



Nd
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 (07385401877)

Bydd rhithwir cyfarfod o'r **Pwyllgor Cynllunio a Datblygu** yn cael ei gynnal ar **DYDD IAU, 3YDD RHAGFYR, 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, 1 RHAGFYR 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'r cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 15 Hydref, 2020.

5 - 8

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

5. CAIS RHIF: 20/0315/10

Cynllun i drosi ac estyn dau adeilad allanol i ffurfio dau dŷ annedd gyda garejys ar wahân. (Derbyniwyd y cynllun safle diwygiedig ar 10/07/20) (Derbyniwyd Arolwg Ystlumod Rhagarweiniol ar 03/08/20) (Derbyniwyd Arolwg Presenoldeb Ystlumod ar 02/ 10/20)

Fferm Ffrwd Philip, Heol Ffrwd Philip, Efail Isaf, Pontypridd, CF38 1AR

9 - 20

6. CAIS RHIF: 20/0921/10

Codi tair uned Dosbarth B1/B2/B8 a gwaith parcio a gwasanaethu cysylltiedig (unedau 16, 17 a 18).

Unedau 16, 17 a 18, Parc Busnes Hepworth, Pont-y-clun, CF72 9DX

21 - 36

7. CAIS RHIF: 20/1091/10

Estyniad deulawr yn y cefn.

8 STRYD DYFODWG, TREORCI, CF42 6NN.

37 - 44

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

8. CAIS RHIF: 20/0464/10

Datblygiad preswyl arfaethedig a gwaith cysylltiedig.
Tir yng Ngholeg y Cymoedd, Heol Cwmdâr, Cwmdâr.

45 - 62

ADRODDIAD ER GWYBODAETH

**9. 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 09/11/2020 –
20/11/2020.

Penderfyniadau Cynllunio a Gorfodi – Apeliadau a Dderbyniwyd
Penderfyniadau Dirprwyedig – Ceisiadau wedi'u cymeradwyo a'u
gwrthod gyda rhesymau.

63 - 76

10. MATERION BRYS

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

tudalen wag

PENDERFYNWYD cadarnhau'r cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 20 Awst 2020 yn rhai cywir.

5 **NEWID I DREFN YR AGENDA**

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

6 **CAIS RHIF: 20/0654/10**

Cadw dec uchel a chodi adeilad allanol yn yr ardd gefn. Bynglo Philden, Stryd Rhys, Trealaw, Tonypandy, CF40 2QQ

Yn unol â'r gweithdrefnau a gafodd eu mabwysiadu, derbyniodd y Pwyllgor y siaradwyr cyhoeddus canlynol a gafodd bum munud yr un i annerch yr Aelodau ynglŷn â'r cynnig uchod:

- Ms Lisa Bruford (Ymgeisydd)
- Ms Kathryn Lee (Gwrthwynebydd)
- Ms Debbie Jones (Gwrthwynebydd)

Arferodd yr Ymgeisydd, Ms Lisa Bruford, yr hawl i ymateb i'r sylwadau a wnaed gan y gwrthwynebydd.

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

7 **CAIS RHIF: 20/0843**

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

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

Cyflwynodd y Pennaeth Materion Cynllunio'r cais i'r Pwyllgor ac, yn dilyn trafodaeth, penderfynodd yr Aelodau gymeradwyo'r cais, yn groes i argymhellion y Cyfarwyddwr, Materion Ffyniant a Datblygu. Roedd hyn am eu bod nhw o'r farn na fyddai'r datblygiad arfaethedig yn cael effaith andwyol ar gymeriad nac edrychiad yr ardal gyfagos. Mynegodd yr aelodau bryderon ynghylch sefydlogrwydd y tir y tu ôl i'r datblygiad, a gofynnon nhw am gynnwys amod yn gofyn am adroddiad manwl sy'n asesu'r sefydlogrwydd a'r angen posibl am unrhyw waith adfer a/neu'r angen am gadw strwythur(au) pan fyddai'r mater yn cael ei adrodd yn ôl i'r Pwyllgor; ynghyd ag asesiad o'r goblygiadau o ran y cwrs dŵr y tu ôl i'r safle.

O ganlyniad i hynny, caiff y mater ei ohirio tan y cyfarfod priodol nesaf o'r Pwyllgor Cynllunio a Datblygu fel bod modd derbyn adroddiad gan y Cyfarwyddwr Materion Ffyniant a Datblygu, a gaiff ei lunio drwy ymgynghori â Chyfarwyddwr y Gwasanaethau Cyfreithiol yn ôl yr angen. Bydd yr adroddiad yn tynnu sylw at y cryfderau a'r gwendidau posibl sydd ynghlwm â gwneud penderfyniad yn groes i argymhelliad swyddog, neu unrhyw reswm arfaethedig

neu reswm cynllunio dros wneud penderfyniad o'r fath. Caiff yr adroddiad yma ei ystyried cyn dod i benderfyniad ar y mater.

