 1 of Rhondda Cynon Taf's residential charging zones, where a nil charge is applicable and therefore no CIL will be payable.

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 (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) 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; and,
3. fairly and reasonably related in scale and kind to the development.

The Welsh Government Development Management Manual and Welsh Office Circular 13/97 Planning Obligations provide 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. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

The original planning approval was subject to a section 106 obligation and the renewal of permission will also require the renewal of the legal agreement under the same terms as previously agreed which are –

- An affordable housing contribution as follows
 - 4no. two bedroom units for low cost home ownership.
 - 4no. two bedroom units for social rent.
 - 1no. four-bedroom unit for social rent.

Along with an addition of -

- Employment skills training plan.

Conclusion

The application is remains compliant with the relevant policies of the Local Development Plan in respect of all key areas of consideration. Similarly the proposals are considered compliant with the requirements of Planning Policy Wales 10 and as such the renewal of planning permission is supported in this case.

RECOMMENDATION: Grant

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

2. Reason: To comply with Section 92 of the Town & Country Planning Act 1990
Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town & Country Planning Act 1990

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

Reason: To comply with Section 92 of the Town & Country Planning Act 1990

4. No development shall take place until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the local planning authority. The results of the site investigation shall be submitted to the local planning authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the local planning authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons

following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

6. A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site. The landscape management plan shall be carried out as approved.

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

7. Prior to the occupation of the dwellings hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the buildings are occupied or in accordance with a timetable agreed in writing with the local planning authority.

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

8. All the trees shown on the tree survey plan [Corscadden Associates 2011.04] as "to be retained" and/or any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority. Appeal Decision : APP/L6940/A/14/2217451

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan

9. No development shall take place until a wildlife protection plan has been submitted to and approved in writing by the local planning authority. The wildlife protection plan shall include:

- i) A plan showing wildlife protection zones;
- ii) Details of development and construction methods within wildlife protection zones and measures to be taken to minimise the impact of any works;
- iii) Details of phasing of construction to avoid periods of the year when wildlife could be harmed;
- iv) Details of a light mitigation strategy including measures to reduce light spillage into foraging habitats for bats;
- v) Persons responsible for compliance with all legislative requirements and planning conditions related to nature conservation including training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

The protection plan shall then be implemented in accordance with the timings approved by the local planning authority.

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

10. No development shall take place until a habitat management plan has been submitted to and approved in writing by the local planning authority. The habitat management plan shall include:

- i) Purpose, aims and objectives of the scheme;
 - ii) A review of the site's ecological potential and constraints;
 - iii) Description of target habitat features to be restored;
 - iv) Details (including selection) of the habitat restoration strategies and specific restoration techniques together with the sources of habitat material and the extent of the proposed works;
 - v) Timing of works, monitoring, aftercare and long term management.
- Restoration works will be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. Any amendments to the Habitat

Management Plan required as a result of ongoing monitoring shall be submitted to and approved in writing by the local planning authority prior to their implementation.

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

11. Construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

12. Notwithstanding the submitted layout plans, development shall not commence until full engineering design and details of the internal road layout including sections, street lighting details and surface water drainage have been submitted to and approved in writing by the local planning authority.

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

13. Notwithstanding the submitted layout plans, access, parking circulation and traffic calming shall be in accordance with details to be submitted to and approved in writing by the local planning authority prior to works commencing on site. Appeal Decision : APP/L6940/A/14/2217451

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

14. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) The means of access to the site for all construction traffic;
- ii) The parking of vehicles of site operatives and visitors;
- iii) Loading and unloading of plant and materials;
- iv) Storage of plant and materials used in constructing the development;
- v) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vi) Wheel washing facilities;
- vii) Measures to control the emission of dust and dirt;
- viii) A scheme for recycling/disposing of waste resulting from construction works.

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

15. Details of the finished levels for the site in relation to existing levels and the levels of established residential properties and full details of all proposed retaining walls or structures shall be submitted as part of the reserved matters submission for this development.

Reasons: To protect residential and visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

16. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development and retained in perpetuity.

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

17. No building shall be occupied until a sustainable drainage system for the site has been completed in accordance with the details first submitted to and agreed in writing by the local planning authority. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To prevent the increased risk of flooding in accordance with policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan

18. The development shall be carried out in general accordance with the illustrative site layout received 14th April 2011, which is not approved in relation to highway details.

Reason: for the avoidance of doubt as to the approved plans

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PLANNING & DEVELOPMENT COMMITTEE

5 NOVEMBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/1278/13 (KL)
APPLICANT: Tectonic International Limited
DEVELOPMENT: Outline application with all matters reserved for 5 residential dwellings (demolition of existing buildings) (Amended plan to include bat roost mitigation measures rec. 12/08/2020)
LOCATION: THE OLD SCHOOL, MERTHYR ROAD, LLWYDCOED, ABERDARE, CF44 0UT
DATE REGISTERED: 12/08/2020
ELECTORAL DIVISION: Aberdare West/Llwydcoed

RECOMMENDATION: Approve

REASONS:

The application site is located within a sustainable location and within an area that is predominantly residential in character. Whilst the application is made in outline with all matters reserved for future consideration, it is considered that the site can be developed for residential purposes without resulting in overdevelopment of the plot or without result in an adverse impact upon the character and appearance of the site or upon the amenity and privacy of existing and future residents. Furthermore, the development would provide an improvement to the existing highway network at the junction between Merthyr Road and Corner House Street and it is not considered that the development would have an adverse impact upon highway safety in the vicinity of the site.

Details submitted with the application adequately consider the impact of the proposal upon Protected Species and it is considered that the recommendations/details set out in the submitted Bat Survey and the amended plans can be secured by condition.

The application is therefore considered to comply with the relevant policies of the Rhondda Cynon Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received;

APPLICATION DETAILS

Outline planning permission is sought for the construction of 5 detached residential dwellings on land at the junction between Merthyr Road and Corner House Street in the village of Llwydcoed. The application is made in outline with all matters reserved for future consideration.

The application is accompanied by an indicative site layout plan which indicates three dwellings facing toward Merthyr Road to the north-west and two dwellings facing toward Corner House Street to the north-east. Each dwelling would have off-street car parking provision to their front elevations with enclosed gardens being positioned to the rear.

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

- Width: Min. 5.5m; Max. 9m;
- Depth: Min. 9m; Max 12m;
- Height: Min. 5m; Max. 9m;
- Eaves: Min. 2.4m; Max 5.2m.

The proposal has been amended during the process of the application with amended plans indicating that a detached building would be provided within the garden area of 'plot 5' for the purposes of bat roost mitigation.

The application is accompanied by the following:

- Bat Survey (Dated: June 2020)

SITE APPRAISAL

The application site relates to a broadly rectangular shaped plot of land that is situated at the junction between Merthyr Road and Corner House Street in the village of Llwydcoed, Aberdare. It measures approximately 1400m² (0.14ha) and rises gradually in ground profile in a south-west to north-east direction.

The site is currently occupied by a former primary school building which is situated at the most central and northern parts, with two other detached outbuildings being located at the most southern and north-western corners. It is understood that the building is currently in use and occupied by a commercial business known as Tectonic International Ltd (Use Class B1). Vehicular access is provided directly off Merthyr Road at the north-western boundary whilst a secondary access is provided off Corner House Street at the north-eastern boundary.

The surrounding area is predominantly residential in character with a variety of different house styles and scales visible in the immediate vicinity. Properties immediately to the north of the site along Merthyr Road are typically large detached and semi-detached dwellings/bungalows that differ in terms of scale and design. Properties to the north-east of the site in Corner House Street are predominantly traditional terraced properties that follow a linear pattern with the road however, it is noted that there are larger, detached properties on the southern side of the road (at the rear of the application site). A war memorial park and Monument (Listed) is situated immediately adjacent to the southern boundary of the site.

PLANNING HISTORY

11/0988	Tectonic International Ltd. Merthyr Road, Llwydcoed	Proposed extensions and alterations to offices	Granted 09/11/11
10/0822	Tectonic International Ltd. Merthyr Road, Llwydcoed	Change of use from Class D1 to Class B1 to accommodate established business, repair & improvements to buildings for the provision of office space, software development, assembly/testing computers, light engineering (amended plans rec. 09/03/11, indicating access to site from Merthyr Road).	Granted 14/04/11

PUBLICITY

The application has been advertised by means of direct neighbour notification to properties immediately adjoining and opposite the site. A total of 3 site notices were also displayed on Merthyr Road, at the junction between Merthyr Road and Corner House Street and on Corner House Street itself. A total of 6 objections were received initially, with a further 2 being received as a result of the re-consultation exercise carried out upon receipt of the amended plan (bat roost mitigation). One of the letters received following the re-consultation exercise is from a resident who had already submitted a letter of objection in response to the initial plans submitted, with the points raised being reiterated.

It should also be noted that 1 letter of objection was subsequently withdrawn (total of 6 letters of objection). The objections received are summarised as follows:

Highways

- There is not enough room to deploy wider safety barriers, without posing secondary risk due to traffic collision/congestion;
- The road is already a danger due to traffic and lack of pavement;
- A full traffic risk assessment of the area needs to be performed;
- Concern raised in relation to increase in traffic in an area which is already a worry to residents;
- There is a primary school at the end of Corner House Street with the only access being from the exceptionally busy main road;
- There is a lack of concern by many drivers to the 30mph speed limit;
- Increased traffic and parking problems should be addressed – it is a nightmare to exit Corner House Street before this development;
- Tectonics were refused an entrance into Corner House Street by the Highways Department as they would be entering the street blind;
- The police are already aware of serious congestion problems in the vicinity due to the sheer volume of traffic on Merthyr Road and the traffic in Corner House street due to the location of the primary school at the end of the street;
- There are frequent parking problems on Merthyr Road with additional serious parking problems associated with the Red Cow Public House;
- Local residents have been lobbying for some form of traffic calming or control measure in this area for some years;
- The plans indicate an improvement to the vision splay at the junction but this would be limited in view of the fact that both streets are exceptionally busy, especially at peak times;
- The proposed footpath is an improvement and will aid vision of drivers at the junction of Corner House Street however, vehicular parking should be limited with the implementation of double white lines to aid hazards at this dangerous junction;
- There is not a necessity to allow 3 driveway accesses to this busy road;
- There is a necessity to install a pedestrian crossing;
- Delivery limitations should be further limited to allow for the traffic at school times;
- Planning needs to consider ensuring that legislation makes it mandatory for only 2-3 vehicles per household to ensure there is no illegal, dangerous parking at the junction & entrance points;

Amenity and Privacy

- Concern with overlooking by the proposed dwellings;
- Concern regarding boundary wall with the application site;
- Plots 3, 4 & 5 would significantly affect the light to the frontage dwellings in Corner House Street;
- The plan is unspecific - does not state how many bedrooms per dwellings and only minimum and maximum dimensions provided;

Other

- The demolition of the property poses high risk to the public – there is no spaces to protect/buffer pedestrians from falling debris or other falling material’;
- Residents on Merthyr Road, in near proximity to the site, have not received letters informing them of the proposed development;
- The Old School building is an historic part of old Llwydcoed and ideally it would be maintained/restored in a sympathetic way and put to some community use such as a community centre, museum;
- Llwydcoed has been subject to a large number of new residential developments in recent years however, facilities have not been increased to match this demand – a further 5 dwellings would create more problems;
- Concerns raised with regard to dust and mess;

CONSULTATION

Countryside, Landscape & Ecology – No objection, subject to condition to secure the details submitted in the plans. A S106 agreement is also recommended to ensure the long-term management of the proposed bat roost requirements.

Flood Risk Management – The development would be greater than 100m² and the applicant will therefore be required to gain separate Sustainable Drainage Approval (advisory note). It is also noted that the site is at risk of surface water flooding due to the position of the development in relation to a High Surface Water Conveyance Zone, which is likely to be exacerbated through the creation of access from the proposed site onto Merthyr Road. A further condition is therefore recommended.

Glamorgan Gwent Archaeological Trust – The proposal will require mitigation. The buildings do not any statutory protection however, they are of historic and cultural importance by virtue of their history and association with the industrial development of the area. It is recommended that a condition be added to any grant of planning permission for a Level 2 building survey to be carried out prior to demolition commencing.

Highways and Transportation – No objections raised, subject to conditions relating to details of design and construction of the proposed accesses, full engineering design and details of the site boundary fronting Corner House Street, off-street parking provision, design calculations of any retaining walls abutting the highway, discharge of surface water, construction method statement, use of HGVs during construction.

Listed Building Officer – The application site is located close to a Listed War Memorial, however, the Memorial is within its setting of the Memorial Park and it is not considered that the proposal would have an impact on either the Listed Building itself or its immediate or wider setting.

Natural Resources Wales – Significant concerns raised unless specified plans are included within the condition identifying approved plans and documents. Further condition recommended in relation to bat roost long-term maintenance and security plan.

Public Health & Protection – No objection, subject to standard conditions relating to hours of operation, noise, dust & waste. These issues are better dealt with under separate legislation and conditions to this effect are therefore not considered necessary. However, these issues can be brought to the applicant's attention via appropriate advisory notes.

Wales & West Utilities – Indicates that WWU have pipes in the area that may be affected by the proposal. The applicant is advised to contact WWU prior to works commencing on site (advisory note).

Welsh Water – The site will eventually drain to our Cynon Waste Water Treatment Works however, the application specifies the proposed surface water disposal will be via a soakaway. A standard condition and associated informative notes are therefore recommended.

Western Power Distribution – The applicant should be made aware that a separate application will need to be made to WPD if a new connection or service alteration is required (informative note).

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located inside the defined settlement boundary and is not allocated for any specific purpose. The following policies are therefore considered to be relevant to this application:

Policy CS1- sets out criteria for development in the Northern Strategy Area with the emphasis being on building strong, sustainable communities.

Policy AW 1 – outlines how the housing land requirement will be met, including the development of unallocated land within the defined settlement boundaries.

Policy AW 2 – ensures that development proposals are only supported in sustainable locations.

Policy AW 4 – details the types of planning obligations that may be sought in order to make the proposal acceptable in land use planning terms and that Community Infrastructure Levy contributions might apply.

Policy AW 5 – sets out criteria for appropriate amenity and accessibility on new development sites.

Policy AW 6 – encourages proposals which are of a high standard of design, and are appropriate in terms of siting, appearance, scale, height, etc.

Policy AW8 – seeks to preserve and enhance the natural environment, including protected and priority species.

Policy AW10 – sets out criteria for environmental protection and public health.

Policy NSA10 – requires residential developments to provide a density of 30 dwellings per hectare.

Policy NSA12 – identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

Policy NSA 15 – requires development of small industrial and business sites (Use Class B1, B2 & B8) for alternative uses to be assessed in accordance with Policy AW11.

Supplementary Planning Guidance

Design and Placemaking
Nature Conservation
Planning Obligations
Access Circulation and Parking

National Guidance

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

Planning Policy Wales Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

It is considered that the key considerations in the determination of this planning application will be whether the principle of residential development at the application site is acceptable in the first instance, and if so, whether the site is capable of accommodating the proposed dwellings, associated means of access/parking/turning facilities and sufficient amenity space without resulting in a detrimental impact upon the amenity and privacy of neighbouring properties; the character and appearance of the surrounding area; and highway safety in the vicinity of the site.

Principle of the proposed development

The application site is located within the defined settlement boundary and within an area that is predominantly characterised by residential properties, although it is noted that there are a number of commercial properties in the locality. It has good access to key local services and amenities, such as school and shops, and is accessible by a range of sustainable modes of transport with bus stops being located in close proximity to the site. The surrounding area is also conducive to travel on foot and bicycle and the site is therefore considered to be situated within a sustainable location, as defined by Policy AW2 of the Rhondda Cynon Taf Local Development Plan. The proposed residential use of the site is also considered to be compatible with the predominantly residential character of the surrounding area and the application is therefore considered to comply with this policy.

The proposal is also considered to be in line with Policies AW1 and NSA12 which both seek to direct residential development to areas and sites within settlement boundaries, provided that it can be demonstrated that the development is accessible to local services by a range of sustainable transport, on foot or bicycle and provided that it does not adversely affect the highway network or provision of car parking in the surrounding area. As detailed above, the site is located in a sustainable location with

good access to key services and a range of sustainable transport options. It is also noted that the Council's Highways and Transportation section raise no objection to the proposal in terms of the impact of the proposal on highway safety and parking in the vicinity of the site (this issue is discussed in more detail later in this report).

In addition to the sustainability of the site, the proposal would also need to comply with Policy NSA10 which requires proposal for residential development to have a net residential density of at least 30 dwellings per hectare. With a total of 5 dwellings proposed on a site measuring 0.14ha, the proposed net density generated by the proposal is approximately 35 dwellings per hectare. The application therefore complies with Policy NSA10.

The current use of the site is B1 and it is therefore considered to be a small business site. Policy NSA15 requires proposals for the development of small business sites (Use Classes B1, B2 & B8) for alternative uses to be in accordance with Policy AW11 however, this need not be applied if there is an overriding reason that would outweigh the loss of a small business site, i.e. the continued use of the premises for business purposes would cause undue disturbance to residential neighbours; or where access to the site does not meet an acceptable safety standard.

In the case of this application, the site is located at the junction between Merthyr Road and Corner House Street with the existing building being situated immediately adjacent to the north-western (Merthyr Road) and north-eastern (Corner House Street) boundaries. This causes visibility issues when exiting Corner House Street onto Merthyr Road and this, along with the lack of pedestrian footpath provision on the development side of Corner House Street, raise significant cause for concern in terms of highway safety. This concern is intensified by the fact that both Merthyr Road and Corner House Street and the connecting junction are well-used (and often at high speeds) with traffic traveling from the A465 Heads of the Valleys road to Aberdare and due to the location of Llwydcoed Primary School at the end of Corner House Street.

The proposal would result in the demolition of the existing building and the plans indicate that the site boundary would be set back to provide an improved vision splay at the junction and a 2.0m pedestrian footway along Corner House Street. This would inevitably result in an improvement to what is clearly a sub-standard and well-used junction and, given that no objection has been raised by the Council's Highways and Transportation section in this regard, it is therefore considered that the application would comply with Policy NSA15.

Taking the above into consideration, the principle of the proposal is acceptable, subject to consideration of other relevant material planning considerations, as discussed below.

Impact on the character and appearance of the area

The application is made in outline with all matters being reserved for future consideration. As such, no details are required to be submitted with regards to the overall design of the proposal however, the application is accompanied by an indicative site layout plan which indicates how the site may be developed.

The plans indicate that three dwellings would face towards Merthyr Road with the remaining two dwellings facing towards Corner House Street. Each dwelling would incorporate parking to the front and private amenity space to the rear. The plans successfully demonstrate that the site is capable of accommodating the number of dwellings proposed, as well as adequate space for off-street car parking and private amenity space, without resulting in overdevelopment of the plot or impacting upon the character and appearance of the site or the surrounding area.

It is noted that there is no specific pattern of development visible in the area with properties varying in terms of their siting within their respective plots, scale and design. However, the majority of properties in the locality benefit from either off-street parking or private amenity space to their front elevation and private amenity space to the rear and, as such, there would be no objection to arranging the site in the manner suggested in the indicative site layout plan.

In terms of the scale of the proposed dwellings, the minimum and maximum dimensions provided are considered to be acceptable within a site of this size and it is not considered that any resulting dwelling would be out of keeping with the scale of existing residential properties in the vicinity of the site.

In light of the above, the proposal is considered to be acceptable in terms of the impact it would have upon the character and appearance of the site and the surrounding area and the application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

As detailed above, the application is made in outline with all matters reserved for future consideration. However, it is considered that the site could be developed in such a way that any resulting dwellings would have a limited impact upon the amenity and privacy of existing residential properties.

It is noted that a number of objections have been received in relation to the proposal in this regard with the primary concerns being the potential loss of light to nos 1 – 4 Corner House Street and the potential loss of privacy. The plans indicate that the existing building, which is located right on the boundary at Corner House Street, would be demolished with the proposed dwellings being set in off the boundary by 2 metres (plot 3), 10.7 metres (plot 4) and 9.1 metres (plot 5). It is also noted that the existing building extends along the boundary by a considerably greater amount than what plot

3 would. Whilst the dwellings may result in some overshadowing/loss of light to no's. 1 & 2 Corner House Street, this would not be any greater than that experienced as a result of the existing building. In any case, it is considered that by setting the dwellings in off the boundary, the resulting impact of the proposed dwellings would be slightly reduced in terms of any overshadowing impact in comparison to the current situation. Plots 4 & 5 would be set in even further from the boundary and would have a significantly reduced impact in this regard.

The application does not include any details of window layouts and it is therefore difficult to determine the actual impact of overlooking at this stage. However, it is considered that an acceptable scheme could be brought forward at reserved matters stage to have a limited impact in terms of overlooking. It is noted that, should the site be laid out as detailed in the indicative site layout plan, plots 4 & 5 would directly face towards no's. 4 & 5 Corner House Street. However, an acceptable separation distance could be achieved between habitable windows which would be sufficient to not raise significant cause for concern, particularly given that there are similar relationships between existing properties further along Corner House Street. It is noted that no. 6 Corner House Street currently has a relatively private rear garden area and that the location of plot 5, adjacent to the side boundary of this property, would introduce some overlooking towards the rear garden. Whilst the concerns raised by the neighbour in this regard are appreciated, the views from the rear windows of plot 5 would be oblique rather than direct and the impact would be no greater than the mutual overlooking that already occurs between other existing residential properties in the locality.

The proposed bat roost building at the rear of Plot 5 is also considered to be of a limited scale and would not give rise to significant levels of overshadowing or result in any loss of outlook to no. 6 Corner House Street.

Furthermore, it is not considered that the amenity and privacy of any future occupiers of the proposed dwellings would be adversely affected.

In light of the above, it is considered that the site could be developed in such a way to have a limited and acceptable impact upon the amenity and privacy of existing and future residents and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

The application has been assessed by the Council's Highways and Transportation section in order to determine the potential impact of the proposal upon highway and pedestrian safety in the vicinity of the site. Whilst a number of objections have been received from local residents in this regard, no objection has been received by the highways officer. The comments received are summarised as follows:

Access

Merthyr Road fronting the site has a carriageway width of 6.8 metres with 1.8 metre footways and is acceptable for safe vehicular and pedestrian movement.

Corner House Street, which is located to the north-east of the application site, is sub-standard in terms of junction radii and vision splays. It is also lacking in width and has no continuous footway links, which raises cause for concern. The indicative plan shows the site boundary set back to provide for a 5.5m junction radii, 2.4m x 40m vision splay from Corner House Street and a 2.0m footway which would go some way to overcome the highway and pedestrian concerns raised in relation to the current situation. At present, Corner House Street has a pinch point which narrows the available width to 4.1 metres, which raises further cause for concern however, a condition is recommended to ensure the site boundary fronting Corner House Street is set back to provide a carriageway widened to 4.8 metres with a 2.0m footway. This would maintain a satisfactory width for a HGV and a car to pass one-another.

Parking

The application does not include any details to confirm the number of bedrooms within each dwelling however, given their scale, it is assumed that they are in excess of 3 bedrooms, which required up-to a maximum of 3 spaces in accordance with the SPG: Access, Circulation and Parking. A condition requiring off-street parking in accordance with the SPG is therefore recommended.

In light of the comments received from the Highways and Transportation section, it is considered that the proposal would provide an improvement to the current situation and, subsequently, would not have an adverse impact upon highway safety in the vicinity of the site. The application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Drainage

Comments received from the Council's Flood Risk Management team indicate that the proposal would result in the demolition of the existing building and the subsequent construction of 5 no residential dwellings. The site is currently a hard standing area and is therefore considered to be a brownfield site.

It is noted that there is a high surface water flood risk conveying along the Merthyr Road highway (NE-SW in flow direction) and with the provision of 3 dwellings with

access off Merthyr Road, it is considered that the topographical arrangements of the accesses could create re-routing of the flood water and subsequently impact the proposed development. As such, a condition is recommended to ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage.

In terms of surface water drainage, the proposed development is greater than 100m² and the applicant would be required to gain separate Sustainable Drainage (SuDs) Approval under Schedule 3 of the Flood and Water Management Act 2010. This should be added as an advisory note, should the application be approved, to bring this requirement to the applicant's attention.

In light of the comments received from the Flood Risk Management team, it is considered that the proposal could be carried out to have a little or no impact upon land drainage and the application would therefore comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

Ecology

The application is accompanied by a Bat Survey (dated June 2020), which identifies that a brown long eared bat roost has been found in buildings 1 & 3. The report recommends that a new replacement long-eared bat roost is required and that the new roost will need to be a large roof/loft space, with exit points into 'dark' adjacent habitat. Amended plans were submitted during the course of the application to include a bat house at the rear of plot 5.

The Council's Ecologist raises no objection to the proposal and recommends that a condition is attached to any grant of planning permission to ensure that the details are adhered to, as detailed in the plans. It is also recommended that a S106 agreement is sought to ensure the long-term maintenance and management of the proposed bat house. Natural Resources Wales have also recommended the use of conditions to secure the above however, it is considered that the long-term maintenance and management of the bat roost is better dealt with via a S106 agreement and so a condition to this effect has not been included. Natural Resources Wales recommend the use of a further condition to secure a lighting plan to ensure that the roost and routes to and from the roost are kept dark and available for bat use.

It is also noted that an European Protected Bat License will be required (advisory note).

As detailed above, the proposal is considered to be acceptable in terms of the impact it would have on protected species and the application would therefore comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Other issues raised by objectors

The following seeks to address some concerns raised by local residents that are not material planning considerations:

One letter of objection raises concern with regards to the boundary wall between no. 6 Corner House Street and the proposed dwellings. The reasons for this concern have not been clarified however, the plans indicate that the existing masonry wall is to be retained. Any damage done to the wall during construction/after completion would be a private matter to be resolved between the two parties involved.

One letter of objection states that the plans submitted with the application are unspecific. As an outline application, specific details are not required to be submitted.

It is acknowledged that the works would cause some degree of noise and disturbance and dust and mess. This would only be experienced during the demolition/construction process and would not be a long-term impact. Furthermore, it is considered that the safety issues raised by one objector in relation to the demolition process can be suitably addressed by cordoning off the site and carrying out the works in a sympathetic and sensible manner, as secured by the condition requiring the submission of a Construction Method Plan recommended by the Council's Highways and Transportation Section.

One letter of objection points out that some residents on Merthyr Road did not receive a notification letter informing them of the planning application. As identified in the *Publicity* section of this report, consultation has been undertaken by direct neighbour notification and through the erection of a number of site notices in the vicinity of the site. It should be noted that only properties that share a boundary with or are located immediately opposite the site are required to be directly notified and site notices are considered to be an acceptable form of advertisement for those that are in the vicinity of the site but not directly adjacent/opposite.

It is acknowledged that the Old School building is an attractive building which holds some architectural merit and historical importance within the community. However, the building is not Listed and has clearly undergone some modification through the construction of additional buildings and internal works. Whilst residents may wish to see the building re-purposed for community use, the Council can only consider the details put forward in this application. It is considered that a condition, as recommended by Glamorgan Gwent Archaeological Trust, is necessary in order to preserve the schools 19th Century buildings by record.

Other issues have been raised in relation to highways, including the need for a full traffic risk assessment of the area needs to be performed; the implementation of double white lines to limit parking; and the necessity to install a pedestrian crossing. As noted in the *Access and highway safety* section of this report, no objection has been raised by the Council's Highways and Transportation section and a traffic risk

assessment is not required. Furthermore, no conditions have been recommended in relation to any additional traffic calming/parking requirements. Furthermore, it is outside of the parameters of the planning process to restrict the number of vehicles per household.

Community Infrastructure Levy (CIL) Liability

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters, CIL is not payable at outline stage, but will be calculated for any future reserved matters or full applications. However, the application site lies within Zone 1 of Rhondda Cynon Taf's residential charging zones where a £nil charge is applicable. Therefore, no CIL will be payable.

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 (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) 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; and,
3. fairly and reasonably related in scale and kind to the development.

The Welsh Government Development Management Manual and 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. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

The developer will be required to enter into a S106 agreement to ensure the long-term maintenance and management of the proposed bat house, which would be located within the rear garden area of plot 5. The details to be secured should include the long-term maintenance and security provisions for the bat house as well as details of how it will be ensured in perpetuity that it will be kept in a suitable condition for bat use at all times. It will also need to be made clear who will be responsible for implementing and funding any necessary repairs and maintenance.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the development and the impact it would have upon the character and appearance of the site and surrounding area, the amenity and privacy of existing and future residents and highway safety in the vicinity of the site.

RECOMMENDATION: Grant

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

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

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan 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.
 - Drawing No. 2699 NB rev A: Proposed residential development (rec. 12/08/2020) ;

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

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

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

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining

buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. Notwithstanding the submitted layout plan, the design and construction details of the proposed access off Merthyr Road to ensure all vehicles access / egress in forward gear shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

8. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the site boundary fronting Corner House Street set back to provide 4.8m carriageway, 2.0m footway, vision splay of 2.4m x 40m and junction radii together with sections and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. Off-street parking shall be in compliance with RCT's Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011).

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Notwithstanding the submitted plans no works shall commence on site until details and design calculations of any retaining walls abutting the highway have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation.

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

11. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;

- a) the means of access into the site for all construction traffic,

- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

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

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

12. HGV's used during construction shall be restricted to 09:30am to 16:30pm weekdays, 09:30am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

13. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management including full drainage details have been approved in writing by the Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage.

14. Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:
- Details of the siting and type of external lighting to be used
 - Drawings identifying the areas that will be maintained as dark corridors and areas for the benefit of bats and bat use of the bat roost•
 - Drawings setting out light spillage in key sensitive areas, or sufficient other evidence to demonstrate that that external lighting will not adversely affect bat use of the bat roost.

The lighting shall be installed and retained in perpetuity, as approved.

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

15. No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: The building is of architectural and cultural significance and the specified records are required to mitigate impact, in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.



PLANNING & DEVELOPMENT COMMITTEE

5 NOVEMBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0349/10 (KL)
APPLICANT: Mr Zehetmayr
DEVELOPMENT: Change of use from hotel into 9 flats (Preliminary Bat Roost and Nesting Bird Assessment rec. 28/09/2020)
LOCATION: APOLLO BUILDING, ABER-RHONDDA ROAD, PORTH, CF39 0LD
DATE REGISTERED: 08/09/2020
ELECTORAL DIVISION: Porth

RECOMMENDATION: Approve

REASONS:

The application site is located within a highly sustainable location where the principle of converting a suitable structure to self-contained flats is considered to be acceptable.

The proposal would provide an opportunity to bring a long-standing vacant building back into beneficial use and improve the visual amenity of this prominent 'landmark' building which would have a positive impact upon the character and appearance of the surrounding area.

The building would not be subject to any significant changes with the majority of the works being carried out internally. Although the residential use of the building may result in some noise and disturbance, this would be acceptable, given its previous use as a bar/restaurant/nightclub and the location of the site in a mixed-use area.

The quality of the accommodation proposed is also considered to be acceptable and it is not considered that the health and well-being of potential future occupiers of the flats would be adversely affected.

The proposal includes provision for up to 9 no. off-street car parking spaces which is an improvement to the current situation and it is not considered that the proposal would have an adverse impact upon highway safety in the vicinity of the site.

Furthermore, the proposal is considered to be acceptable in terms of the impact it would have on Protected Species and land drainage.

As such, the proposal is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development
- Three or more letters of objection have been received;

APPLICATION DETAILS

Full planning permission is sought for the conversion of the existing property from a bar/restaurant/nightclub to 9 self-contained flats.

The proposal would result in only minor changes to the external appearance of the property with the window openings that are currently blocked up being reinstated and the partial blocking up of an existing doorway and replacement with a window to the front elevation, and the blocking up of a doorway and re-arrangement of existing windows in an existing single storey projection at the rear. A single storey and two-storey projection at the rear would also be demolished.

Accommodation would be provided over 3 floors with 3 flats at ground floor, 3 flats at first floor and 3 flats at second floor. All flats would be accessed from either segregated or shared entrances off Aber-Rhondda Road and would each consist of an open-plan kitchen/living area and two bedrooms with either 2 en-suite shower rooms or 1 en-suite shower room and 1 separate bathroom. The basement would be retained for bin storage, cycle storage and general storage purposes (existing ramped access to rear to be retained).

A total of 9 off-street car parking spaces would be provided to the rear of the building with access off Aber-Rhondda Road via the lane to the south-eastern elevation.

In addition to the standard plans and documents, the application is accompanied by the following:

- Bat and Nesting Bird Survey report (Dated October 2020).

SITE APPRAISAL

The application property relates to a large three-storey building that is located on Ty-Newydd Square where Rheola Road meets Aber-Rhondda Road and Cemetery Road in Porth. The property is a large and prominent building that directly fronts the street. It curves around the junction and links to existing properties on Cemetery Road. An adopted lane runs along the south-east facing side elevation which provides access to the rear of the building and to garages/rear gardens associated with existing residential properties in Rheola Road and Cemetery Road.

The property is currently vacant however, it has been previously in use as a hotel and a restaurant/bar/nightclub.

The surrounding area is characterised by a mix of both residential and commercial properties with traditional terrace-style residential properties to the south-east (Rheola Road), some commercial and residential dwellings/flats to the west (Cemetery Road) and the entrance to a bus depot and further commercial and residential properties to the north-east (Aber-Rhondda Road). Pont Newydd Medical Centre lies to the rear of the site.

PLANNING HISTORY

16/0910	Apollo Building, Aber-Rhondda Road, Porth	Proposed change of use of former bar/restaurant/nightclub to 6 no. self-contained flats	Grant 10/11/2016
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PUBLICITY

The application has been advertised by means of direct neighbour notification to properties immediately surrounding the site as well as through the erection of site notices in the vicinity of the site. A total of 3 letters of objection have been received and are summarised as follows:

Residential amenity and privacy

- Concern is raised that the development would overlook existing residential properties;

Highways and Parking

- Concern raised in relation to parking;
- The proposed parking would block access to a garage which is part of no's. 1 & 2 Cemetery Road and which is in constant use.
- There should be rules about no parking;
- The side road between the Apollo building and no. 8 Aber-Rhondda Road provides access to the garage at no. 8, to the rear of no's. 6 & 7 as well the health centre;
- The lane has been used for parking by the residents of no's 6-8 for at least two decades;
- The proposal to provide 9 spaces at the rear of the Apollo is unrealistic and the Council should remove all parking from the plans;

Other

- Raises questions over bin storage;
- The Apollo building has placed industrial waste bins to the access road – these should be at the rear.

CONSULTATION

The following consultations have been received in relation to the application:

Countryside, Ecology and Landscape: No objection, subject to condition to secure the details of Section 6 (Mitigation/enhancement) of the Bat Survey. It is also advised that an European Protected Species (EPS) License is required.

Flood Risk Management: No objection, subject to condition to secure full drainage details and an advisory note to draw the applicant's attention to the need to apply for Sustainable Drainage Approval.

Natural Resources Wales: No objection. Advises that an European Protected Species (EPS) License is required.

Highways and Transportation: No objection, subject to a condition relating to the provision of the access and parking facilities shown in the submitted plans being laid out prior to the development being brought into use.

Public Health: No objection, subject to conditions relating to demolition, hours of operation, noise, dust and waste. It is also advised that there is potential for hazards associated with land contamination to exist on site.

Welsh Water: No objection, subject to conditions and advisory notes relating to surface water drainage, sustainable drainage approval, connection to the public sewer, location of the public sewer and water supply.

Western Power Distribution: Advises that a separate application to WPD will be required if a new connection or service alteration is required.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located inside the defined settlement boundary and is not allocated for any specific purpose. As such, the following policies are considered to be relevant to this application:

Policy CS1: emphasis on building strong, sustainable communities.

Policy AW1: sets out ways that the supply of new housing will be met, including the conversion of suitable structures to provide housing.

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

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 place making, including landscaping.

Policy AW8: seeks to preserve and enhance natural heritage by protecting it from inappropriate development.

Policy AW10: development proposals must overcome any harm to public health, the environment or local amenity.

Policy NSA12: details criteria for housing development within and adjacent to settlement boundaries.

Policy NSA13: states that conversion of large buildings for residential purposes will be permitted where it can be demonstrated that the site is located within the defined settlement boundary, the building is of historic or architectural importance and makes a valuable contribution to the townscape and there is no economically viable alternative use.

Supplementary Planning Guidance

Access Circulation and Parking

Design and Placemaking

Development of Flats

Nature Conservation

Planning Obligations

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 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application seeks to convert an existing building from a hotel/restaurant/nightclub to 9 no. self-contained flats. The site is located within the defined settlement boundary and within close proximity to the defined retail centre of Porth, which is identified as a Key Settlement within the Northern Strategy Area. As such, the site has good access to a number of key services and facilities and is accessible by a range of sustainable transport options with both bus stops and a train station within reasonable walking distance. The site is also conducive to travel on foot and bicycle. Furthermore, the area immediately surrounding the site is characterised by a mixture of residential and commercial properties and the residential use of the site would therefore not conflict with surrounding uses. It is noted that a Zone C2 floodplain is located in the vicinity of the site however, the site does not fall within it. The site is therefore considered to be situated within a highly sustainable location and, consequently, the proposal complies with the main objectives of Policy AW2.

It is noted that the site has been vacant for a number of years and is currently in a poor state of repair. The proposal would therefore ensure the re-use of an under-used building and would vastly improve the overall visual appearance of the site whilst also providing high quality, affordable accommodation that would promote diversity in the residential market, thereby complying with Policy CS1. The building is of a considerable scale, is considered to have some architectural merit and, given that it has been vacant for quite some time, an economically viable alternative use is unlikely (Policy NSA13).

Furthermore, an application for the conversion of the building to 6 self-contained flats was approved in 2016 and the residential use of the site has therefore already been established.

In light of the above, the principle of converting the property to residential flats is considered to be acceptable, subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area

The application site is located in a visually prominent location on Tynewydd Square and, given its current vacant state and the fact that a number of windows and doors have been boarded/blocked up, it does not contribute positively to the visual amenity of the area. The proposal would therefore bring a vacant and under-used building back into beneficial use and would provide an opportunity to improve the appearance of the building and subsequently the wider area.

The Council's SPG: Development of Flats states that where existing buildings are of an attractive character, care should be taken to retain existing facade details and patterns of fenestration, or changes should be made in a sympathetic manner which respects the appearance of the building. Whilst the proposal would involve the demolition of part of the building, these works would be carried out at the rear of the building where they would not be visible from the street scene. The principal elevation of the property would only undergo minor alterations with the existing façade and fenestration details being retained. No building works are proposed to extend the footprint of the building and, as such, it is not considered that the proposal would have an adverse impact upon the character and appearance of the site or the surrounding area.

Taking the above into account, the application would comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The proposed conversion would predominantly be undertaken through a number of internal alterations with only minor works being carried out to the physical external fabric of the building. It is noted that some demolition work would be carried out at the rear however, no building works are proposed to increase the footprint of the building. As such, it is not considered that the proposal would give rise to any additional overbearing or overshadowing impact that would be detrimental to the amenity of existing properties surrounding the site. Furthermore, there would be no alteration to the window layout and it is therefore not considered that the privacy of surrounding residents would be adversely affected, although it is recognised that a number of windows have been boarded up for quite some time. In any case, it is not considered that the re-instatement of the existing window opens would give rise to any adverse overlooking impact that would be over and above that which could occur if the building was re-used as a bar/restaurant/nightclub.

It is noted that the proposal to provide 9 residential flats would result in some degree of noise and disturbance in terms of activity associated with the comings and goings of residents and general noise associated with residential uses. However, the site is located in an area that is characterised by both residential and commercial properties and it is therefore considered that existing residents would already be accustomed to some degree of noise and disturbance. Furthermore, it is likely that the previous use of the site as a hotel/restaurant/nightclub would have resulted in a far greater impact in this respect.

In terms of the amenity and privacy of potential future occupiers of the proposed development, the Council's SPG: Development of Flats states that new flats should provide an acceptable quality of accommodation for residents. It states that flats should be of a suitable size and habitable rooms should have a reasonable outlook and level of natural daylighting and ventilations. They should also have a main entrance to the front of the building and have access to either private or communal outdoor space.

It is considered that the level of accommodation proposed is reasonable with adequate space provided within each unit for future occupiers to carry out day to day tasks. Each unit would have a number of windows within the main living areas (living rooms/kitchens and bedrooms) which would ensure that a good level of natural daylight and ventilation could be achieved. Furthermore, each unit would have a main entrance to the front of the building that would be well overlooked and there is some outdoor space provided at the rear of the property, although it is noted that this would predominantly be used to park vehicles.

Consequently, it is not considered that the proposal would have an adverse impact upon the amenity and privacy of existing neighbouring properties or upon the health and well-being of future occupiers. The application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance: Development of Flats.

Access and highway safety

The proposal has been assessed by the Council's Highways and Transportation Section to determine the potential impact of the proposal on highway safety in the vicinity of the site. The response received indicates that no objection is raised, subject to a condition being added to any grant of planning consent. The comments received are summarised as follows:

Access

The application site is located on the junction of Aber-Rhondda Road and Cemetery Road, Porth. There are traffic regulation orders in place to the front of the building

which prevents on-street car parking from taking place (2 no. zebra crossings and double yellow lines). Both roads are classified and provide safe access to the site.