8 CAIS RHIF: 20/0118

Caniatâd Ardal Gadwraeth ar gyfer newid defnydd adeilad o Swyddfeydd y Cyngor i 20 o fflatiau hunan-gynhaliol preswyl i fyfyrwyr (Sui Generis), gan gynnwys dymchwel rhan o'r adeilad sy'n bodoli eisoes a gwaith cysylltiedig. Yr Hen Lys, Stryd y Llys, Y Graig, Pontypridd, CF37 1LJ

Siaradodd yr Aelod Lleol, Cynghorydd y Fwrdeistref Sirol J. Brencher, nad yw'n aelod o'r Pwyllgor, am y cais gan fynegi ei phryderon ynglŷn â'r datblygiad arfaethedig.

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.

9 CAIS RHIF: 20/0120

Newid defnydd adeilad o Swyddfeydd y Cyngor i 20 o fflatiau hunan-gynhaliol preswyl i fyfyrwyr (Sui Generis), gan gynnwys dymchwel rhan o'r adeilad sy'n bodoli eisoes a gwaith cysylltiedig (Derbyniwyd yr Arolwg Ystlumod a'r Arolwg Adar sy'n Nythu ar 15/07/2020) (Derbyniwyd yr Adroddiad Sŵn ar 05/08/2020), Yr Hen Lys, Stryd y Llys, Y Graig, Pontypridd, CF37 1LJ.

Siaradodd yr Aelod Lleol, Cynghorydd y Fwrdeistref Sirol J. Brencher, nad yw'n aelod o'r Pwyllgor, am y cais gan fynegi ei phryderon ynglŷn â'r datblygiad arfaethedig.

Cyflwynodd y 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, yn amodol ar yr Amodau a amlinellir yn yr adroddiad.

(Nodwch: Ar yr adeg yma, gadawodd Cynghorydd y Fwrdeistref Sirol S. Powderhill y cyfarfod.)

10 CAIS RHIF: 20/0542

Cais amlinellol i ddymchwel tŷ tafarn ac adeiladu 8 eiddo preswyl gyda lleoedd parcio (rhai materion wedi'u cadw). Rhydyfelin Sports Bar, Heol y Dyffryn, Rhydfelen, Pont-y-clun, CF37 5ES.

Cyflwynodd y Pennaeth Cynllunio y cais i'r Pwyllgor a **PHENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr Gwasanaeth - Materion Cynllunio yn ddarostyngedig i'r Amodau a nodir yn yr adroddiad a Chytundeb Adran 106 i sicrhau bod un uned yn cael ei sefydlu a'i chynnal fel uned fforddiadwy, a hynny er mwyn bodloni anghenion a nodwyd yn lleol.

(Nodwch: Ar y pwynt yma, gadawodd Cynghorydd y Fwrdeistref Sirol W. Owen y cyfarfod.)

11 CAIS RHIF: 20/0777

Adeilad storio a dosbarthu arfaethedig (Defnydd Dosbarth B8) (derbyniwyd

y cynlluniau diwygiedig ar 27/08/2020). Tir gyferbyn â Storamove, Ystad Ddiwydiannol Parc Aberaman, Aberaman, Aberdâr

Cyflwynodd y 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, yn amodol ar yr Amodau a amlinellir yn yr adroddiad.

12 CAIS RHIF: 20/0885/09

**Gosod ffenestri to yn y blaen a'r cefn.
2 Wesley Cottage, Heol Aberdâr, Abercynon, Aberpennar, CF45 4NP**

Cyflwynodd y Pennaeth Materion Cynllunio y cais i'r Pwyllgor. Ar ôl trafod y cais, **PENDERFYNWYD** cyhoeddi Tystysgrif Cyfreithlondeb unol ag argymhelliad y Cyfarwyddwr Materion Ffyniant a Datblygu, yn amodol ar yr Amodau a amlinellir yn yr adroddiad.

13 CAIS RHIF: 20/0949/10

**Estyniad deulawr yn y cefn.
27 Stryd Dumfries, Treherbert, Treorci, CF42 5PP**

Cyflwynodd y 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, yn amodol ar yr Amodau a amlinellir yn yr adroddiad.