There is an adopted lane to the rear which is accessed off Aber-Rhondda Road/Rheola Road via a 5.6 metre lane which narrows to 3 metres towards the rear. The visibility at the junction with Aber-Rhondda Road/ Rheola Road is in excess of 2.4 metres x 40 metres, which is acceptable.

Parking

The existing use as a nightclub/bar/restaurant would require 1 space per 5 square metres for the bar and nightclub and 1 space per 14 square metres for the restaurant. However, being a community facility with no off-street parking provision, it is anticipated that the majority of trips would be taken on foot or by public transport.

The proposed change of use to 9 no. 2 bedroom flats requires up to a maximum of 18 spaces for residents and 2 spaces for visitors which equates to a total requirement of 20 spaces. The proposal provides for 9 spaces at the rear (1 per flat).

There is some concern with regards to the shortfall in off-street car parking provision however, taking into account the sustainable location of the site in close proximity to public transport and local amenities, the off-street car parking proposed is considered to be acceptable.

It is noted that the proposed car parking would block access to an existing garage that is not within the site and is owned by another party. However, this is a private matter between the landowner and the owner of the garage.

It is also noted that existing residents currently park in the lane and that the proposal would remove this opportunity. The lane is an adopted highway and therefore it should only be used for access only. As such, the highway authority cannot refuse access to the spaces proposed.

Cycle Parking

A total of 9 no. secure cycle stands are proposed which goes some way to mitigate the impact of the shortfall in the maximum standards for off-street car parking. This will also promote sustainable modes of travel.

Taking the above comments into consideration, the proposal is acceptable in terms of the impact it would have on highway safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Drainage

The Council's Flood Risk Management team have assessed the application in order to determine the potential impact of the proposal on land drainage. The comments received indicate that there is a high surface water risk that runs down both Cemetery Road and Aber-Rhondda Road. This reaches Tynewydd Square where there is a further high surface water risk to the front of the property. The risk of flooding is further evidenced by the site being situated within an investigation area as identified with Rhondda Cynon Taf County Borough Council's Flood Risk Management Plan and the applicant should therefore be made aware that there is a history of ground water flooding associated with this property and that ground water flooding has affected the internal structure of the basement of this property.

It is also noted that the hardstanding to the rear of the site would be altered and, given that this exceeds the 100 square metre threshold, a separate application for Sustainable Drainage Approval will also be required (advisory note).

The applicant has not provided full surface water drainage details and so it is difficult to assess the potential impact of the proposal in respect of flood risk. Therefore, a condition is recommended to secure full drainage details prior to commencement of any works.

Taking the above comments into account, it is considered that the proposal could be made acceptable in terms of the impact it would have on flood risk, (subject to condition) and the application would therefore comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

Ecology

The application is accompanied by a Bat and Nesting Bird Survey (dated October 2020) which has been assessed by the Council's Ecologist and Natural Resources Wales. The survey found that 3 species of bats were found roosting in the building (Common Pipistrelle, Soprano Pipistrelle and Brown Long-Eared) however, no evidence was found of past or current nesting birds. The survey recommends a number of mitigation/enhancement measures, including the provision of bat access slates, the provision of a bat loft, the use of bitumen felt in all roof areas and the provision of two bat boxes.

The comments received from the Council's Ecologist raise no objection to the proposal however, it is recommended that a condition be added to any grant of planning to

secure details of the mitigation measures set out within the report prior to commencement of the works. NRW also raise no objection to the proposal however, an European Protected Species (EPS) Licence will be required.

In light of the comments received, it is considered that the proposal can be made acceptable in terms of the impact it would have on protected species (subject to a condition) and the application would therefore comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Public Health

The Council's Public Health and Protection section have recommended that a number of conditions be added to any grant of planning consent in respect of building regulations, hours of construction, noise, dust and waste. These are issues that are better dealt with by separate environmental health legislation and it is therefore not considered necessary to duplicate this through the imposition of planning conditions.

Other issues raised by objectors

It is noted that a number of objections have been received from local residents which raise concern over bin storage. The proposal includes a bin storage area within the basement which will ensure that no bins are kept on the highway to the front or side of the site. The plans indicate that this area can be accessed internally and via an external ramp to the rear of the building. The applicant has confirmed that bins/recycling would be brought out onto Aber-Rhondda Road/Rheola Road on bin collection day and the Council's Waste Services team consider this to be acceptable.

One letter of objection also suggests that the lane to the side of the application property provides access to the Pont Newydd Medical Centre. This is not the case. The medical centre benefits from its own dedicated access approximately 55 metres to the south-east of the application site.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of developing the site for residential

purposes, the impact the proposal would have on upon the character and appearance of the site and surrounding area, the impact it would have upon residential amenity, the impact it would have upon highway safety in the vicinity of the site, ecology and drainage (Policies CS1, AW1, AW2, AW5, AW6, AW7, AW8, NSA12 and NSA13).

RECOMMENDATION: Grant

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 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:

- Site Location Plan (rec.14th April 2020);
- Drawing no. PP/800: Proposed Basement Plan (rec. 14th April 2020);
- Drawing no. PP/900: Proposed Ground Floor Plan (rec. 14th April 2020);
- Drawing no. PP/1000: Proposed First Floor Plan (rec. 14th April 2020);
- Drawing no. PP/1100: Proposed Second Floor Plan (rec. 14th April 2020);
- Drawing no. PP/1200: Proposed South Side Elevation (rec. 14th April 2020);
- Drawing no. PP/1300: Proposed East Side Elevation (rec. 14th April 2020);
- Drawing no. PP/1400: Proposed West Side Elevation (rec. 14th April 2020);

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

3. Building operations shall not be commenced until full details of the finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The proposed dwelling shall be finished in accordance with the approved details.

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

4. Before the development is brought into use the means of access, together with the parking facilities for 9 vehicles, shall be laid out in accordance with details the submitted plan PP/900 and approved by the Local Planning Authority. The spaces shall be retained for the parking of vehicles thereafter unless agreed in writing with the Local Planning Authority.

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

5. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Drainage including full drainage details have been approved in writing by the Planning Authority.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to commencement of development, details of the bat and nesting bird mitigation/enhancement measures set out in Section 6 of the submitted Bat and Nesting Bird Survey Report (dated October 2020) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented, retained and maintained for the design purpose in accordance with the approved scheme. The scheme shall include, but not be limited to, the following details:

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

Reason: To provide biodiversity enhancement, in accordance with Chapter 6 of Planning Policy Wales ed. 10.

7. The area detailed for the storage of bins on drawing no. 2109 – 007 shall be laid out prior to the beneficial occupation of the flats. The area shall be retained as such in perpetuity.

Reason: In the interests of residential amenity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.



PLANNING & DEVELOPMENT COMMITTEE

5 NOVEMBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO:	20/0553/10	(GH)
APPLICANT:	Infinite Renewables	
DEVELOPMENT:	Solar farm including substation, fencing and below ground cabling. (revised drainage strategy received 17th July 2020)	
LOCATION:	LAND OFF PANTYBRAD ROAD, LLANTRISANT ROAD, YNYSMAERDY, LLANTRISANT, CF72 8YY.	
DATE REGISTERED:	17/07/2020	
ELECTORAL DIVISION:	Town (Llantrisant)	

RECOMMENDATION: GRANT, SUBJECT TO CONDITIONS.

REASONS:

As a small scale solar farm the principle of the development is considered to be acceptable. The development would be in line with PPW10 and TAN8 and would contribute to the Welsh Government's renewable energy generation targets. Furthermore, it is considered that the appearance of the solar farm, both in terms of the immediate and local visual impact and that upon the character of the wider landscape, would not cause harm to a degree that would warrant a refusal. In addition, no objections have been raised by any consultees with respect to the potential impacts upon either the amenity of nearby residential properties, highway safety or ecology. The development is therefore considered to comply with the relevant policies of the Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning consent is sought to construct a solar farm and associated plant and paraphernalia, at Land off Pantybrad Road, Ynysmaerdy.

The development would be erected in a part of the same field that accommodates the 'daffodil' wind turbine, and the solar farm is also intended to provide green energy to the Royal Mint.

The farm would have a generating capacity of 2MW and consist of 21 rows of southward facing photovoltaic (PV) panels. The rows would be set 1.5m apart to avoid shadowing and there would be a 4m wide perimeter buffer between hedgerows and panels.

The panels, each measuring no greater than 1m by 2m, would be grouped and set at an angle on supporting metal frames to a maximum height of 2.3m above ground level. The frames would not require foundation work, since their posts would be driven 1.5m into the ground.

String inverters would be attached to the underside of the PV panels, and connected to a new 3m high substation via cabling, the majority of which would be below ground. The new substation would be constructed just to the south of the wind turbine and this would enable both turbine and solar farm to utilise the existing onward underground connection to the Royal Mint.

In addition, that part of the field not already bounded by hedgerow would be enclosed by an extension to an existing post and rail fence, comprising a 2m high deer fence. The Applicant has also advised that there would be a buffer of 4m between panels and the boundary hedgerows.

Furthermore, no hedgerow would be lost as part of the development and, by the site entrance, a limited number of additional standard sized hedge trees would be planted along the hedgerows at random spacing to increase tree coverage levels, filter visibility and provide green links between existing woodland and scrub areas.

Lastly, the operational life of the solar farm has been identified at 25 years. During this period it is estimated that there would be no site based staff, and there would be a requirement for routine inspections/maintenance by light goods vehicle approximately three to four times a year.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Design and Access Statement
- Drainage Strategy
- Coal Mining Risk Assessment
- Pre-Application Consultation Report
- Heritage Impact Assessment Report
- Ecological Appraisal
- Landscape and Visual Impact Appraisal
- Planning Statement

SITE APPRAISAL

The land to which the application relates is located approximately 380m to the north of Llantrisant Industrial Estate. Comprising a surface area of approximately two hectares, it is part of a larger field which accommodates the prominent 'daffodil' wind turbine.

Access to the property is gained from Pantybrad to the east, where there is an existing crossover and gated entrance, the latter being set back from the adopted carriageway so that attending vehicles do not block the highway.

Within the site a track of hard core and stone leads from the gate past a small parking/setting down area to the base of the turbine and its compound. It is within the area to the north-west of this track where the PV panels would be installed.

Although the northern and western boundaries are demarcated with mature hedges, the fall in level to the south/south-east is pronounced and views towards the site are possible from the south, particularly the northern fringe of Llantrisant town and across Llantrisant Common.

The site is located outside of the defined settlement boundary and is both within a locally designated Special Landscape Area (SLA) and where there is a high risk to development from historic coal mining. The site is also upslope of the Rhos Tonyrefail SSSI.

PLANNING HISTORY

The most recent or relevant applications on record associated with this site are:

- 19/1136/35:** Proposed solar farm. Decision: 15/11/2019, EIA.
- 18/0761/39:** Non-material amendment to decrease blade tip height of wind turbine to 59.75m (AGL). Decision: 14/09/2018, Grant.
- 17/0736/39:** Non-material amendment to reposition the approved turbine within the original red line boundary and also reduce its height and diameter. Decision: 09/08/2017, Grant.
- 16/0124/10:** Erection of a single wind turbine and associated infrastructure (revised plans received 31/5/16, including revised site boundary to accommodate an electricity connection to the Royal Mint, decrease in height of the turbine to 100 metres maximum blade tip height and change in colours to a green tower and yellow blades to represent a daffodil) (Amended plans/information received 31/05/16). Decision: 19/07/2016, Grant.

14/0913/10: Erection of a single wind turbine and associated infrastructure.
Decision: 04/11/2015, Withdrawn by Applicant.

PUBLICITY

The application has been advertised by direct notification to eight neighbouring properties and a notice was displayed on site.

Furthermore, in accordance with the Development Management Procedure Order (Wales) the relevant press notice was published on 16th July 2020 advertising the proposal as major development.

No letters of objection or representation have been received.

CONSULTATION

Transportation Section

No objection subject to conditions.

Flood Risk Management

No objection subject to a condition in respect of surface water drainage details and an advisory note.

Public Health and Protection

Conditions are recommended in respect of noise, dust, waste and hours of operation. However, noting the location of the site and the provisions of existing public health legislation, which can control these matters, such conditions would be unnecessary.

Natural Resources Wales

No objections subject to conditions regarding the mitigation measures proposed within the Preliminary Ecological Appraisal and a Construction Environmental Management Plan.

Dwr Cymru Welsh Water

No comments or objections.

Western Power Distribution

A new connection or service alteration will require a separate application to WPD.

The Coal Authority

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment, dated 25 February 2020, are sufficient for the purposes of the planning system in demonstrating (based on the professional opinion of Terra Firma (Wales) Ltd) that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Countryside, Landscape and Ecology – Ecologist

Any consent should be subject to conditions for a Wildlife Protection Plan, Ecology Mitigation, in addition to a Construction Environmental Management Plan.

Cadw

No objection

Glamorgan Gwent Archaeological Trust

The Historic Environment Record showed there were no historic environment considerations that would be affected by the proposed development and therefore GGAT does not recommend any mitigation measures.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within open countryside to the north of Llantrisant.

Policy CS2 - The policy emphasis in the Southern Strategy Area (SSA) is on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries. Emphasis will also be on protecting the cultural identity of the strategy area by protecting the natural environment.

Policy CS10 - The policy seeks to protect resources and to contribute to local, regional and national demand for a continuous supply of minerals.

Policy AW2 - The policy provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport options.

Policy AW5 - The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. Additionally the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

Policy AW6 - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Additionally proposals must be designed to protect and enhance landscape and biodiversity.

Policy AW7 - The policy seeks to protect sites of architectural or historical merit from inappropriate development.

Policy AW8 - This policy seeks to protect and enhance ecological features and promote biodiversity. All development proposals will be required to demonstrate what measures are proposed for ecological protection and management, and the mitigation of, or compensation for, potential impacts.

Policy AW10 - The policy prevents development which could cause or result in a risk of unacceptable harm to health or local amenity due to flooding, contamination, land instability, or any other identified risk to local amenity and public health.

Policy AW12 - Development proposals that promote the provision of renewable and non-renewable energy will be permitted where it can be demonstrated that there is no unacceptable effect on the interests of soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity.

Policy AW14 - The policy safeguards resources of sandstone from any development which would unnecessarily sterilise them or hinder their extraction.

Policy SSA 23 - The policy states that Special Landscape Areas have been designated to protect areas of fine landscape quality within Rhondda Cynon Taf. In order to protect the visual qualities of each SLA, development proposals within these areas will be required to conform to the highest possible design standards.

Supplementary Planning Guidance

- Design and Place-making
- Access, Circulation and Parking Requirements
- The Historic Built Environment
- Nature Conservation

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 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

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

Other relevant national policy guidance considered:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;

PPW Technical Advice Note 8: Renewable Energy;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 22: Sustainable Buildings;

PPW Technical Advice Note 24: The Historic Environment.

WG Practice Guidance – Planning Implications of Renewable and Low Carbon Energy (February 2011)

WG 'Dear CPO' letter MA-P/CS/1303/16 re: Green Growth (15th March 2016)

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The solar farm and associated infrastructure will have a peak electrical generating capacity of approximately 2MW, and is designed to supply power directly to the Royal Mint site over a 25 year period.

National policy, as constituted by PPW 10 is supportive of such renewable and low carbon energy development, and paragraph 5.9.1 specifically requires local planning authorities to facilitate such proposals. Para 5.9.6 sets a national target of 1GW use of locally generated electricity by 2030.

TAN 8 is no less supportive and states that proposals for appropriately designed PV systems should be permitted unless this results in a visual impact that is critically damaging to a Listed Building, Scheduled Ancient Monument or Conservation Area vista. Recent guidance, including a Ministerial correspondence with LPAs, has further underlined the Welsh Government's commitment to "using all possible levers it has to increase the supply of renewable energy in Wales for the benefit of the next generation".

It is also worth noting that the draft National Development Framework repeats the 1GW generation target and the Llantrisant site appears to be within a solar and wind energy priority area. However, as emerging policy no significant weight can be attached to the draft NDF, although the Welsh Government's direction of travel is clear and the development would contribute towards the target as well as being supportive of the general policy thrust to tackle climate change.

The Council would not normally allow development outside of the settlement boundary in the Southern Strategy Area, however the benefits of providing renewable and low carbon energy, together with an acknowledgement that the site has, in part, previously been developed, is considered to outweigh such concerns.

LDP Policy AW12 is supportive of renewable and non-renewable forms of energy where it can be demonstrated that there would be no unacceptable effect on soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity. Although the policy does not explicitly reference solar schemes, it is nonetheless supportive of developments that align with key elements of national energy policy.

Furthermore, although the location of the solar farm would not be in accordance with some aspects of Policy AW2, it has to be recognised that not all criteria of this Policy will be relevant to this type of development which, other than for the placement of PV panels on buildings and other structures in urban areas, would normally be expected to be found in the countryside or on the settlement fringe.

Therefore, subject to other material policy matters discussed below, the development is considered to be acceptable in principle.

Impact on the character and appearance of the area

The Applicant's Design and Access Statement states that site selection is a critical aspect of the solar farm development process and potential sites are considered for their suitability against a number of factors. These include distance to the point of connection, proximity to residential properties, ecological concerns, site orientation, access etc.

The proposed site is located on hillside to the north of Llantrisant Business Park and due to its elevated position is visible from the south and east, particular the town of Llantrisant and Llantrisant Common. In considering the likely visual impact the context of the site is of relevance.

Firstly, the presence of the existing turbine is acknowledged, which due to its scale and design might be considered something of a local landmark. However, the appearance of this tall, slim structure is not necessarily comparable with a mass of solar panels across a 2 hectare field, possibly with glint and glare qualities, and would arguably be of less aesthetic appeal.

Secondly, the proximity of Llantrisant Business Park to the application site is noted which, as Members will be aware, is characterised by large industrial units, service yards and associated infrastructure etc. However since the Park is located along the valley floor the solar farm would neither appear to be part of the Park or an extension to it, which might otherwise offer some mitigation for its visual intrusion.

The concern therefore, is that the solar farm would have undue prominence at a higher level in the wider landscape where there is little or no development at that elevation other than that related to agriculture, and where the SLA designation requires development proposals to demonstrate a high standard of design quality.

Welsh Government Practice Guidance – “Planning Implications of Renewable and Low Carbon Energy”) sets out the land use planning impacts and benefits of different forms of such developments, including solar energy generation. The Guidance recognises that solar PV arrays are an emerging technology in the UK, it provides a summary of potential impacts and design mitigation and enhancement measures of solar installations.

Nevertheless, since the site is not flat any mitigation by landscaping, as suggested by the Practice Guidance, would not address the southerly fall across the site, and the effectiveness of any screening, even if proposed in place of, or in addition to, the fence, would likely be limited.

The location of the site close to Llantrisant Conservation Area and scheduled monuments means that TAN 24 must be a consideration. In its consultation response Cadw noted that the conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a Scheduled Ancient Monument or not.

Cadw has advised that it will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument, and that TAN24 presumes against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

On the basis of the Heritage Assessment submitted alongside the application the proposed development was considered in relation to four scheduled monuments within 3km of the site, namely GM074 Llantrisant Castle; GM219 Lle'r Gaer; GM280 The Beacons Round Barrows, and GM406 Tarren Deusant Sculptured Rock & Spring.

The Heritage Assessment concludes that the development would be seen from the upper parts of scheduled monument GM074 Llantrisant Castle, but the solar farm would not have an adverse impact on the setting of the monument. The proposed development would not be visible from the other scheduled monuments and would not have any impact on their settings. Cadw has stated that it concurs with the conclusions of this assessment.

Whilst it is evident that the development would neither conflict with TAN24 or LDP Policy AW7, concern remains about the long views towards the site from the south and whether the development can be justified within the SLA setting.

Nonetheless, the submitted Landscape and Visual Impact Assessment recognises that the proposed development, which is of relatively small scale, would affect an area of recognised landscape character but due to the limited areas with visibility of the site that this would be insubstantial and of minor significance within the local context.

Therefore, subject to conditions in respect of the future decommissioning of the solar farm and the remediation of the site, it is considered that the proposed development would not be harmful to the character and appearance of the site and surrounding area, to a degree sufficient to warrant a recommendation of refusal.

Impact on neighbouring occupiers

In terms of whether there would be a direct impact on any neighbouring occupiers, it is noted that there is only one dwelling within 500m of the site. This is the farm house at Rhiwfelin Fach Farm, which is located approximately 320m to the east of where the closest PV panel would be erected.

On account of the static nature of the panels, the absence of noise generation and the infrequent need for traffic to attend the site post-construction, other than for maintenance, the proposed development would be compatible with surrounding agricultural land uses. Furthermore the maximum 2.5m height of each row of panels, taken together with the screening provided by vegetation and intervening topography, means that it is unlikely there would be any harm to the amenity of Rhiwfelin Fach Farm residents.