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

PENDERFYNODD yr Aelodau dderbyn adroddiad y Cyfarwyddwr Gwasanaeth – Materion Cynllunio mewn perthynas â'r Penderfyniadau Apeliadau Cynllunio a Gorfodi a ddaeth i law, Cymeradwyaethau Penderfyniadau a Gwrthodiadau Dirprwyedig gyda rhesymau, Trosolwg o Achosion Gorfodi a Phenderfyniadau Gorfodi Dirprwyedig ar gyfer y cyfnod 04/09/2020 – 02/10/2020.

15 MATERION BRYD

Rhoddodd y Pennaeth Materion Cynllunio gyflwyniad cryno i'r Aelodau ar addasrwydd cynnal ymweliadau safle o dan gyfyngiadau cyfredol Covid-19. Yn dilyn hyn, trafododd yr Aelodau opsiynau amgen er mwyn dal ati i gynnal ymweliadau safle, a chytunwyd y byddai'r Swyddogion yn edrych ar y defnydd o dechnoleg i gynorthwyo gydag ymweliadau safle presennol ac yn y dyfodol. Mewn perthynas â'r ymweliad safle ar gyfer cais 20/0680 (Cofnod 300), cytunodd yr aelodau'n unfrydol y bydd swyddogion yn cael lluniau drôn ac, os credir eu bod yn briodol, lluniau fideo ychwanegol o'r ardal. Bydd y rhain yn cael eu cyflwyno i'r pwyllgor er mwyn mynd i'r afael â'u pryder, yn hytrach na chynnal ymweliad safle ffurfiol.

Daeth y cyfarfod i ben am 5.00 pm

**Y Cynghorydd S Rees
Cadeirydd.**



PLANNING & DEVELOPMENT COMMITTEE

3 DECEMBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0315/10 (JE)
APPLICANT: Mr & Mrs Williams
DEVELOPMENT: Conversion and extension of two redundant outbuildings to form two dwelling houses with detached garages. (Amended site plan received 10/07/20)(Preliminary Bat Survey received 03/08/20) (Bat Emergence and Re-Entrance Survey received 02/10/20)
LOCATION: FFRWD PHILIP FARM, HEOL FFRWD PHILIP, EFAIL ISAF, PONTYPRIDD, CF38 1AR
DATE REGISTERED: 02/10/2020
ELECTORAL DIVISION: Llantwit Fardre

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

REASONS: The principle of residential development at the site is acceptable. Furthermore, the proposed development is considered acceptable in respect of its visual impact, its potential impact upon the amenity and privacy of the neighbouring properties, and its potential impact upon highway safety in the vicinity of the application site.

REASON APPLICATION REPORTED TO COMMITTEE

- Three letters of objection have been received from occupiers of neighbouring properties.

APPLICATION DETAILS

Full planning permission is sought for the conversion and extension of two outbuildings to create two dwelling houses with detached garages at Ffrwd Philip Farm, Heol Ffrwd Philip, Efail Isaf.

The proposed outbuildings are located within the existing amenity space of the property and are located to the east and west of the existing farmhouse. Access to the proposed dwellings would be gained from Heol Ffrwd Philip utilising an existing dropped kerb towards the south east boundary of the site.

Plot 1 consists of the detached outbuilding located to the east of the main dwelling towards the boundary with Heol Ffrwd Philip and consists of a traditional stone barn and smaller attached brick extension on its north elevation. The proposal would see the construction of a large extension to the south elevation of the outbuilding which would measure a width of 16.7 metres by a depth of 6.1 metres. The proposed extension would have a dual pitched roof design measuring a maximum height of 5.1 metres sloping to 3 metres at the eaves. The proposal would also see the existing pitched roof of the outbuilding raised from 5.8 metres to 7 metres to allow for the creation of a first floor. The proposal would provide living accommodation over two levels with 4no. bedrooms, bathroom, wc, hall, utility room, kitchen/dinner and living room.

Plot 2 consists of the attached outbuilding to the south west of the existing dwelling which projects outwards within the amenity space. The proposal would see the construction of an extension on the western side elevation of the outbuilding which measures a maximum width of 5.7 metres by a maximum depth of 12.2 metres. The proposed extension would be partially two storey for a depth of 7 metres with the development also proposing a first floor extension to an area of the existing outbuilding. The proposed first floor extension would have a dual pitched roof design with gable ends on its south and north elevations measuring a maximum height of 7.5 metres. The proposal would accommodate living accommodation over two levels with 5no. bedrooms, open kitchen/dining/family room, living room, wc and utility room.

The proposed development would also see the construction of 2no. detached garages to serve proposed dwellings.