Consequently, it is considered that there would be no detriment to the privacy, outlook or amenity of other occupiers and the development would be acceptable in this regard.

Ecology

The application has been subject to consultation with both NRW and the Council's Ecologist.

NRW has confirmed it has considered the Preliminary Ecological Appraisal submitted in support of the application, and providing the recommendations and mitigation measures outlined in the document are adhered to, it is unlikely that protected species would be adversely impacted.

In addition, it is noted that the Rhos Tonyrefail SSSI lies downslope from the proposed solar farm; however the hydrological regime would mean that any run-off from the site flows predominantly to the south and not into the SSSI. Any potential impacts on water quality in the receiving streams could be negated by ensuring that appropriate mitigation measures are implemented as part of a Construction Environmental Management Plan (CEMP).

Further to the conditions necessary to secure the above, the Council's Ecologist has raised concerns about the loss of two sections of marshy grassland to the solar farm that the previous turbine development specifically avoided. The third, and best area of marshy grassland which supports Marsh Fritillary Butterfly habitat, is just outside of the area of development, although it could be adversely affected by any hydrological change/drainage works on the slopes above.

The site sits in an extremely important location for Marsh Fritillary Butterflies lying in a connectivity/linking location between Rhos Tonyrefail SSSI to the north with Llantrisant Common SSSI in the south. Any potential marsh fritillary habitat within this landscape has great significance as future linking habitat for this priority species and the Applicant's Ecology Appraisal report identifies the potential to better manage the retained marshy grassland, together with the planting of Devil's Bit Scabious elsewhere on site.

Having taken into account the loss of marshy grassland; the potential hydrological impact for the retained marshy grassland, the likelihood for increased grazing pressure on the remainder of the farm field, and the need for the application to provide biodiversity enhancement; the Council's Ecologist recommended that the marshy grassland/marsh fritillary habitat mitigation/enhancement identified in the Ecology Appraisal should be delivered via a Habitat Management Plan (HMP) package for the remainder of the field within which the solar farm site will sit.

Such a package would have to be secured by a S106 Agreement. The Applicant's Ecologist has responded that whilst enhancement for marsh fritillary would be desirable, there is no scope for delivery of suitable grassland enhancement within the area under the applicant's control, which is limited to the array, substation and access infrastructure. Furthermore, the request for grassland enhancement and controlled grazing levels in the rest of the field presents practical constraints for the landowner

who requires the remainder of the field for continued sheep grazing at the current levels.

Consequently, the Applicant has considered other deliverable alternatives to provide the required enhancements to comply with policy, hence their agreement to the hedgerow management plan.

The Council's Ecologist has reluctantly agreed with the Applicant's representations and advised that the mitigation being offered, i.e. management of two hedgerows for the life of the scheme, is acceptable. In particular the mitigation should make particular reference to improving their potential for bat foraging and dormouse habitat, with the requirement for a HMP, an ecologically sensitive management schedule, species and habitat monitoring and reporting to the LPA.

Lastly a condition for a Wildlife Protection Plan is recommended, in addition to the CEMP, which deals with physical protection of adjacent features (hedgerows/marshy grassland), timings of works and a method statement related to potential protected species.

Access and highway safety

The development would be served from Pantybrad Road via the existing access that was created as part of the erection of the nearby single wind turbine.

Given that the proposed route was successfully utilised for the abnormal load deliveries associated with the wind turbine, it is considered acceptable in principle as an access route for the proposed solar farm.

Table 4.1 within the submitted planning statement indicates the anticipated number of vehicular movements to and from the site during the proposed 2 month construction period:

A total of 34 deliveries, or 68 vehicle movements are anticipated during the 2 month construction period and the planning statement further advises that there would be approximately 1 HGV delivery, or 2 vehicles movements per day.

In addition to these deliveries, it is estimated that 10 staff would be on site at any one time. However, these trips would generally be undertaken by LGVs, and as such, give no undue cause for concern.

Following completion of the construction phase of the development, 3-4 trips to the site are envisaged per year for operational/maintenance purposes.

Therefore, the proposed erection of a solar farm at this location is in principle considered acceptable, although given the sub-standard nature of Pantybrad Road a number of conditions are suggested to protect the integrity of the public highway during the construction period.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

It is considered the principle of the proposed solar farm would be in accordance with national planning policy for renewable energy developments. It would not have a significant detrimental impact on the character and appearance of the locality, including that of the Llantrisant Conservation Area and closest scheduled monuments, and would not be harmful to the amenity of the nearest neighbouring occupiers. The application is therefore considered to comply with PPW10, TAN 8 and Policies AW5, AW6, AW7, AW8, AW10 and AW12 of the Local Development Plan.

RECOMMENDATION: Grant

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 and drawings:

IR1013/04/02 Rev 1

IR1013/04/03 Rev 3

IR1013/04/04 Rev 0

IR1013/04/05 Rev 1

IR1013/04/06 Rev 0

and documents received by the Local Planning Authority on 17th June 202, 29th June 2020, 17th July 2020 and 12th August 2020 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

3. The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from the development hereby approved to the electricity grid network ('First Export Date'). Written confirmation of

this shall be provided to the Local Planning Authority within one month of the First Export Date.

Reason: In the interest of visual amenity, in accordance with Policies AW5, AW8 & AW12 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management, including full drainage details, have been submitted to and approved in writing by the Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until a site-wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Biodiversity Management: details of invasive species management, specifically if any invasive non-native species (INNS) are identified prior to, during or post construction an INNS plan will need to be produced.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To protect water quality and ensure protection of the natural environment during construction, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall commence until a scheme, for the implementation of the mitigation and enhancement measures contained within 'Section 5 – Recommendations' of the Preliminary Ecological Appraisal produced by BSG Ecology (14th November 2019), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of a hedgerow management plan, which should make particular reference to improving potential for bat foraging and dormouse habitat, and include an ecologically sensitive management schedule, and methods for species and habitat monitoring and reporting to the LPA. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained for the duration of its operational life.

Reason: To ensure the protection of habitats and species in accordance with Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall take place until a wildlife and habitat protection plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- a) An appropriate scale plan showing 'Wildlife and Habitat Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented
 - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction (including any tree protection zones)
 - c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season, hibernating and breeding amphibians and reptiles, etc.)
 - d) Details of pre-construction ecological surveys.
 - e) Details of mitigation of night working, if applicable, and site lighting with regards to bat and barn owl impacts
 - f) Details for the positive management of existing hedgerows.
 - g) Persons responsible for:

- i) Compliance with legal consents relating to nature conservation
- ii) Compliance with planning conditions relating to nature conservation
- iii) Installation of physical protection measures during construction
- iv) Implementation of sensitive working practices during construction
- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction
- vi) Provision of training and information about the importance of the 'Wildlife and habitat Protection Zones' to all construction personnel on site.

The protection plan shall then be implemented in accordance with the timings approved by the local planning authority.

Reason: To ensure the protection of habitats and species in accordance with Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Prior to the commencement of the development a report indicating the methodology for undertaking a survey of the condition of the access route along Pantybrad Road affected by the proposed development shall be submitted to and approved in writing by the local planning authority. The report should include:
- a) details of the road to be surveyed;
 - b) the timescales for undertaking the surveys; and
 - c) the method(s) of reporting the findings to the local planning authority (including the use of comprehensive photographs), and any potential compensation arrangements.

The solar farm hereby permitted shall not become operational until the final survey on completion of the development hereby approved has been carried out and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

9. No development shall take place, including any works of site clearance, until a Construction Traffic Management Plan / Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;

- a) Details of delivery programme identifying all anticipated rigid and articulated vehicles deliveries to site and anticipated delivery times,
- b) The parking of vehicles of site operatives and visitors,
- c) The management of vehicular and pedestrian traffic along the access route to accommodate delivery movements to the site,
- d) Consultation with all stakeholders such as police, emergency services, public transport operators, properties and businesses affected by the proposals, and notification to the travelling public and the local communities/businesses.
- e) Temporary signage to be provided along the access route,
- f) Management of delivery traffic and loading and unloading of plant and materials,
- g) Storage of plant and materials used in constructing the development,
- h) Wheel cleansing facilities,
- i) The sheeting of lorries leaving the site.

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

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

10. Prior to the beneficial use of the development, a Decommissioning Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Decommissioning Plan shall include details of the works necessary to revert the site to its original agricultural condition, including; the method for the removal of all the solar panels, structures, enclosures, equipment and all other apparatus above and below ground level from the site and details of their destination in terms of waste/recycling, and details of how the site is to be restored to its original condition and any financial arrangement for this. The decommissioning works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

11. Within 25 years and six months following completion of construction of the development, or within six months of the cessation of electricity generation by the solar photovoltaic facility, or within six months following a permanent cessation of construction works prior to the solar photovoltaic facility coming

into operational use, whichever is the sooner, the solar photovoltaic panels, frames, fencing, access tracks and all associated structures and foundations, hereby approved shall have been dismantled and removed from the site. The developer shall notify the Local Planning Authority, in writing, no later than five working days following cessation of power production.

The site shall subsequently be restored (in accordance with the scheme required by Condition 10) no later than six months following the cessation of power production or within 25 years and six months of the completion of construction, whichever is the sooner.

Reason: In the interests of visual amenity and ensure that any derelict or obsolete features do not adversely affect the environment in accordance with Policies AW5, AW8, AW12 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

12. All construction Heavy Goods Vehicles shall access and egress the site via the A4119 and Hoel-Y-Sarn.

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



PLANNING & DEVELOPMENT COMMITTEE

5 NOVEMBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0671/10 (KL)
APPLICANT: R Dash
DEVELOPMENT: Proposed barn. (Coal Mining Risk Assessment rec. 08/09/2020)
LOCATION: LAND NORTH OF MOSS PLACE, ABER-NANT, ABERDARE, CF44 0YU
DATE REGISTERED: 08/09/2020
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: Approve

REASONS:

The application site is located outside of the defined settlement boundary where the construction of a barn to be used in association with an existing equestrian use is considered to be acceptable.

The proposed barn is considered to be acceptable in terms of its siting within the site and in terms of its scale and design and it is not considered that it would have an adverse impact upon the character and appearance of the site or the surrounding area or upon the amenity and privacy of surrounding residential properties. Furthermore, the Council's Highways and Transportation section have not raised any objection to the proposal in terms of the impact it would have on highway safety in the vicinity of the site.

As such, the proposal is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received;

APPLICATION DETAILS

Full planning permission is sought for the construction of a barn on a parcel of land at the north of Moss Place, Abernant.

The barn would be constructed towards the most southern part of the plot with the proposed access being from an existing entry point at the south-eastern corner, between no. 1 and 'The Firs', Moss Place. The barn would measure 9.4 metres in width by 15.6 metres in depth with a pitched roof design that would measure 5.5 metres in height to the ridge and 4.6 metres in height to the eaves. The barn would be constructed from a steel portal frame which would be finished with colour coated steel cladding and roofing sheets. It would incorporate large steel doors within the front (eastern) elevation and a single pedestrian access door within side (northern) elevation.

The applicant has indicated that the barn would be used for hay storage and as a daytime shelter for the horses and ponies that are currently kept at the site. The horses, which graze on the remainder of the land, are usually moved to the existing stables at the site at the end of each day. The applicant has confirmed that the barn would be for private use only and it is not intended to rent out any part of the land or barn to other parties.

In addition to the standard application forms and plans, the application is accompanied by the following supporting documents:

- Coal Mining Risk Assessment (Rec. 08/09/2020)

SITE APPRAISAL

The application site relates to a large parcel of land that is located within the open countryside to the west of Abernant. Due to its position on a valley hillside, the site is undulating with ground levels falling from north to south. Its boundaries are defined by established trees and hedgerows which screen the site from the highway network serving the site.

The site is currently used by the applicant for the keeping of horses and it is understood that the site has been used for these purposes for a number of years. It is currently occupied by a small number of timber stables which are located towards the south-eastern corner, near to the entrance to the site. It is also noted that a small, domestic-style shed and a touring caravan are located to the side and rear of the stables respectively. The remainder of the site is a field upon which the applicant's horses graze during the day. At the time of the officer's site visit, a total of 5 no. horses were visible at the site as well as a small number of chickens.

As detailed above, the site is located in open countryside, however there are a number of residential properties that are located in proximity to the site with properties being located at the entrance to the site in Moss Place, to the south-west of the site in Moss Row and to the east of the site in Little Row.

A Site of Important Nature Conservation runs along the northern boundary of the site whilst a Public Right of Way (ABD/40/1) runs along the southern boundary.

PLANNING HISTORY

No planning history on record relating to this site (last 10 years).

PUBLICITY

The application has been advertised by means of direct neighbour notification to properties immediately adjacent to the site and its access, as well as through the erection of a number of site notices in the vicinity. A press notice was also placed in a local newspaper. A total of 4 letters of objections have been received in relation to the proposal. The objections are summarised as follows:

Highways

- Concern regarding volume of traffic to the private country lane which is maintained at our expense;
- Heavy vehicles have already caused damage and frequently pass our home;
- The road is deemed private as no one accepts responsibility;

Visual amenity

- The development would significantly add to the eyesore of many out-houses, stables, sheds, and caravans presently in situ on the site.
- The view from our garden is not a nice one and the thought of this conurbation being expanded upon causes us much anxiety;
- The site is becoming a farm in all but name which seems to be an ulterior motive;

Location

- The location is wholly unsuitable;

Drainage

- Gardens have been significantly affected by the field drainage – water springs are now present where there were none;
- The proposed barn would add to the run off of water, into a drainage system that is on my land;
- The water drainage ditch is far greater than the pipe system will permit;
- The development would add to the flooding risk to other dwellings;

CONSULTATION

The following consultation responses have been received:

Coal Authority: No objection subject to conditions relating to a scheme of intrusive site investigations and a statement from a competent person confirming that the site is or has been made safe and stable for the development.

Flood Risk Management: No objection subject to condition requiring full drainage details to be submitted for approval. Advisory note relating to Sustainable Drainage Approval also recommended.

Highways and Transportation: No objection subject to conditions restricting the use of the barn to private use only and restricting HGVs during construction works to 09:30am – 16:30pm weekdays and 09:30am -13:00pm Saturdays (no deliveries on Sundays and Bank Holidays).

Public Health and Protection: No objection subject to conditions relating to hours of construction, noise, dust and waste. * These recommended conditions are considered to be better dealt with by other Environmental Health legislation and it is therefore not considered necessary to include these in planning conditions.

Welsh Water: No objection subject to condition relating to surface water drainage and advisory notes regarding connections to public sewer, locations of public sewers and water supply.

POLICY CONTEXT

The application site is located outside the defined settlement boundary and within an area that has been identified as a Coal Resources Safeguarding Area. It is not subject to any other constraint, nor is it allocated for any specific purpose. The following policies are considered to be relevant to this proposal:

Rhondda Cynon Taf Local Development Plan

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

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 place making, including landscaping.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy AW14 - states that mineral resources shall be safeguarded from any development which would unnecessarily sterilise them or hinder their extraction.

Supplementary Planning Guidance

Design and Placemaking
Access Circulation and Parking

National Guidance

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

Planning Policy Wales Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Planning permission is sought for the construction of a barn on a parcel of land to the rear of Moss Place, Abernant. The key considerations in determining the application is the principle of the siting a barn in this location and the impact that it would have on the character and appearance of the site and surrounding area and upon the amenity and privacy of surrounding residential properties. The potential impact of the proposal upon highway safety is a further consideration.

Principle of the proposed development

The application site is located outside the defined settlement boundary in an area of open countryside where development is usually restricted. However, such locations are considered to be appropriate for equestrian uses and the principle of constructing a barn to be used in associated with this use is therefore considered to be acceptable, subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area

It is noted that a number of objections have been received from local residents in relation to the proposal which raise concern with regards to the visual impact of the existing site and the proposed development. As noted elsewhere in this report, the site is currently occupied by a small number of removable timber stables (arranged in two small blocks), a small, domestic-style shed (to the side of one stable block) and a touring caravan (to the rear of one stable block, within the informal parking area). Whilst it is accepted that an accumulation of such structures can have a detrimental impact upon the visual amenity of the area, it is not considered that the additional barn structure would have an unacceptable impact in this regard. However, the temporary structures are located within the application site and owned by the applicant and should Members be minded to approve the application, a condition could be added to the consent for the removal of the shed and touring caravan.

In terms of the proposed barn, it would be situated towards the southern end of the site which is set at the lowest end of the slope. Whilst the barn is considered to be a fairly large structure, its scale and design is dictated primarily by its purpose and function and, given that it would be sited within an exceptionally large parcel of land, it is not considered that it would appear overly large or appear inappropriate within its setting. Furthermore, it would be relatively well screened from the surrounding area by existing trees and hedgerows that form the boundaries of the site and with appropriate materials proposed, it is not considered that it would have an adverse impact upon the character and appearance of the site or the surrounding area.

It is noted that the proposal is likely to be visible to users of the Public Right of Way that runs along the southern boundary of the site however, it would not be uncommon to see barn structures within such a countryside setting and it is therefore not considered that the proposal would have an adverse impact in this regard.

As such, the proposed barn is considered to be acceptable in terms of the impact it would have on the character and appearance of the site and the surrounding area and the application would therefore comply with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The site is located in an area of open countryside however, it is noted that there are a number of residential properties located in the vicinity. The proposed barn would be sited towards the southern end of the site and the closest properties are therefore considered to be those in Moss Row to the south-west and those in Moss Place at the entrance to the site to the south-east.

Whilst located in the vicinity of the above-mentioned properties, a separation distance of approximately 70-80 metres would be maintained which would ensure that the barn would have no overbearing or overshadowing impact that would be detrimental to the amenity of those properties. Furthermore, due to the nature of proposed development, it is not likely to give rise to any unacceptable levels of overlooking.

It is noted that the development has the potential to present a nuisance in terms of disturbance and odour generally associated with the keeping of horses. However, the barn would not result in any additional horses being kept at the site and, given the location of the existing stables (approximately 50 metres away from the nearest neighbouring property), it is not considered that this impact would be any greater than that already experienced.

As such, the proposed barn is considered to be acceptable in terms of the impact it would have upon the amenity and privacy of surrounding residential properties and the application would therefore comply with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

The proposal has been assessed by the Council's Highways and Transportation Section with a view to determining the potential impact of the proposal on highway safety in the vicinity of the site. The response received raises no objection to the proposal, subject to two conditions being added to any grant of planning permission. The comments received are summarised as follows:

The proposed access leading to the application site is sub-standard in terms of carriageway width and with no segregated pedestrian footway facilities, no adequate visibility and sub-standard horizontal and vertical alignment, there is concern that the proposal will create additional hazards to the detriment of the safety of all highway users. However, taking into account that horses are already stabled at the site and that the proposal is for a barn relating to the existing equestrian use, which could potential reduce the number of trips following its construction, the proposal is considered to be acceptable.

Whilst the concerns raised by local residents in this regard are noted, the proposal is considered to be acceptable in terms of the impact it would have on highway safety

and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Drainage

It is noted that a number of concerns have been raised by local residents in relation to drainage issues at the site. The proposal has been assessed by the Council's Flood Risk Management team in this regard and the comments received are summarised as follows:

The applicant has not provided any surface water drainage details and it is therefore difficult to assess the potential impact of the proposal in respect of flood risk. It is, however, noted that a High Surface Water flood risk runs adjacent to the north-eastern point of the boundary with surface water running along the track. A Medium Surface Water flood risk also runs just within the boundary fronting no. 2 Moss Place. It is therefore recommended that a condition to secure full drainage details is attached to any grant of planning consent.

Other issues raised by objectors

The objections received in relation to the proposal all point out that that access roads leading to the site are privately owned and are maintained at the expense of the residents. Whilst this is appreciated, the maintenance of the road is a private matter and not a material planning consideration.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

It is acknowledged that the application site lies outside of the defined settlement boundary in an area considered to be open countryside. However, given that the site has clearly been used for the keeping of horses for an extended period of time and that the proposed barn would be used in association with that use, the principle of the proposal is considered to be acceptable in planning policy terms.

Having taken account of all of the issues outline above, it is considered that the proposal represents a development that is compatible with the wider countryside setting and surrounding residential area. Furthermore, the proposed barn is considered to be acceptable in terms of its siting, scale and design and it is not considered that it would have an adverse impact upon the character and appearance of the surrounding area, the amenity and privacy of surrounding residential properties or upon highway safety. The application is therefore recommended for approval, subject to the conditions specified below.

RECOMMENDATION: Grant

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 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:

- Drawing no. 2736B: Proposed Equestrian Barn

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

3. The Barn, hereby approved, shall be used for private equestrian purposes only and for no other purpose, including any commercial equestrian use or conversion to residential use.

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

4. HGV's used during construction shall be restricted to 09:30am to 16:30pm weekdays, 09:30am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

5. No development shall commence until:

- a. A scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b. Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development hereby approved.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the development can be carried out without significant risk to health and/or local amenity in terms of land stability, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the occupation of the development, or it being brought into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the development can be carried out without significant risk to health and/or local amenity in terms of land stability, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Drainage including full drainage details have been approved in writing by the Planning Authority.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage.

8. The domestic shed and touring caravan shall be removed from the site upon the first beneficial use of the barn hereby approved.

Reason: In the interests of the visual amenity of the surrounding area, in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.



PLANNING & DEVELOPMENT COMMITTEE

5 NOVEMBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0701/10 (JE)
APPLICANT: Mr S Richardson
DEVELOPMENT: Retrospective planning for driveway, porch, rear fencing, rear veranda and other external works. (Additional plans received 25/08/20) (Amended Plans received 28/09/20).
LOCATION: 21 MANOR HILL, MISKIN, PONTYCLUN, CF72 8JP
DATE REGISTERED: 20/07/2020
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: Approve

REASONS:

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from Councillor Griffiths for the matter to come to Committee so that Members can consider the visual impact of the development and its impact upon the amenities and privacy of the surrounding properties.

APPLICATION DETAILS

Full planning permission is sought for the retention and completion of a number of works at 21 Manor Hill, Miskin.

The works proposed as part of this application are listed below:

- Retention of a raised driveway to the front of the property along the boundary with No. 22, alongside the existing driveway and access path to the dwelling. The driveway measures a maximum depth of 5.5 metres and is raised a maximum of 0.9 metres above ground level on its rear elevation. To the rear of the driveway would be an additional raised area to be used as a patio and seating area within the property's front amenity space. Alongside the raised

driveway would be an area allocated for planting. Along the boundary of the driveway with No. 22 would be a 1 metre high feather edge fence which would increase in height to the rear, to a maximum height of 2 metres.

- The construction of a porch located to the front of the property which would adjoin the existing storm porch alongside the garage. The proposed porch would measure a width of 1.5 metres to match the existing structure and would measure a depth of 2.2 metres, resulting in a combined depth of 3.4 metres. The proposed porch would have a hipped roof design measuring a maximum height of 3.5 metres sloping to 2.7 metres at the eaves.
- Retention and completion of a raised patio to the rear of the dwelling which has been increased in width by 1.8 metres towards the boundary with No. 20. The extended raised patio measures a total width of 9.4 metres and projects 4 metres from the dwelling. The existing level of the raised patio is 0.9 metres above ground level at the rear. It is proposed to increase the height of this area by 0.2 metres to measure a maximum height of 1.1 metres. Access to the remainder of the rear amenity space would be via new set of steps to the rear of the raised patio. It is also proposed to construct a 1.5 metre high privacy screen along the western side of the raised patio close to its boundary with No. 20.
- The construction of a covered canopy above the rear raised patio. The proposed canopy would be located along the eastern side of the raised patio towards the boundary with No. 22. The structure would measure a width of 3.6 metres by a depth of 4 metres. The proposal would consist of 2 no. 150x150mm galvanised steel posts on its rear elevation supporting a flat roof which would measure 2.6 metres in height from the finished floor level of the raised patio. Alongside this area would be a concrete fireplace towards the centre of the patio measuring a width of 1.1 metres by a height of 2.3 metres.
- Retention and completion of an area of the rear garden which has been raised between 0.3 metres and 0.7 metres with a concrete block retaining wall. This area measures a maximum width of 8.4 metres by a maximum depth of 8.2 metres and would be laid to lawn once completed.
- Feather board timber fencing measuring a height of 2.1 metres along the rear boundary of the property.

Also included within the scheme of works is the construction of 2 metre high boundary fencing along the side boundaries of the property and the raising of the level of the side access pathways by 0.3 metres above the existing ground level. Whilst these works are included within the application they fall within the parameters of permitted development and could be constructed without the need for planning permission.

SITE APPRAISAL

The application property is a single storey detached bungalow situated within a housing estate forming part of a residential area of Miskin, Pontyclun. The property is set back from and at lower level than the highway at Manor Hill with an area of open amenity space to the front. The dwelling is located centrally within the plot with

accesses to the rear along both side boundaries. The property has been previously extended with the ridge level and width of the dwelling increased and the construction of an attached garage to the front elevation. To the rear of the property is an enclosed amenity space bounded by Nos. 20 & 22 Manor Hill at either side and No. 8 Manor Hill to the rear. The nature of the area slopes from north to south with the ground levels decreasing towards the rear of the site with a significant difference in level between the application property and No.8 to the rear. At the time of the Officer's site visit a number of the works had commenced at the property but were not completed.

The application dwelling is located within a linear street scene which is generally uniform in its layout. However, a number of the properties, including the application dwelling, have been extended and their character and appearance significantly altered from their original form.

PLANNING HISTORY

The most recent planning applications on record associated with the site are:

17/0259/10: 21 MANOR HILL, MISKIN, PONTYCLUN, CF72 8JP

Proposed ground floor extension, new external porch, raising of roof levels for attic extension and garage.

Decision: 16/05/2017, Grant

18/0796/39: 21 MANOR HILL, MISKIN, PONTYCLUN, CF72 8JP

Keep existing size 1800mm window to the front, ground floor level. Approved plans state 2400mm. Keep the existing render all over the building white / off white, approved plans showed stone work. New porch to keep dwarf wall stone and change windows to off white/pale grey colour. Existing colour white, plans approved stated brown.

Decision: 20/08/2018, Grant

18/1044/39: 21 MANOR HILL, MISKIN, PONTYCLUN, CF72 8JP

Non material amendment of previously approved planning application 17/0259/10 to reduce ridge height of garage and enlarge front window.

Decision: 03/10/2018, Grant

PUBLICITY

The application has been advertised by direct notification to 6 neighbouring properties. Two letters of objection have been received from surrounding neighbours (summarised below):

- Raised front driveway is out of character with street scene
- Boundary fencing at front of property out of character
- Rear boundary fencing would be a prominent addition and above 2.1 metre height

- Likely that fencing once complete will be above the 2 metres proposed
- Lower area of rear garden which has been raised creates overlooking of neighbouring property
- Loss of privacy from extended and raised rear raised patio
- Rear covered canopy out of keeping with residential character of area due to the use of large steel columns
- Possibility of area being used as raised veranda being accessed from the first floor
- Discrepancies in measurements and levels
- Height of fencing along the side boundaries
- Construction of fence has begun with posts above 2 metres
- Front fencing out of character

CONSULTATION

No consultation has been undertaken.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Misken and is not allocated for a specific purpose.

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 place making, including landscaping.

Supplementary Planning Guidance

- A design guide for householder development

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 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

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

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to the retention and completion of a number of works within the curtilage of an existing residential dwelling to improve living standards for the occupiers. The principle of development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

Whilst the raised front driveway inevitably forms a visible feature within the street scene as mentioned by the objectors, given its minor scale and height with the feature only measuring a maximum 0.9 metres from the rear, the driveway is not considered to form an incongruous or dominant addition which adversely impacts upon the character and appearance of the area. Furthermore, there are a number of neighbouring properties with extended driveways and hardstanding's to the front of the dwelling. As such, the appearance of more than one car to the front of a property is not uncommon within the street scene.

With regard to the proposed 1 metre high fencing which would be placed on top of the raised driveway, whilst it is acceptable this structure would form a noticeable addition to the site, the applicant could erect a 1 metre high boundary fence following the existing contour of the land through their permitted development rights. As such, it is not considered that the fence, given its minimal height and that of the raised driveway towards the front boundary, would result in an impact significantly different to the fall-back position.

The objectors also raised concern in relation to the potential impact the proposed boundary fencing along the side of the property would have upon the character of the street scene. Whilst it has been noted that the area of fencing to the front of the neighbouring property, No.20, would be internally boarded only, leaving the framework visible from the highway at Manor Hill which is not ideal, the fencing along this area is proposed to respect the 2 metre permitted development allowance for boundary treatments between neighbouring properties.

An objector also raised concerns in relation the appearance of the fixed canopy at the rear of the property due to its construction using galvanised steel columns. Whilst it is acknowledged that the use of steel columns within a domestic setting is uncommon, it is not considered that the development would adversely impact upon the character and appearance of the application property which has been previously extended to a modern appearance. In addition, with this structure located to the rear of the property, it will be largely screened from public viewpoints and would therefore not adversely impact upon the character and appearance of the street scene.

Although the rear boundary fence does form a visible feature from the immediate neighbouring properties at Manor Hill, the area of fencing replaces a large conifer hedge that was previously located along the boundary. As such, whilst the objector's comments in this respect are noted, it is not considered any visual impact would be greater than the previous situation. It should also be noted that the proposed height of 2.1 metres is only 100mm above the parameters provided by permitted development.

In relation to the proposed porch extension, this would represent a sympathetic and subservient addition to the property which respects the design and dimensions of the existing porch canopy. As such, it is not considered to have any adverse impact upon the character and appearance of the area.

Therefore, in conclusion, when considering the cumulative effect of the works proposed within this application and those undertaken as part of the previous application (17/0259/10) which saw the dwelling extended and altered in appearance, it is accepted the end result would create a dwelling which shares little resemblance to its original form. Nevertheless, when taking the above points into account, it is not considered that the proposals will detract from the character or appearance of the area or result in harmful impact to the visual amenity of the street scene. As such the scheme is considered acceptable in this regard.

Impact on residential amenity and privacy

The objector's raise a number of concerns in relation to overlooking from the raised area towards the rear of the garden and the increased width and height of the rear raised patio. Whilst it is acknowledged that the proposal does create opportunities for overlooking of the adjacent properties, when considering the presence of the existing raised patio at the rear of the application property and the existing opportunities for overlooking between the application property and adjacent neighbours created by

differences in levels between the sites, it is considered that a mutual level of overlooking already exists and has been long established between both properties. As such it is not considered the raised rear garden or extended raised patio would exacerbate existing levels of overlooking to a degree that would warrant refusal of the application. In addition, the area of the garden which has been raised would be laid to lawn once completed which would push activity towards the rear raised patio which is largely existing. Additionally, whilst this area has been extended in width by 1.8 metres, the raised patio is proposed to include a 1.5 metre high privacy screen towards the boundary with No.20 to alleviate some of the potential overlooking impact. Furthermore, the increased fence height of 2 metres along the side boundary of the properties would provide additional screening from these areas. Consequently the existing privacy situation between the application property and those either side would be improved. Furthermore, given the location of the proposed 2.1 metre high fence along the rear boundary of the site, the neighbouring property to the rear, No.8, which is sited lower ground level, would be largely screened from view from the raised patio and garden level.

Any potential overbearing impact would be associated with the raised patio which includes a privacy screen along one side and the covered canopy along its other side. However, as the raised canopy would only consist of 2 no. rear pillars with open elevations, it is not considered that it would result in a significant degree of overbearing impact upon the adjacent dwelling, No. 22. Furthermore, whilst the proposed privacy screen would form a visible feature from No. 20, given its overall height of only 2.6 metres above the original garden level, this feature would be largely screened by the proposed 2 metre high boundary fencing.

Comments were received from the objectors stating that the 2 metre high boundary fencing would result in an overbearing impact the adjacent properties. Whilst some impact may occur, the fences would be within the permitted development limits.

Taking the above into account, whilst the proposal would result in some overlooking of the neighbouring property No.20 Manor Hill, and a degree overbearing impact, it is not considered any potential impact would be significant enough to warrant refusal of the application. The application is therefore considered acceptable in these respects.

Other points raised by the objectors not covered above

An objector has commented that they do not believe the applicant will build in accordance with the submitted plans if the application is approved. Whilst this point is noted, Members are advised that an Officer has been out to the site and that everything that has already been constructed complies with the submitted. Furthermore, any elements of the scheme that have not yet been completed would have to comply with the details/plans submitted and any elements that do not, may be subject to enforcement action. In addition, whilst the comments received also raise concerns that the development does not represent the previous levels of the rear

garden, as large parts of the development have commenced it is not possible to attain accurate measurements of the previous levels. As such, the development has been assessed from the levels currently present at the site.

Also raised by an objector was concern that the proposed covered canopy could be utilised as a raised terrace given the presence of an existing Juliet balcony at the rear of the dwelling. Whilst these points are acknowledged, the proposed development does not propose any use for this area. Nevertheless, a condition is suggested below that would restrict this area from being utilised for any purpose other than maintenance/escape.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

Whilst it is acknowledged that the development does propose a large number of works to a property which has already been significantly altered in appearance, it is considered the proposal would not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

RECOMMENDATION: Grant

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)
 - Proposed Plans
 - Western Elevation with fence details
 - Proposed Garden Plans
 - West Elevation
 - (G950ID) Garden Fireplace

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.

2. Under no circumstance whatsoever shall the flat roof of the canopy hereby approved be used as a roof top terrace/patio or similar private outdoor

amenity space. The roof top shall only be accessed for maintenance/escape purposes.

Reason: In the interests of the residential amenity and privacy of neighbouring properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

5 NOVEMBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0827/10 (KL)
APPLICANT: Plan R Ltd
DEVELOPMENT: Change of use from A3 coffee house to A3 fish and chip shop (takeaway).
LOCATION: 6 MILL STREET, TONYREFAIL, PORTH, CF39 8AA
DATE REGISTERED: 03/09/2020
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: Approve

REASONS:

The application site is located within the defined settlement boundary within a designated retail zone where the principle of an A3 use is considered to be acceptable. The proposed use would contribute to the daytime and evening economy of the town by attracting footfall to this area of the town and would inevitably prevent further units in the town centre from becoming vacant.

The proposal would involve very few alterations to the external fabric of the property and it is not considered that it would have any impact upon the character and appearance of the application property or the surrounding area. Furthermore, conditions can be imposed to ensure that the proposed A3 use would not have an adverse impact upon the amenity of neighbouring residential properties.

Two off-street car parking spaces would be provided at the rear of the property which would be an improvement to the current situation and the proposal is considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from Councillor Owen-Jones for the matter to come to Committee in order for Members to consider highway, access and environmental issues.

APPLICATION DETAILS

Full planning permission is sought for the change of use of an existing commercial property from an A3 use (coffee shop) to A3 (fish and chip shop takeaway). Permission would not usually be required for a change of use between uses that fall within the same Use Class, however, a condition was added to the original application for the change of use to a coffee shop (ref. 08/1331) which prevents it from being converted to a hot food takeaway under permitted development rights.

The proposal would not involve any internal or external alterations to the application building, however, two off-street car parking spaces would be created at the rear of the property with access of the rear lane (served off High Street). The works would involve the demolition of the existing rear boundary wall and the creation of a hardstand area.

Details submitted with the application indicate that the proposed use would have opening hours of 11:00 – 22:00 Monday to Saturday (closed on Sundays) and would lead to the employment of 4 permanent staff, including 4 part-time members of staff.

The change of use would relate to the ground floor only and the existing residential flat above, along with its separate access, would be retained.

The application is accompanied by the following:

- Planning Statement;

SITE APPRAISAL

The application site relates to an existing commercial property that is located within the defined retail zone of Tonyrefail. The property is typically a two-storey terraced property that is located towards the northern end of the high street. It is set back from the edge of the pedestrian footway by a small courtyard area and is accessed via an existing shop front consisting of a large display window and an entrance door. A separate entrance is situated immediately adjacent to the shop front, which provides access to a first floor residential flat (currently appears to be vacant).

The surrounding area is predominantly commercial in character with various different commercial uses visible in the immediate vicinity. It is, however, noted that there are a number of residential flats above shops.

PLANNING HISTORY

08/1331	6 Mill Street, Tonyrefail	Change of use from sweet shop to coffee house with alterations to shop front	Granted 31/10/08
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08/1828	6 Mill Street, Tonyrefail	Change of use to general office purposes (solicitors)	Granted 27/01/03
89/0643	6 Mill Street, Tonyrefail	Change of use from ground floor shop selling hot food to shop/office providing financial services	Granted 28/09/089
85/0651	6 Mill Street, Tonyrefail	Convert ground floor of dwelling to retail shop	Granted 18/08/85

PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of a number of site notices in the vicinity of the site. Two letters of objection have been received from the owners of other hot food takeaways in the vicinity of the site. The letters are summarised as follows:

- There are already many fast food outlets in this area and Tonyrefail does not need another fish and chip shop;
- There is concern that the proposed fish and chip shop will cause our business not to move forward which will risk the jobs that we are planning to provide;
- There are already 2 Indian takeaways, 4 fish and chip shops and Chinese takeaways. There is also a restaurant and other food outlets;
- There should be space on this high street for other non-related food businesses such as gift shops etc;
- Existing takeaways are already losing money due to Coronavirus as we have to shut early and people do not want to go outside;
- Business is struggling at the moment'

Further correspondence has also been received from Councillor Owen-Jones with concerns being raised in relation to:

- Highway safety and access with the proximity of the property to busy traffic lights;
- The area is also subject to emissions of a high level and an outlet of this nature, especially in close proximity to the busy traffic lights, will cause no end of problems;
- The current business and the neighbouring waffle bar depend highly on foot traffic but this will not be the case with a fish and chip shop.

CONSULTATION

The following consultation responses have been received:

Flood Risk Management: No comments to make in respect of flood risk.

Highways and Transportation: No objection, subject to conditions relating to the laying out of the proposed parking spaces before the development is brought into use, the details of the parking area entrance apron and tie in with the lane and surface water run-off.

Public Health: No objection subject to conditions relating to noise, dust, waste and details of odour control and grease containment.

Welsh Water: Advises that the site is crossed by a public sewer and recommends conditions in relation to surface water drainage and grease traps. Further advisory notes recommended in relation to connection to the public sewer.

No other consultation responses were received at the time of writing this report.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located inside the defined settlement boundary for Tonyrefail and is not allocated for any specific purpose. The following policies are considered to be relevant to this proposal:

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

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 place making, including landscaping.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

Policy SSA16 - defines Tonyrefail as a Key Settlement and promotes changes of use to retail uses inside the defined boundaries, which would maintain or enhance the centre's position in the retail hierarchy.

Policy SSA17 - promotes proposals for Class A1, A2, A3 and other use that will add vitality and viability to the retail centre by attracting footfall that benefits the daytime and evening economy.

Supplementary Planning Guidance

Design and Placemaking
Design in Town Centres

Access Circulation and Parking

National Guidance

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

Planning Policy Wales Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 18: Transport;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application site is located inside the defined settlement boundary and within the defined retail centre of Tonyrefail. As such, the site is considered to be located within a highly sustainable location and the proposal would therefore satisfy the key objectives of Policy AW2.

Policy SSA16 encourages retail uses (Class A) within town (retail) centres that would maintain or enhance a centre's position in the retail hierarchy. It identifies Tonyrefail as a Key Settlement which is expected to act as a district centre where the emphasis is on convenience (food) shopping with an element of day-to-day comparison (non-food) shopping. Policy SSA17 emphasises this and acknowledges that Class A uses add to the vitality of a town by attracting customers and increasing footfall. However, it also recognises that hot food premises that are closed during the day make a limited contribution to the vitality of retail centres and it therefore seeks daytime opening hours for A3 uses to encourage uses that would complement other retail uses.

In the case of this application, the application proposes the use of the property as a hot food takeaway (Use Class A3) that would be open between the hours of 11:00-22:00 Monday – Saturday. It would therefore ensure an active frontage which would benefit the daytime and evening economy of the town centre and which would inevitably add to the vitality of the centre by attracting customers and increasing footfall to this part of the town. It is noted that the current use of the application property is also A3 and, given its operation as a coffee shop, it is likely that the opening hours are limited to daytime hours only and the proposal would therefore increase the potential footfall and benefit other convenience (food) uses during the evening.

One letter of objection has been received from the owner of a nearby hot food takeaway which raises concern that the proposal would unacceptably increase the number of A3 uses in the town. Whilst these concerns are acknowledged, there is no policy within the Rhondda Cynon Taf Local Development Plan that sets a limit for A3 uses within Key Settlements such as Tonyrefail. However, an assessment of the Council's most recent retail data (October 2019) has been undertaken in order to determine the classification of uses in the defined retail centre. The data reveals that there are a total of 54 units within the defined retail area of Tonyrefail with:

- 27 units (50%) falling within the A1 Use Class;
- 8 units (14.81%) falling within the A3 Use Class;
- 11 units (20.37%) fall within another use (A2, Sui Generis, B1 & D1);
- 8 units (14.81%) are currently vacant.

It is clear from this assessment that the predominant used within the town is A1 with only a small percentage of units being recorded as an A3 Use and, taking into account that the proposal would not change the overall use of the application property, the predominant use of the town would therefore continue to be A1. It is therefore not considered that the proposal would lead to an overconcentration of A3 uses in the retail centre of Tonyrefail.

It is noted that the retail figures identified above are not up-to-date however, the Council have been unable to conduct this year's retail survey due to the current Covid-19 pandemic. It is therefore recognised that the figures may not be an accurate reflection of the current situation. Indeed, it is widely recognised that town centres have been greatly impacted by the current situation with many local business having to

close indefinitely. Information submitted with the application (Planning Statement) indicates that 12 shops in Tonyrefail currently lie empty with a further 4 being up for sale (data collected August 2020). Furthermore, It was noted during the officer's site visit that there were signs in the display window of the existing coffee shop that advised of its imminent closure and the proposal would therefore prevent a further unit from becoming vacant.

Whilst it is noted that there are a number of similar hot food takeaways in and surrounding Tonyrefail town centre, it is not considered that the use of the application property as a hot food takeaway would undermine the retail character of the town centre and, given that the proposal would prevent a further unit from becoming vacant, it is considered that it would help to maintain the centre's position in the retail hierarchy. As such, the application would comply with Policies SSA16 and SSA17.

In light of the above, the principle of the proposed development is considered to be acceptable, subject to an assessment of the criteria set out within other policies of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The application site is located within the defined retail centre and the surrounding area is therefore predominantly characterised by commercial properties. It is however, noted that there are a number of residential properties in the vicinity, including flats above shops. It is therefore important to consider the potential impact of the proposal on the amenity of nearby occupiers in terms of potential cooking odours and noise associated with the operational use of a hot food takeaway.

The proposed A3 use would inevitably require some form of equipment to suppress and disperse fumes and odours produced by the preparation and cooking of food. The application does not include any details in this regard and the Council's Public Health and Protection team have therefore recommended conditions for the submission of full details of any proposed extraction equipment, as well as details of a system that would be operated to prevent waste cooking oil, fat, grease and food debris from entering the foul drainage system. It is therefore considered that odour control can be adequately addressed through the imposition of planning conditions.

In terms of the potential for noise and disturbance associated with the proposed use, the application property is located within a retail centre where a greater level of activity throughout the day and night is to be expected. Furthermore, such A3 uses are typically located in such locations and the occupiers of any surrounding residential properties would therefore be accustomed to the activity associated with town centre locations. Notwithstanding this, the proposed hours of opening are considered to be reasonable and not too dissimilar to other A3 uses in the area and it is therefore not considered that surrounding residents would be subject to an unacceptable level of noise and disturbance from the proposed use that would be detrimental to their residential amenity. It is, however, recommended that a condition restricting the hours

of opening to those specified within the application is included should Members be minded to approve the application.

As such, it is not considered that the proposal would result in an unacceptable degree of noise and disturbance or result in a harmful impact upon the levels of amenity currently enjoyed by surrounding residential or commercial occupiers. The application is therefore considered to comply with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

The application has been assessed by the Council's Highways and Transportation section with a view to determining the potential impact of the proposal on highway safety in the vicinity of the site. The response received raises no objection to the proposal (subject to conditions). The comments are summarised as follows:

Access

Access to the application site is directly off Mill Street and, given that there are no alterations proposed and that there are numerous comparable uses in the vicinity, there is no undue cause for concern with regards to access arrangements.

There are numerous Traffic Regulation Orders in place on Mill Street, including double yellow lines, no loading/unloading and limited waiting parking bays to control on-street parking and to protect the free flow of traffic.

The proposed rear off-street parking with access off the rear lane is acceptable as a secondary access only.

Parking

The existing A3 use (café with dining area) requires up-to a maximum of 1 space per 14m² of dining area and one commercial space. No spaces are currently provided.

The proposed A3 use (hot food takeaway) requires deliveries and servicing to take place safely. There is concern with regards to the location of the site in close proximity to the signal head for the controlled crossing/junction. However, taking into account the existing traffic regulations in place preventing obstruction to maintain free flow of traffic, the proposal is considered to be acceptable.

It is also noted that two off-street car parking spaces would be provided to the rear which would go some way to mitigate the impact of the proposal and conditions are recommended to ensure that the spaces are laid out in accordance with the plan prior to the propose use becoming operational and to secure details of the design and detail of the parking area entrance and tie in with the lane.

Impact on the character and appearance of the area

The proposal would not result in any physical alterations to the application property however, works would be undertaken at the rear of the building to facilitate two off-street parking spaces. The works would involve the demolition of the existing rear boundary wall and the creation of a hardstand area. Given that these alterations would not be visible from the high street, it is not considered that the proposal would have an adverse impact upon the character and appearance of the site or the surrounding.

As detailed in the *Impact on residential amenity and privacy* section above, the Council's Public Health and Protection team have recommended a condition to secure details of any extraction equipment required in the operation of the proposed used. Whilst no details have been included in this application to determine the likely siting of such equipment, it is likely that it would be situated at the rear of the property where it would not have any impact upon the visual appearance of the application property.

As such, the application would comply with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Other issues raised by objectors

The letter of objection received raises concern that the approval of this application and the subsequent operation of a fish and chip shop would impact upon similar hot food takeaways and risk existing jobs. Whilst these concerns are duly noted, they are not planning considerations and cannot be taken into consideration in the determination of this application. Similarly, the impacts of the current Coronavirus pandemic cannot be taken into consideration.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the development, the impact it would have upon the amenity and privacy of neighbouring properties, the impact it would have upon highway safety in the vicinity of the site and the impact it would have upon the character and appearance of the surrounding area.

RECOMMENDATION: Grant

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 and documents received by the Local Planning Authority on unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Site Location Plan (rec. 03/09/2020);
- Drawing No. hdw/ph/rh.03: Proposed Block Plan (rec. 03/09/202);
- Drawing No. hdw/ph/rh.02 Proposed Floor Plan (rec. 03/09/2020)

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

3. The development shall not be brought into use until space has been laid out within the site for vehicles to be parked in accordance with the submitted plan hdw/ph/rh.03 and approved by the Local Planning Authority. The spaces shall be retained for the parking of vehicles thereafter unless agreed in writing with the Local Planning Authority.

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

4. Before the parking area is brought into use, design and detail of the parking area entrance apron and tie in with the lane shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the LPA prior to beneficial use.

Reason: To prevent damage to the public highway, in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to commencement of the development, details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial operation of the business and shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the integrity of the foul drainage system in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. The use hereby permitted shall not be operated from the premises except between the hours of:
 - Monday to Saturday (11:00-22:00) (including Bank Holidays)
 - Sundays (Not at all)

Reason: To ensure that the noise emitted from the development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

5 NOVEMBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0877/10 (GW)
APPLICANT: Arena Supplies Ltd
DEVELOPMENT: 2 no. proposed 2 storey innovation units with minor amendments to the adjacent highway.
LOCATION: ELY VALLEY BUSINESS PARK, STATION TERRACE, PONTYCLUN
DATE REGISTERED: 02/10/2020
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: Grant

REASONS: The site is on land identified as being outside the settlement boundary and within a Green Wedge. However, the site is directly adjacent to the established Ely Valley Business Park and is now visually part of the estate. Furthermore, planning permission (17/0247/10, 15/11/65/10 and 12/0906/10) have previously been granted for buildings in a similar position in terms of the Local Development Plan Proposals Map and policy constraints.

No objections have been raised on highway safety grounds or in relation to the Site of Important Nature conservation (SINC) and whilst it is recognised that objections have been raised from a local resident with regard the potential to result in increased flooding, no objection has been raised from Natural Resources Wales.

The proposed development would provide employment compatible with the area and on balance; it is not considered that the visual impact would have a significant effect on the Green wedge

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Service Director of Prosperity and Development as the proposal is being recommended for approval and would be contrary to the provisions of the Local Development Plan (LDP).

APPLICATION DETAILS

This application is for full planning permission to construct 2 no. industrial units on land adjacent to Ely Valley Business Park. The buildings would be two storeys high and would provide open workshop floor space for General Industrial use (B2 use class).

8 no. car parking spaces would be provided adjacent the unit and additional turning facilities. Some landscape planting is indicated.

The applicant details a minimum of 12 full time jobs would be provided for and that opening hours would be between 08:00 and 18:00 on Monday to Fridays and between 08:00 and 13:00 on Saturdays.

The application is supported by:

- A Justification Statement;
- Construction Management Plan;
- Flood Consequence Assessment;
- Flood Management & Evacuation Plan;
- Site Investigation Report; and a
- Supporting Letter.

SITE APPRAISAL

The site is located on the south western edge of the Ely Valley Business Park, which is adjacent to a relatively large area of open space to the west. The Ely Valley Business Park contains some small scale industrial buildings and the main access is via Meadow View to the north. It can also be accessed from Station Terrace.

From a site visit, it was evident that some ground preparation works and the laying of stone across the site have been undertaken. It is assumed these works have been carried out at some time since 2017, when a site visit was undertaken in relation to the previous application. At this time, the site was a shallow grass bank between a ditch (in the open grassland area to the west) and the edge of the industrial estate road. A low wooden post fence marks the line of the bottom of the bank, effectively, marking the boundary between the open grassland and the industrial estate as it is now.

A residential estate of relatively modern dwellings is located on the opposite side of this road. To the south east is the River Ely and on the opposite side of the river are residential dwellings in Pontyclun. The centre of Pontyclun can be accessed from the site via a Public Right of Way across the river, which also serves as a vehicle access.

PLANNING HISTORY (Relevant to application)

17/0247/10	New Innovation Centre, Ely	Proposed new 2 storey innovation centre with amendments to the highway.	Granted 10/10/2017
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	Valley Business Park, Pontyclun		
15/1165/10	Land adjacent to Ely Valley Business Park	Single storey building to accommodate site security office associated with a recently completed innovation centre adjacent.	Granted 23/12/2015
12/0906/10	“ ”	New two storey building to accommodate Arena Supplies Ltd with workshop floor space & associated offices for an innovative design centre	Granted 23/11/2012
03/0271	Units 20-21 Ely Valley Business Park (East), Pontyclun	Demolish Existing. Form 2 No new Industrial Units - Class B1, B2 & B8. Construct access road.	Granted 16/05/2003

PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. Two letters of objection have been received at the time of writing this report and their contents are summarised below:

- Welsh Water detail the public sewerage system would be overloaded.
- NRW detail the building would be on a previous landfill site.
- The height of the building will increase its impact on the residences opposite.
- It would result in overlooking of many bedrooms across the street.
- It will increase traffic pressure impacting on parking in a residential street.
- In light of current circumstances, increasing unit size and people capacity would be in direct opposition to current requirements regarding social distance.

CONSULTATION

Dŵr Cymru Welsh Water – no objection subject to a condition that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. Advice is provided on sewers and SuDS.

Natural Resources Wales – Site contamination: The site is located on a historic landfill and is adjacent to the River Ely. The submitted Site Investigation Report prepared by Integral Géotechnique (Wales) Limited, dated September 2020, details the trial pitting and soil samples taken. The soil sample results show low levels of contamination present on site and the report concludes the risk to controlled water is low.

We still have significant concerns with the proposed development as submitted. And we recommend you should only grant planning permission if you attach a condition with regard land contamination and controlled waters to require that any contamination, previously not identified, is remediated. Otherwise, we would object to this planning application.

Flood risk: The planning application proposes less vulnerable development. Our Flood Risk Map confirms the site to be entirely within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Ely.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. One of the tests (iv) is for the applicant to demonstrate through the submission of an Flood Consequence Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level.

The submitted FCA prepared by Quad Consult, dated 26/08/2020, shows that the risks and consequences of flooding are manageable to an acceptable level, as the proposed development is predicted to be flood free during all events up to and including a 0.1% (1 in 1000 year) annual probability fluvial flood event. Therefore, we have no objection on flood risk grounds to the application as submitted.

The FCA proposes the management of any residual flood risk by recommending: the development of a site specific Emergency Plan; flood mitigation measures be incorporated into the design of the building; and, occupiers sign up to NRW's Flood Warning Service.

RCT Countryside Section – The raised 'plateau zone' has already been lost as floodplain/Site of Importance for Nature Conservation and on this basis no objection is raised.

RCT Flood Risk Management – The applicant has proposed to construct these units within an existing 'greenfield' location and as such will be required to mirror the discharge of surface water from the site to that of Greenfield runoff rates. Unfortunately the applicant has not provided any relevant details in relation to surface water disposal other than to indicate that SuDs will be the method of disposal.

The applicant needs to gain approval under schedule 3 of the Flood and Water Management Act 2010 which is separate to permissions granted under the Town and Country Planning Act.

Based on a review of the location's risk to surface water flooding we take note of the Flood Consequence Assessment however, the document is solely related to the risk of riverine flooding and as such bares no support to the management of surface water flood risk or indeed surface water disposal for the site location. On review of the national surface water flood risk plans provided by NRW we note that the area where

the proposed works are located are subject to low risk of surface water flooding but a medium to high risk pooling areas are located adjacent the site boundary.

As such we would recommend that the mitigation proposed within the FCA takes into account the potential for surface water accumulation and conveyance routes to ensure the proposed units are not detrimentally impacted by surface water flooding.

It is recommended a condition requiring drainage details is necessary so that the development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage.

RCT Public Health and Protection – No objection subject to conditions with regard hours of operation, noise, dust, waste and site contamination. The updated site investigation report is noted, however further information is required with regard site contamination.

RCT Transportation Section – No objection subject to a condition requiring the provision of the proposed parking. The existing highway infrastructure currently adequately serves the wider business park and the proposed development of an additional 2 units would not result in undue intensification of use of said infrastructure.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is located outside the settlement boundary, and is within a Green Wedge. It is also within a Site of Importance for Nature Conservation (SINC) and an area of sand gravel resources, as identified by the Local Development Plan.

Policy CS 2 - sets out criteria for achieving sustainable growth including: providing opportunities for significant inward investment.

Policy AW 2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

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

Policy AW 6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW 8 - sets out criteria for the protection and enhancement of the natural environment.

Policy AW 10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy AW 14 – Safeguards recourse of sand and gravel from development.

Policy SSA 22 – Identifies the site as a Green Wedge aimed at preventing coalescence between and within Llanharan, Llanharry and Pontyclun.

Supplementary Planning Guidance:

Access Circulation and Parking

Design and Placemaking

Employment and Skills

Nature Conservation

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 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 15: Development and Flood Risk;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development;

Building Better Places: The Planning System Delivering Resilient and Brighter Futures: Placemaking and the Covid-19 recovery;

Manual for Streets; and

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

It is considered that the main issues involved in the assessment of this application relate to whether the principle of new development would be acceptable having regard to its location outside the defined settlement boundary and within a Green Wedge and a Site of Importance for Nature Conservation (SINC). Other matters to be considered are: its flood risk implications, being situated within a C2 Flood Risk Zone, the impact of the proposed development on residential amenity, highway safety, ecology and contamination.

Principle of the proposed development

As noted above, the application proposes the construction of an office building on land located outside of but adjacent to the defined settlement boundary. The site is subject to a number of constraints as the land falls within a C2 flood risk zone and also forms part of a locally designated Green Wedge and SINC. The policies contained within the Local Development Plan aim to steer new built development to sustainable locations, which are within the settlement boundary and are compatible with the surrounding land uses. They also seek to protect the countryside from inappropriate forms of development which would have a detrimental effect on agriculture, the landscape and the amenity value of land. The designation of the land as a Green Wedge places a further constraint in that consideration must also be given to the appropriateness of the development in relation to the aim of Policy SSA 22 which seeks to prevent coalescence between the settlements of Llanharan, Llanharry and Pontyclun.

It is acknowledged that the existing innovation centre buildings and security office similarly infringed upon the settlement boundary, Green Wedge and SINC but were approved following the submission of a satisfactory justification statement and confirmation that employment opportunities would be secured. Having regard to this

it is considered that the settlement boundary line to the west of the application site is arguably in need of being updated and the Green Wedge boundary which ultimately follows the line of the settlement also needs to be reviewed as part of the Local Development Plan process. It is however considered that the proposal for a building on open land in a Green Wedge is inappropriate development. As such, it needs to be questioned as to whether building on open land outside the settlement boundary and in a Green Wedge is justifiable.

It is noted that PPW advocates a positive approach to economic development. In the case of this application, the direct job creation would equate to 12 full time positions, which is relatively small, but it can be said this would be beneficial and could support and sustain local businesses and other jobs. It is also acknowledged that the buildings would be relatively small and close to other units on the park, its visual impact on open land would not be significant.

Therefore, on balance, it is considered that the economic benefit should outweigh the conflict with local development plan policies and thus, on balance, there is no objection in policy terms to this application.

As Members will be aware, Supplementary Planning Guidance designed to promote employment and skills has been adopted recently with a view to assisting employment within the County Borough. Whilst this particular development falls below the threshold which would require an employment and skills plan, it is acknowledged that the proposal will provide opportunities for employment.

Therefore, given the particular circumstances of this case, the principle of the development is considered to be acceptable subject to an assessment of the other material planning considerations set out below:

Flood Risk

The application site lies entirely within Flood Risk Zone C2 and concern has been raised by members of the public over the implications of the proposed development on the flood plain of the River Ely and Nant Melyn and its cumulative impact with previous developments.

Technical Advice Note 15: Development and Flood Risk identifies Industrial development as being 'Less vulnerable development'. The tests for allowing development in C2 flood zones are set out in section 6 of that document. It must be demonstrated that:

- a) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
- b) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

- a) It concurs with the aims of PPW and meets the definition of previously developed land; and
- b) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

It is considered tests (i), (ii) and (iii) are met as it is considered the proposed development would be in line with the aims and objectives of Planning Policy Wales by aiding regeneration of the area, contributing to employment, benefitting the economy and the site has been included within an existing industrial estate.

With regard the final test (iv), the applicant has submitted a Flood Consequence Assessment (FCA) and a Flood Management & Evacuation Plan produced by QuadConsult Limited. Members may recall, planning permission was relatively recently granted for the construction of the innovation centre buildings and security office which are in similar situations in relation to the flood zone and adjacent to the proposed development site (Ref: 12/0906/10, 15/1165/10 and 17/0247/10).

Natural Resources Wales (NRW) detail the FCA shows that the risks and consequences of flooding are manageable to an acceptable level, as the proposed development is predicted to be flood free during all events up to and including a 0.1% (1 in 1000 year) annual probability fluvial flood event.

On the basis of this, NRW have no adverse comments to make from a flood risk perspective. Having regard to these comments, it is considered that the development would not adversely impact upon the capacity of the floodplain and is considered to be acceptable in this regard.

In conclusion, taking the above assessment into account, it is considered that it has been demonstrated that the development is justified as required by TAN 15.

The Council's Flood Risk Management Section note that surface water run-off from the proposed development would be discharged into an existing watercourse. They however detail that further information would be required with regard to surface water disposal and flooding and that this could be obtained by planning condition. Further to this, they also advise the developer is required to gain Sustainable Drainage Approval (SuDS) under schedule 3 of the Flood and Water Management act 2010 and this is separate to planning permission. Members are advised Welsh Government guidance on the use of conditions advises against duplicating controls under other legislation unless there is a planning reason for doing so. The issue of surface water flooding has been raised by the Council's Flood Risk Management Section and this is

a planning matter. Therefore, it is considered that a planning condition for drainage details would be necessary.

Impact on the character and appearance of the area

The proposed buildings have been designed to reflect the appearance and finish of the existing innovation centre buildings. It would be located towards the edge of the site and would be viewed against existing buildings from some views. Whilst it is acknowledged that the site does fall outside the settlement boundary and is located within a Green Wedge, it can be considered to represent a natural rounding off of the estate. It is however considered that a strong landscaping scheme would be required to soften the visual impact of the built development from the grassland area to the south and south-west. It is also prudent to restrict outside storage at this site having regard to its sensitive location.

Impact on residential amenity and privacy

It is noted an objection has been raised from the public consultation exercise with regard to a loss of privacy. The buildings, however, will be located a sufficient distance from the nearest residential properties to the site (on the opposite side of the River Ely) and as a result it is considered it would not adversely impact upon their privacy.

The buildings are considered to be a compatible and an appropriate use in an area which is on the periphery of an existing industrial estate. However, there are residential dwellings, on the opposite side of the river Ely; and noise at unsociable hours and when background noise is lower, may result in a detrimental impact on the amenity of the residents. Therefore, a condition restricting hours of use to those proposed is considered necessary.

As such the use is not considered to result in significant level of noise and disturbance which would be detrimental to neighbouring amenity.

Ecology and Landscaping

The site forms part of an identified Site of Important Nature Conservation. The Council's Ecologist however considers that the information provided shows the site is now outside the grassland of the floodplain which the SINC is designated for and does not object. As such, it is considered that an ecological objection under Policy AW8 is not warranted in this case.

However, it is noted that Section 6 (para 6.4.5) of Planning Policy Wales states, *"Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity."* As detailed above the site previously had SINC status and it is considered that this proposal would reduce biodiversity and some ecological

function of the wider area. The plans do detail some trees would be provided. And it is considered that details of these are necessary to ensure they are suitable species. In addition further mitigation measures could also be provided such as additional soft landscaping and bat/bird boxes. The applicant has been made aware of the 'Section 6' requirement, however no further information has been submitted. As such a condition requiring the submission of these details is considered necessary.

Contamination

The Council's Public Health and Protection Section and Natural Resources Wales (NRW) detail potentially contaminating past land uses and they consider there is a potential for contamination to exist on site. They originally recommended conditions requiring further site investigations and the submission of any mitigation that would be required.

An updated site investigation report has been submitted. The Council's Public Health and Protection Section considers the information submitted has not sufficiently overcome their concerns. And therefore they recommend conditions requiring further details would be necessary. NRW still have concerns that if any contamination, not previously identified, is encountered during development; that this should also be remediated and recommend a condition to deal with this.

Access and highway safety

Turning to the impact of the proposed development on highway safety, it is noted that the Transportation Section have not objected. They also consider the proposal would not significantly increase traffic movements to and from the site.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Public Health

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered that dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues. With regard the hours of construction condition, it is considered this is not warranted as the site is within an industrial estate and there are no residential properties in close proximity.

Other objections from the public consultation exercise

The issue raised with regard the current Coronavirus (COVID-19) situation and social distancing is not an issue that would warrant a refusal on planning grounds. It would be the responsibility of any employer/employees to act with the current Government guidelines.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

Although a number of constraints exist at this application site and the principle of the proposed development in a Green Wedge and outside the defined settlement boundary is not supported by LDP Policies, the development would provide employment compatible with the area and on balance, it is not considered that the visual impact would have a significant effect on the Green Wedge. Furthermore, in all other respects the proposed development is considered to be compliant with the relevant policies of the Local Development Plan (Policies AW 2, AW 5, AW 8 and AW 10).

The development would also contribute to national sustainable placemaking outcomes, identified in Planning Policy Wales, in the following areas: reduce environmental risks, be resilient to climate change, would be accessible by active travel and public transport, has good connections, unlocks potential and regenerates and fosters economic activity.

Whilst the submitted proposal has been considered acceptable, if permission is granted, the applicant could extend the buildings or provide hard surfaces under permitted development rights. It is considered this may have an impact on the visual qualities of the area, ecology and potential flooding and surface water drainage. Therefore, a condition removing permitted development rights for extensions and hard surfaces is considered necessary.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s) :
 - 18/2020/PL/001A Proposed Floor Plans Unit A and Unit B Handed (Received 21st August 2020).

- 18/2020/PL/002A Proposed Front and Rear Elevations (Received 21st August 2020).
- 18/2020/PL/003 Site Location Plan and Proposed Elevations (Received 21st August 2020).
- 18/2020/PL/004 Proposed Site Plan (Received 25th August 2020).
- 18/2020/PL/005 Existing Site Plan (Received 21st August 2020).

and documents received by the Local Planning Authority on 26th August 2020, 2nd September 2020, 2nd October 2020 and 5th October 2020 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no extensions or structures of any kind and hard surfaces (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the locality, to protect ecology and to prevent flooding in accordance with Policies AW 5, AW 6, AW 8 and AW 10 of the Rhondda Cynon Taf Local Development Plan

4. Hours of working/deliveries/collections within the site shall be restricted to between 08:00am and 18:00pm on Monday to Fridays and between 08:00am and 13:00pm on Saturdays. There shall be no such working/deliveries/collections on Sundays or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted is not a source of nuisance to occupants of nearby residential properties in accordance with Policies AW 5 and AW 10 of the Rhondda Cynon Taf Development Plan.

5. There shall be no outside storage whatsoever on the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenity of the area in accordance with Policies AW 5 and AW 6, of the Rhondda Cynon Taf Local Development Plan.

6. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. No building hereby approved shall be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

7. Notwithstanding the submitted details the development hereby permitted shall not begin until a written method statement for the remediation of contamination affecting the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan

8. The use, hereby permitted, shall not commence until the measures approved in the scheme (referred to in Condition 7) 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. The validation report shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan

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

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

10. Off-street parking provision shall be provided on site in permanent materials in accordance with submitted drawing no. "18/2020/PL/004" and shall remain for the purpose of vehicular parking only thereafter.

Reason: To ensure vehicles are parked off the public highway in the interests of highway safety and the free flow of traffic in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

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

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

Reason: To provide biodiversity enhancement, in accordance with Chapter 6 of Planning Policy Wales and Policy AW 8 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping.

All planting, seeding or turfing, of the approved scheme, shall be carried out in the first planting and seeding season following the occupation of the building or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of biodiversity and to ensure that the new development will be visually attractive in the interests of amenity in accordance with Chapter 6 of Planning Policy Wales and Policies AW 5 and AW 6 of the Rhondda Cynon Taf Local Development Plan.

tudalen wag



PLANNING & DEVELOPMENT COMMITTEE

5 NOVEMBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO. 20/0843/10 – PROPOSED DWELLING,
LAND BETWEEN WATTSTOWN RUGBY
CLUB AND 25 DANYGRAIG TERRACE,
YNYSHIR, PORTH**

1. Purpose of Report

Members are asked to determine the above application.

2. Recommendation

That Members consider this report in respect of the application and determine the application having regard to the advice given.

3. Background

This application was originally reported to the Development Control Committee on 15th October 2020 with a recommendation of refusal. A copy of that report is attached at **Appendix A**. At that meeting, Members resolved to approve the application against the recommendation of the Head of Planning.

Members are advised that allowing the proposal would beneficially result in a dwelling on a piece of land that has been vacant for some time. However, the development would not provide the density of housing development required by LDP policy and would not contribute efficiently and effectively to meeting the housing land requirement for the provision of new dwellings in the Borough. In addition, it is considered the proposed dwelling would be of a poor design and would form an incongruous addition in the street scene when viewed in context with the traditional character and density of existing residential properties in Danygraig Terrace. As such, it is considered the proposal would have a detrimental impact on the character and appearance of the surrounding area.

Clarification was requested by Members as to whether the slope behind the site formed part of the former Wattstown Colliery. This was queried with the Council's Tip Risk Manager and the following response has now been received:

"I can confirm the Land to the rear of the development site is a disused tip Classified under the Mines and Quarries Tips Act which is categorised as Grade C by RCT prioritisation system, which means the tip is currently inspected on a 6 monthly basis.

The most recent inspection was undertaken on the 26/08/20 and the previous inspection on the 27/02/20. During both inspections the Tip structure was considered low risk with minor balding of the surface in some areas due to some vegetation loss but on both occasions no evidence of structural movement within the Tip complex were found.

Notably the inspections are continuing at the original frequency and no significant issues were identified during the two programmed inspections undertaken this year.

Unfortunately my colloquialism of the local names of the tips is limited to just the tip references however, the tip complex to the rear of this development site is not associated to the tip with the visible scar evident next to the tip which I believe is referred to as the 'former Wattstown Colliery'.

In terms of the ordinary watercourse we have not inspected this channel as their have been no reports of flooding associated to the network and it is not situated within the boundary of the Tip complex situated above these properties. If there is a concern or knowledge of history from the Committee we would ask for any such information to be passed on for our review."

Whilst the application is recommended for refusal, as detailed in the original report, if, having considered the above advice, Members remain of a mind to grant planning permission, it is suggested that the following conditions and informative notes, including a condition with regard the stability of the slope to the rear of the site, should be attached to any consent:

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan no's
 - Site Location Plan (Received 13th August 2020)
 - Proposed Block Plan (Received 17th August 2020)
 - Proposed Site Plan and Front Elevation (Received 13th August 2020)
 - Proposed Floor Plan (Received 13th August 2020)

- Proposed Rear and Side Elevations (Received 13th August 2020)
- Proposed Front Elevation (Received 13th August 2020)

and documents received by the Local Planning Authority on 13th August and 17th August 2020 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. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development (and the slope to the rear of the site) and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report thereafter.

Reason: The site and hillside to the rear of the site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW 5 and AW 6 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

6. The development shall not be brought into use until space has been laid out within the site for 2 vehicles to be parked in accordance with details to be first submitted to and approved in writing by the Local Planning Authority prior to development commencing. The spaces shall be retained for the parking of vehicles thereafter.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

7. Notwithstanding the submitted plans development shall not commence until details of the vehicular crossover 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 dwelling hereby approved.

Reason: In the interests of highway and pedestrian safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

15 OCTOBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0843/10 (GW)
APPLICANT: Mr M Harkin
DEVELOPMENT: Proposed dwelling.
LOCATION: LAND BETWEEN WATTSTOWN RUGBY CLUB AND
25 DANYGRAIG TERRACE, YNYSHIR, PORTH
DATE REGISTERED: 24/08/2020
ELECTORAL DIVISION: Ynyshir

RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:

REASONS: The development would not provide the required density of housing development and would not contribute efficiently and effectively to meeting the housing land requirement for the provision of new dwellings in the Borough. As such the proposal is contrary to Policies NSA10 and AW1. The proposed dwelling would be a poor design and would form an incongruous addition in the street scene when viewed in context with the traditional character and density of existing residential properties in Danygraig Terrace to the north-west and the historic built character of the area. Therefore, the proposal would have a detrimental impact on the character and appearance of the surrounding area and as such would not comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from Councillor Edwards for the matter to come to Committee in order for the need for affordable housing in the area and the impact of the development upon the character and appearance of the area to be considered.

APPLICATION DETAILS

Full planning permission is sought for the erection of a dwelling. The dwelling would be located centrally on the plot and would be placed on a raised area accessed via a ramp to the front of the site. It would be a single storey dwelling finished in brick and the roof would be covered in concrete tiles. Parking is detailed on a drive to the side of the dwelling adjacent to 25 Danygraig Terrace. It is stated no retaining structures are required to the hillside at the rear of the site, which is under different ownership, as works have already been carried out to stabilise the hillside.

The application is supported by the following:

- Supporting Statement

SITE APPRAISAL

The application site relates to a vacant plot of land which is situated between no. 25 Danygraig Terrace and Wattstown Rugby Football Club. The site has a rectangular shape and follows a relatively level gradient that matches the adopted highway fronting the site, albeit material has been imported (or moved from the rear of the site) to create a low, raised area that is shown in the proposed plans as being the area the dwelling would be located.

The land begins to rise steeply toward the open mountainside that abuts the rear of the site.

A brick-built clubhouse, associated with Wattstown RFC, is located immediately to the south-east of the site while a small row of traditional two-storey terraced properties are located immediately to the north-west. Beyond the pedestrian and vehicular highway to the front of the site (known as Ynyshir Road) is the Porth Relief Road which is largely screened from the development site by a high timber fence. It is noted that there is a water course/culvert to the rear of the site.

PLANNING HISTORY

18/0583/15	Land adjacent to 25 Ynyshir Road, Wattstown	Variation of condition 1 of planning permission 13/0478/13 to extend the expiration date for 5 years including 3 years for reserved matters.	Granted 21/08/2018
16/5053/41	“	“ Siting of mobile home including access, parking and garden area (Pre-application advice)	Objection raised 25/03/2016
13/0478/13	“	“ Construction of 3 no. 2 bed terraced dwellings with associated parking (outline)	Granted 20/08/2013

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notice. One letter of objection has been received and the comments are summarised below:

- If a boundary wall is built it will block my window. That would obstruct a significant amount of natural light to my property. I have been the landowner of the adjacent property for over 30 years and any wall built would have a detrimental effect to my right of light and enjoyment of the property.

Following receipt of the above, the objector submitted further correspondence which highlighted they had contacted the landowner and they requested no boundary treatment next to the windows. It is stated they were assured (by the landowner) that would be the case.

CONSULTATION

Dwr Cymru/Welsh Water – No objection subject to a condition that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. It is detailed a public sewer crosses the site. Advisory notes with regard sustainable drainage and water supply are provided.

RCT Countryside Landscape, Ecology – If the application boundary marginally bites into the edge of the adjacent Site of Importance for Nature Conservation (SINC) there is no objection in this instance as the SINC forms the whole hillside above the road and trying to demarcate the exact boundary on the lower urban edge is always difficult. If planning permission is granted, protective 'Heras type' fencing would be required during construction, along the upper development edge to demarcate the development area from what will be the newly defined SINC boundary. This will also ensure nothing will encroach up the hillside during construction.

If the willow/bramble within the red line area has been cleared, then there is no nesting bird issue. However if Japanese Knotweed has not been treated on site, control measures should be implemented.

RCT Flood Risk Management – Based on a review of the surface water flood risk associated to this location it is evident that the site is currently shown to be free from the high, medium or low surface water flood risk zones, however the applicant should be made aware that the Danygraig Terrace area is subject to a low surface water accumulation zone and as such the applicant should ensure that the topographical level of the property's floor level takes into account the low surface water flood risk area within the highway.

No surface water drainage arrangements have been provided. The applicant should be reminded that they are required to comply with Schedule 3 of the Flood and Water Management Act 2010. This will need to be demonstrated through the application of Sustainable Drainage Approval to the Sustainable Drainage Approval Body (SAB) prior to the commencement of works.

It is recommend that evidences of how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15 is conditioned to ensure drainage is acceptable.

RCT Public Health and Protection – No objection subject to conditions on demolition of dwellings, hours of operation, noise, dust and waste.

RCT Transportation Section – No objection subject to the provision of space for 2no. cars to be parked off-street, provision of a vehicular crossover, surface water not to drain to the public highway and details of traffic management and wheel washing.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is mainly within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated. However part of the rear of the site is outside but adjoins the settlement boundary. The area to the rear of the site and outside the settlement boundary is also identified as a Site of Importance for Nature Conservation (SINC) as referred to in Policy AW 8.43 (Mynydd Troed-y-Rhiw Slopes). The hillside behind the site is identified as a Special Landscape Area (Mynydd Troed y Rhiw Slopes). The site is also within the designated Rhondda Historic Landscape by Cadw.

Policy CS1- sets out criteria for achieving strong sustainable communities including: promoting residential development in locations which support the role of principal towns and settlements and provide high quality, affordable accommodation that promotes diversity in the residential market.

Policy AW1 - residential development proposals will be expected to contribute to meeting local housing needs.

Policy AW2 - development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

Policy AW5 - sets out criteria for new development and requires the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development must be sustainable, have safe access and provide car parking in accordance with the Council's Supplementary Planning Guidance (SPG).

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW8 - sets out criteria for the protection and enhancement of the natural environment.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity including flooding.

Policy NSA10 – residential development should be a minimum of 30 dwellings per hectare unless it can be demonstrated otherwise.

Policy NSA12 – details criteria for housing development within and adjacent to settlement boundaries.

Supplementary Planning Guidance:

Access, Circulation and Parking
Design and Placemaking
Nature Conservation

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 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is not consistent with the key principles and requirements for placemaking set out in PPW; and is also not 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.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport; and
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.

Main Issues:

Principle of development

The application site is unallocated and situated mainly within the defined settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan (LDP). Any encroachment outside of the settlement boundary would not be beyond the rear boundary of the existing development either side and therefore would not warrant a refusal reason. It is noted that there is an existing row of terraced properties situated immediately to the north-west of the site and that the site has previously benefited from outline planning permission for the residential development of 3 no. dwellings (ref: 13/0478/13). Members are advised this was renewed in 2018 (ref: 18/0583/15)

and could still be developed. As such, the development would accord with many of the criterion set out in Policies AW1, AW2 and NSA12.

However, this proposal is for a density of development that is significantly below that required by Policy NSA10 and Policy AW1 of the LDP. This is to ensure an efficient use of land within the settlement boundary to meet the housing land requirement for new dwellings. Furthermore, and on a wider scale, failure to provide the required level of housing within the settlement boundary could lead to increased future pressure for housing on 'Greenfield' land.

Policy NSA10 requires 30 dwellings are developed per hectare. However, the proposal would provide the equivalent of under 17 dwellings per hectare. Members are advised that previously outline planning permission (13/0478/13 and 18/0583/15) was granted for 3 dwellings on the site which exceeds the 30 dwellings per hectare policy requirement (approximately providing the equivalent of 51 dwellings per hectare). It is considered there is still potential to provide 3 dwellings on the site; or to provide 2 dwellings, which would also comply with the policy.

The applicant details the site cannot support 3 dwellings as the previous owner was unable to do this. In addition, it is stated that 3 dwellings would provide less than ideal living conditions and that there would be insufficient amenity space for 3 no. dwellings. Whilst these opinions are noted, no clear evidence has been supplied that shows this is the case and that 3 or 2 dwellings cannot be provided. To the contrary, the site plan for planning permission reference 18/0583/15 shows 3 dwellings could be developed with adequate amenity space and parking.

If permission was granted for a single dwelling and whilst the loss of 1 or 2 additional dwellings that could have been provided is low; it should be recognised that the accumulation of similar shortfalls in density throughout the County Borough would have a significant impact on housing land supply. Therefore, the density of the proposal is considered unacceptable and is contrary to Policies NSA10 and AW1.

Impact on the Character of the Area

The Rhondda Cynon Taf Local Development Plan supports proposals where the scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and the surrounding area (AW5); where they are of a high standard of design which reinforces attractive qualities and local distinctiveness (AW6); where they are appropriate to the local context in terms of siting, scale, appearance, height, massing, elevational treatment, materials and detailing (AW6); and where they include the efficient use of land (AW6).

The site is located within an area which is predominantly characterised by high density, traditional terraced properties that front directly onto the adopted highway at Ynyshir Road. A pre-application enquiry submitted by the applicant for a mobile home on the site (16/5053/41) received the following comments, "*there is significant concern that the proposal to locate a mobile home at the site would have a detrimental impact on the visual amenity of the surrounding area. The proposed mobile home, by virtue of its structure and overall visual appearance, would*

effectively form a temporary addition which would fall below the standard that would usually be considered acceptable for a permanent residential unit in the area”.

The proposed dwelling looks similar to a ‘mobile dwelling’, however it is noted the application details the elevations would be finished in brick and the roof covered in tiles. On its own, this is considered would result in a more permanent visual impact than considered above.

The applicant has detailed in their ‘Supporting Statement’ that the proposal would tidy up a piece of land that has been a nuisance to locals, would be a slight departure from the existing scale and design of the area, that there is a multiplicity of designs in the area similar to the scale and design of the adjacent building to the south-east (Wattstown RFC), and points to Park View on the opposite side of the bypass with its sharp contrast of staggered building lines and occasional mono-pitched roofs.

Differences in design, size and scale are appreciated and welcomed to the area. However the surrounding traditional character of housing is mainly ‘fine-grained’ with development at a high density, that was of a quality design and that utilised high quality materials. A similar level of design quality is sought by the LDP policies as highlighted above. Whilst the design of the proposal could be improved by having a larger pitch of the roof, having an improved window and door layout that reflects more traditional dwellings and having some landscaping to screen the proposal; it would still have an unacceptable impact on the street scene and the character of the area. The proposal would result in a single dwelling, of a poor design, that does not relate to the high density and local built character. It would be located centrally between the two adjacent development sites with no ‘visual tie’ in to the existing residential development and character of the area. In contrast, the approved development on the site (18/0583/15) or a similar proposal with multiple dwellings could result in an acceptable development in these terms. It is therefore considered the proposed dwelling would form an incongruous addition in the street scene when viewed in context with the traditional character and density of existing residential properties in Danygraig Terrace to the north-west and the historic character of the wider area.

As such, it is considered that the current proposal would have a detrimental impact on the character and appearance of the surrounding area and would therefore not comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan in this respect.

Impact on residential amenity

It is noted that the site is flanked by residential properties to the north-west and the clubhouse at Wattstown RFC to the south-east. The siting of the proposed dwelling would not result in a significant detriment to the residential amenity and privacy of the nearest residential properties. An objection has been received from a nearby dwelling detailing that if a boundary wall was built it would block out there light. It is noted there is a window on the side elevation of the nearest dwelling to the site. Boundary treatments would normally be permitted development, for a wall or a fence up to 2m in height, and this could be erected along the applicant’s boundary without any permissions. Notwithstanding this, if permission is granted, details of boundary treatment can be obtained by a suitably worded condition.

Access and parking

The plans show a drive for parking that would lead directly to Ynyshir Road. No objection has been raised by the Transportation Section. Their suggested condition, requiring traffic management and wheel washing during construction, is not considered necessary as the development is small in scale and these issues can be covered by other legislation. The condition requiring surface water not to discharge on to the public highway can also be covered under other legislation. Notwithstanding this, details could be obtained under a general drainage condition if permission is granted.

Ecology

Council records detail the rear of the site includes part of a Site of Importance for Nature Conservation (SINC). The Council's Ecologist however details the line shown on the Council records, in reality, should be the steep bank behind the site. The site itself, in its present condition, contains little in the way of biodiversity and the proposal would not result in a detriment to biodiversity in the area as whole. However as section 6 of Planning Policy Wales requires development must provide a net benefit to biodiversity, a condition requiring measures to meet this is suggested if permission were to be granted.

Other Issues:

Public Health

With regard to the issues raised by the Public Health and Protection Section, it is considered noise, dust and waste matters from construction activities can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning these issues.

Drainage

Dŵr Cymru/Welsh Water detail a public sewer crosses the site and that no development should be within 3m. The proposed dwelling would be within 3m of the pipe shown on the submitted plan. They however do not object and it is envisaged the pipe could be moved to accommodate development on the site. A suitably worded informative note should be attached if permission were to be granted.

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 application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a £nil charge is applicable. Therefore no CIL would be payable.

Conclusion

The application is considered not to comply with the relevant policies of the Local Development Plan as a sufficient number of dwellings would not be provided on the site and it would result in a detrimental visual impact on character of the area (Policies AW1, AW5, AW6 and NSA10).

RECOMMENDATION: Refuse

1. The development would not provide the required density of housing development and would not contribute efficiently and effectively to meeting the housing land requirement for the provision of new dwellings in the Borough. As such the proposal is contrary to Policies NSA10 and AW1 of the Rhondda Cynon Taf Local Development Plan.
2. The proposed dwelling is of a poor design and would form an incongruous addition in the street scene when viewed in context with the traditional character of existing residential properties in Danygraig Terrace to the north-west and the wider area. As such the proposal would have a detrimental impact on the character and appearance of the surrounding area and would be contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

5 NOVEMBER 2020

INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN

UNDER DELEGATED POWERS

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

1. PURPOSE OF THE REPORT

To inform Members of the following, for the period 05/10/2020 – 23/10/2020.

Planning Appeals Decisions Received.
Delegated Decisions Approvals and Refusals with reasons.

2. RECOMMENDATION

That Members note the information.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

PLANNING & DEVELOPMENT COMMITTEE

5 NOVEMBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

REPORT

**INFORMATION FOR MEMBERS,
PERTAINING TO ACTION TAKEN
UNDER DELEGATED POWERS**

OFFICER TO CONTACT

**Mr. J. Bailey
(Tel: 01443 281132)**

See Relevant Application File

APPEALS RECEIVED

APPLICATION NO: 20/0783
APPEAL REF: A/20/3260541
APPLICANT: Mr & Mrs Clarke
DEVELOPMENT: Outline application for a residential dwelling.
LOCATION: LAND ADJOINING NEW MOAT, BRIDGE STREET,
ROBERTSTOWN, ABERDARE, CF44 8EU
APPEAL RECEIVED: 03/10/2020
APPEAL START DATE: 08/10/2020

APPLICATION NO: 20/0814
APPEAL REF: A/20/3260428
APPLICANT: Silver Cloud Alpacas
DEVELOPMENT: Functional special and essential needs agricultural dwelling for owner of Silver Cloud Alpacas (Re-submission of Application Ref: 19/1274/10).
LOCATION: PANTYDDRAINAN FARM, LLANTRISANT ROAD,
CASTELLAU, BEDDAU, PONTYCLUN, CF72 8LQ
APPEAL RECEIVED: 01/10/2020
APPEAL START DATE: 22/10/2020

APPEAL DECISIONS RECEIVED

APPLICATION NO: 19/1049
APPEAL REF: A/20/3256302
APPLICANT: Parkgrove Developments Ltd.
DEVELOPMENT: Construction of 51 bedroom nursing care home together with associated access, landscaping and infrastructure.
LOCATION: LAND AT FORMER NIXONS WORKINGMENS CLUB,
OXFORD STREET, MOUNTAIN ASH, CF45 3HE
DECIDED: 27/01/2020
DECISION: Refused
APPEAL RECEIVED: 20/07/2020
APPEAL DECIDED: 14/10/2020
APPEAL DECISION: Dismissed

APPLICATION NO: 20/0001
APPEAL REF: A/20/3256639
APPLICANT: Cartrefi Limited
DEVELOPMENT: Change of use of ground floor of building from A2 (Bank) to C3 (Two Residential Units).
LOCATION: NATWEST, 26 VICTORIA SQUARE, ABERDARE CF44 7LB
DECIDED: 11/03/2020
DECISION: Refused
APPEAL RECEIVED: 25/07/2020
APPEAL DECIDED: 28/07/2020
APPEAL DECISION: Dismissed

APPLICATION NO: 20/0427
APPEAL REF: A/20/3256764
APPLICANT: Mr R Servini
DEVELOPMENT: Re-submission of outline planning permission for a detached dwelling.
LOCATION: SUMMERFIELD HOUSE, PLASDRAW PLACE, ABERNANT, ABERDARE, CF44 0NS
DECIDED: 03/07/2020
DECISION: Refused
APPEAL RECEIVED: 24/07/2020
APPEAL DECIDED: 29/07/2020
APPEAL DECISION: Dismissed

APPLICATION NO: 20/0031
APPEAL REF: A/20/3257054
APPLICANT: Mr C Cousins
DEVELOPMENT: 5 No detached houses (amended layout plan rec. 27/01/20) (amended layout and cross-section plan rec. 06/03/20).
LOCATION: LAND ADJOINING HAZELMERE, LLWYDCOED ROAD, LLWYDCOED, ABERDARE, CF44 0TW
DECIDED: 08/04/2020
DECISION: Refused
APPEAL RECEIVED: 02/08/2020
APPEAL DECIDED: 07/08/2020
APPEAL DECISION: Dismissed

Report for Development Control Planning Committee

Aberdare West/Llwydcoed

20/0608/12 Decision Date: 19/10/2020
Proposal: Removal of modern cement based render to external elevations to be replaced with new lime based render to original design and provision of new finial to apex of front gable.
Location: HEN DY CWRDD, ALMA STREET, TRECYNON, ABERDARE

Cwmbach

20/0639/10 Decision Date: 05/10/2020
Proposal: Demolition of existing 'conservatory' to rear and detached single garage. Construction of single storey rear extension.
Location: 85 LLANGORSE ROAD, CWMBACH, ABERDARE, CF44 0LD

Mountain Ash East

20/0626/10 Decision Date: 13/10/2020
Proposal: Conservatory to rear.
Location: 2 BLACKBERRY PLACE, THE AVENUE, CEFNPENNAR, MOUNTAIN ASH, CF45 4EA

Mountain Ash West

20/0668/10 Decision Date: 14/10/2020
Proposal: Single storey extension.
Location: 17 GLENBROOK, MOUNTAIN ASH, CF45 3DH

20/0875/10 Decision Date: 15/10/2020
Proposal: Change of use from betting office to a photography studio, amendments to rear extension, changes to shopfront (amended plan received 06/10/2020).
Location: WILLIAM HILL, 12-14 OXFORD STREET, MOUNTAIN ASH, CF45 3PL

Penrhiwceiber

20/0737/10 Decision Date: 20/10/2020
Proposal: Single storey extension.
Location: 13 EDWARDS STREET, MOUNTAIN ASH, CF45 3AJ

Ynysybwl

20/0533/10 Decision Date: 15/10/2020
Proposal: Erection of round storage tank for the temporary storage of liquid fertiliser (26m diameter x 3m high)
Location: MYNACHDY FARM, MYNACHDY ROAD, YNYSYBWL, PONTYPRIDD, CF37 3PP

Report for Development Control Planning Committee

Treherbert

20/0881/10 Decision Date: 20/10/2020
Proposal: Change of use from Social Club / Pub A3 to Martial Arts Fitness Centre D2.
Location: FORMER TYNEWYDD LABOUR CLUB, MARGARET STREET, TYNEWYDD, TREHERBERT, CF42 5LT

Treorchy

20/0933/10 Decision Date: 09/10/2020
Proposal: Ground floor rear extension with a flat roof.
Location: 35 CEMETERY ROAD, TREORCHY, CF42 6TB

Tonypandy

20/0854/10 Decision Date: 15/10/2020
Proposal: Change of use from A1 to A3 Cafe.
Location: 6 DUNRAVEN STREET, TONYPANDY, CF40 1QE

Penygraig

20/0897/10 Decision Date: 21/10/2020
Proposal: New build 3 bedroom detached house.
Location: LAND ADJACENT TO 44 BRANSBY ROAD, PENYGRAIG, TONYPANDY

20/0997/10 Decision Date: 16/10/2020
Proposal: Demolition of existing single story rear extension and erection of new single story rear extension.
Location: 1 LLANFAIR ROAD, PENYGRAIG, TONYPANDY, CF40 1TA

Porth

20/0832/10 Decision Date: 13/10/2020
Proposal: Detached garage to rear garden.
Location: 67 CEMETERY ROAD, PORTH, CF39 0BL

20/0867/10 Decision Date: 16/10/2020
Proposal: Alteration, extension and change of use to an A3 Cafe / Bar.
Location: 26 HANNAH STREET, PORTH, CF39 9RB

Report for Development Control Planning Committee

Ynyshir

20/0887/10 Decision Date: 21/10/2020
Proposal: First floor rear extension and bay window to front elevation.
Location: 23 UPPER GYNOR PLACE, YNYSHIR, PORTH, CF39 0NW

Tylorstown

20/0869/10 Decision Date: 15/10/2020
Proposal: Extension of garden curtilage to the rear and raised platform decking (Retrospective).
Location: 32 HENDREFADOG STREET, TYLORSTOWN, FERNDALE, CF43 3DG

20/0890/10 Decision Date: 19/10/2020
Proposal: First floor extension.
Location: 6 UPPER TERRACE, STANLEYTOWN, FERNDALE, CF43 3EU

Ferndale

20/0613/10 Decision Date: 19/10/2020
Proposal: Construction of a rear store with patio area.
Location: 16 PRINCESS STREET, BLAENLLECHAU, FERNDALE, CF43 4PE

20/0820/10 Decision Date: 07/10/2020
Proposal: Two-storey rear extension.
Location: 32 NORTH ROAD, FERNDALE, CF43 4PS

Report for Development Control Planning Committee

Cilfynydd

20/0660/10 Decision Date: 06/10/2020

Proposal: Two storey extension to rear.

Location: 20 BEDW ROAD, CILFYNYDD, PONTYPRIDD, CF37 4NU

Town (Pontypridd)

20/0927/10 Decision Date: 14/10/2020

Proposal: External refurbishment of 89 and 90 Taff Street to include the replacement of doors, windows and frames (not including the shop fronts) using aluminium framed double glazed units. Repair and redecoration of all

Location: 89 & 90 TAFF STREET, PONTYPRIDD, CF37 4SL

20/0952/10 Decision Date: 14/10/2020

Proposal: Proposed new shop fronts and external modifications.

Location: 42 MILL STREET, PONTYPRIDD, CF37 2SN

Rhondda

20/0605/10 Decision Date: 21/10/2020

Proposal: Creation of hardstanding and extension to existing stable block (retrospective) (amended plans received 12/10/2020).

Location: STABLES, REAR OF DANYLAN ROAD, MAESYCOED, PONTYPRIDD

Hawthorn

20/0686/10 Decision Date: 06/10/2020

Proposal: Installation of new mechanical plant (amended plans, acoustic report and amended description received 18/08/20).

Location: CASTLE BINGO, MAIN AVENUE, TREFOREST INDUSTRIAL ESTATE, PONTYPRIDD, CF37 5UR

Report for Development Control Planning Committee

Llantwit Fardre

20/0364/10 Decision Date: 19/10/2020
Proposal: New access road. Ecology Survey, Flood Consequences Assessment and revised plan (to introduce turning head and improved passing bay) received 30th September 2020. Revised location plan details (to include
Location: FARMHOUSE, TY MAWR FARM, HEOL FFRWD PHILIP, EFAIL ISAF, PONTYPRIDD, CF38 1AJ

20/0757/10 Decision Date: 22/10/2020
Proposal: Proposed first floor extension above garage and single storey rear extension.
Location: 92 PARC NANT CELYN, EFAIL ISAF, PONTYPRIDD, CF38 1AJ

20/0762/10 Decision Date: 15/10/2020
Proposal: Single storey rear extension and garage conversion.
Location: 19 MALUS AVENUE, LLANTWIT FARDRE, PONTYPRIDD, CF38 2PZ

20/0902/10 Decision Date: 23/10/2020
Proposal: Decking within rear garden and extended driveway to side of property.
Location: MOUNT PLEASANT, DEHEWYDD LANE, LLANTWIT FARDRE, PONTYPRIDD, CF38 2EN

20/1095/09 Decision Date: 15/10/2020
Proposal: Certificate of lawful development for a single storey rear extension.
Location: 5 CHANDLER'S REACH, LLANTWIT FARDRE, PONTYPRIDD, CF38 2NJ

Church Village

20/0800/10 Decision Date: 14/10/2020
Proposal: Detached garage and single storey sunroom to rear of property.
Location: 14 ST ILLTYDS ROAD, CHURCH VILLAGE, PONTYPRIDD, CF38 1DA

Gilfach Goch

20/0595/10 Decision Date: 13/10/2020
Proposal: Conversion of garage to bakery (Amended red line plan received 19/08/2020, Amended floor plan and elevations received 16/09/2020).
Location: TREM Y CWM, HENDREFORGAN CRESCENT, HENDREFORGAN, GILFACH GOCH, PORTH, CF39 8YH

Report for Development Control Planning Committee

Tonyrefail West

- 20/0620/10** Decision Date: 15/10/2020
Proposal: Extension to patio and provision of 2m high fence and provision of steel/glass balustrade on top of patio.
Location: 44 RHYS STREET, EDMONDSTOWN, TONYPANDY, CF40 1NS
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- 20/0928/10** Decision Date: 22/10/2020
Proposal: Single storey rear extension and 2 small rear dormer window extensions (Amended plans received 28/09/2020).
Location: 51 MOUNTAIN VIEW, TONYREFAIL, PORTH, CF39 8JG
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Tonyrefail East

- 20/0733/10** Decision Date: 15/10/2020
Proposal: Change of use of rear banking into amenity area tied to dwelling.
Location: 16 GELLI'R HAIDD, TONYREFAIL, PORTH, CF39 8AP
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- 20/0893/09** Decision Date: 21/10/2020
Proposal: Single storey rear extension.
Location: 9 COLLENNA ROAD, TONYREFAIL, PORTH, CF39 8EL
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Beddau

- 20/0781/10** Decision Date: 05/10/2020
Proposal: Two storey rear extension, convert room back into garage.
Location: 86 CLOS MYDDLYN, BEDDAU, PONTYPRIDD, CF38 2JT
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- 20/0901/10** Decision Date: 20/10/2020
Proposal: Conversion of garage to living space, first floor extension
Location: 29 HEOL HENSOL, BEDDAU, PONTYPRIDD, CF38 2LP
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Report for Development Control Planning Committee

Town (Llantrisant)

20/0771/10 Decision Date: 15/10/2020
Proposal: Changes to external appearance of dwelling, juliet balconies and internal alterations to layout.
Location: TAIRGWAITH, HEOL LAS, LLANTRISANT, PONTYCLUN, CF72 8EG

20/0850/10 Decision Date: 15/10/2020
Proposal: Proposed garage.
Location: AWELFRYN, CAE PANTGLAS, YNYSMAERDY, PONTYCLUN, CF72 8GX

20/0888/10 Decision Date: 15/10/2020
Proposal: Removal of existing conservatory, garage conversion, raised terrace and stairs.
Location: 44 DESPENSER AVENUE, LLANTRISANT, PONTYCLUN, CF72 8QA

Llanharry

20/0808/10 Decision Date: 07/10/2020
Proposal: Replace conservatory with a single storey rear extension.
Location: 3 COED MIERI, TYLA GARW, PONTYCLUN, CF72 9UW

20/0838/09 Decision Date: 12/10/2020
Proposal: Single storey rear extension.
Location: 18 HEOL YSGAWEN, LLANHARRY, PONTYCLUN, CF72 9GD

Llanharan

20/0690/10 Decision Date: 13/10/2020
Proposal: Build a porch with pitched roof to front of property.
Location: 22 ROBERT STREET, LLANHARAN, PONTYCLUN, CF72 9RG

Report for Development Control Planning Committee

Brynna

20/0628/10 Decision Date: 06/10/2020

Proposal: First floor rear extension.

Location: 31 WILLIAMS STREET, BRYNNA, PONTYCLUN, CF72 9QJ

20/0847/10 Decision Date: 07/10/2020

Proposal: Single storey rear extension

Location: 77 FFORDD DOL Y COED, LLANHARAN, PONTYCLUN, CF72 9WA

20/0871/10 Decision Date: 15/10/2020

Proposal: Front and rear dormers.

Location: 5 RED ROOFS CLOSE, PENCOED, BRIDGEND, CF35 6PH

Total Number of Delegated decisions is 46

Aberdare West/Llwydcoed

20/0409/10 Decision Date: 21/10/2020

Proposal: Erection of 4 detached dwellings. Retention of existing dwelling and associated works (amended red line boundary plan rec. 24/08/2020; amended elevation plans rec. 25/08/2020; additional supporting information rec. 25/08/2020)

Location: BIRCHWOOD, LLWYDCOED ROAD, LLWYDCOED, ABERDARE, CF44 0UL

Reason: 1 The proposal, as a result of the number and scale of the dwellings proposed, would lead to overdevelopment of the plot which would have a detrimental impact upon the character and appearance of the site and surrounding area. The application would therefore not comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan

Aberdare East

20/0823/10 Decision Date: 16/10/2020

Proposal: Proposed partial change of use from commercial to create 8 flats and associated works.

Location: 22-22A CARDIFF STREET, ABERDARE, CF44 7DP

Reason: 1 REASONS

By virtue of its location within a designated C2 Flood Zone, the proposed development is at risk of flooding and is considered to be contrary to Policies AW2 and AW10 of the Local Development Plan as well as Planning Policy Wales Technical Advice Note (TAN) 15: Development and Flood Risk and is therefore unacceptable in principle.

The proposed residential use, in the form of 8 no. flats is considered to represent an inappropriate conversion that would result in the creation of poor quality living accommodation contrary to the Council's Supplementary Planning Guidance: Development of Flats – Conversion and New Build and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Cilfynydd

20/0906/10

Decision Date: 21/10/2020

Proposal: Construction of a two storey three bedroom house

Location: LAND OPPOSITE NOS 3 & 4 PARK PLACE, CILFYNYDD, PONTYPRIDD

- Reason: 1** Due to its location within a designated Zone C2 as defined by the Development Advice Maps referred to under Technical Advice Note 15: Development and Flood Risk, the proposed development is at risk of flooding. The proposed development is therefore contrary to the policy set out in Technical Advice Note 15: Development and Flood Risk and Policies AW2 and AW10 of the Rhondda Cynon Taf Local Development Plan, and is unacceptable in principle.
- Reason: 2** The proposed additional use of Park Place, which is sub-standard by way of access and is lacking in continuous footway provision, turning area and width of carriageway due to existing high on-street car parking demand, would increase hazards to all highway users and impact on free flow of traffic. As such, the development does not comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
- Reason: 3** The proposed access lacks an adequate turning area to cater for vehicular turning movements to and from the site and would therefore create hazards to the detriment of highway and pedestrian safety. As such, the development does not comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
- Reason: 4** The proposal will result in additional on-street parking in an area where there is already substantial demand to the detriment of highway safety. As such, the development does not comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
- Reason: 5** The proposal will result in vehicular reversing movements along Park Place by all types of vehicle out onto Cilfynydd Road to perform a turn to the detriment of safety of all highway users. As such, the development does not comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
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Report for Development Control Planning Committee

Graig

20/0894/10 Decision Date: 20/10/2020

Proposal: 4 bedroom dormer bungalow at Panorama D.

Location: PANORAMA D, PENYCOEDCAE ROAD, PEN-Y-COEDCAE, PONTYPRIDD, CF37 1PU

Reason: 1 On account of its height, layout and proximity to the neighbouring dwelling, known as The Maples, the development would be overbearing and harmful to the outlook and privacy of neighbouring occupiers.

In addition, the shortfall in off-street parking provision would result in the creation of on-street parking demand to the detriment of highway safety and the free flow of traffic.

Therefore the proposed development would not be in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan or the Council's SPG for Access, Circulation and Parking Requirements

Church Village

20/0729/10 Decision Date: 21/10/2020

Proposal: Change of use of garage into a utility room/store and reception/office.

Location: 7 ANEURIN BEVAN DRIVE, CHURCH VILLAGE, PONTYPRIDD, CF38 1GD

Reason: 1 The proposed will result in additional on-street car parking impacting on the free passage of vehicular and pedestrian movement to the detriment of safety of all highway users and increasing potential maintenance issues to the council to the detriment of pedestrian safety.

Total Number of Delegated decisions is 5

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