The planning application is supported by:

- Preliminary Roost Assessment Survey
- Bat Emergence and Re-Entrance Surveys

SITE APPRAISAL

The application site forms the southern section of the garden curtilage of Ffrwd Philip Farm, Efail Isaf. It is irregular in shape, amounting to approximately 1447m², is level throughout and is currently largely laid to lawn. The site is bounded by the existing farmhouse to the north, residential dwellings at Penywaun to the west, open countryside to the south and Heol Ffrwd Philip to the east. The outbuildings are currently used for domestic storage for the farmhouse at Ffrwd Philip Farm however they were historically used in association with the use of the farm.

The site is located towards the southern boundary of the village of Efail Isaf and surrounding development is characterised by detached residential dwellings of varying designs and scales.

PLANNING HISTORY

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

06/1427/13: FFRWD PHILIP FARM, HEOL FFRWD PHILIP, EFAIL ISAF, PONTYPRIDD, CF38 1AR

Outline consent for two detached dwellings (amended description 4/09/06).

Decision: 22/09/2006, Grant

09/0939/15: FFRWD PHILIP FARM, HEOL FFRWD PHILIP, EFAIL ISAF, LLANTWIT FARDRE, PONTYPRIDD, CF38 1AR

Renewal of Planning Consent No. 06/1427/13 (two detached dwellings)

Decision: 09/11/2009, Grant

12/0750/13: FFRWD PHILIP FARM, HEOL FFRWD PHILIP, EFAIL ISAF, PONTYPRIDD, CF38 1AR

One dwelling (outline application).

Decision: 20/12/2012, Grant

15/1508/15: FFRWD PHILIP FARM, HEOL FFRWD PHILIP, EFAIL ISAF, PONTYPRIDD, CF38 1AR

Extend consent for a further 5 years of planning permission 12/0750/13 for one dwelling (Coal Mining Risk Assessment received 08/07/16).

Decision: 25/08/2016, Grant

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

3 letters of objection have been received from the occupiers of neighbouring properties. The points raised have been summarised below:

- Impact on residential amenities in relation to the proposed garage towards the boundary with neighbouring properties at Penywaun.
- Loss of privacy and overlooking
- Ground Stability
- Overdevelopment of village
- Highway Safety
- Overdevelopment of plot
- Out of character with area
- Impact upon naturally sensitive area
- Relocation of "build out" will cause access issues for neighbouring property

CONSULTATION

Transportation Section: No objection subject to conditions

Countryside (Ecology): No objection

Natural Resources Wales: No objection.

The Coal Authority: No objection

Public Health and Protection: No objection

Flood Risk Management (Drainage): No objection

Dwr Cymru/Welsh Water: No objection

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Efail Isaf and isn't allocated for a specific purpose.

Policy CS2 – sets out the criteria for development in the Southern Strategy Area.

Policy AW1 – sets out the criteria for new housing proposals.

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

Policy AW4 - Details the criteria for planning obligations, including the community Infrastructure Levy (CIL).

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 - Sets out the criteria for the protection and enhancement of the natural environment.

Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy SSA13 – sets out the criteria for the consideration of development proposals within the settlement boundaries.

Supplementary Planning Guidance

- Design and Placemaking.
- Nature Conservation
- Access, Circulation and Parking.

National Guidance

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

Planning Policy Wales Edition 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 seeks full planning permission for the conversion and extension of two outbuildings to create two dwellings along with detached garages and associated works at Ffrwd Philip Farm, Efail Isaf. The application site is located within the settlement boundary and benefits from a long history of outline consent for residential development. As such, the principle of residential development on the site has been previously established and the proposal is acceptable subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area

Comments received by the objectors raise concerns in relation to impact of the proposed development upon the character and appearance of the area. The objectors suggest that the proposal would be out of character with the area and village of Efail Isaf. However, when considering the design of the proposed dwellings which respects the character and appearance of the existing outbuildings and with the proposed extensions being constructed from sympathetic materials to match these buildings and the wider property. It is considered that the proposed development would form a sympathetic addition to the application site and surrounding area. Furthermore, when considering the nature of the street scene along Heol Ffrwd Philip to the east and south of the site which is varied in appearance with no fixed character, the proposal is not considered to result in any adverse impact upon the character and appearance of the area.

The objectors also raise concerns in relation to the development forming overdevelopment of the plot. Whilst these points are noted, the dwellings would be appropriately positioned within the plot to leave adequate space for access, amenity and parking areas. The subdivision of the existing property would also allow for a sufficient amenity space to be retained at Ffrwd Philip Farm, due to its significantly larger than average amenity space. It is also noted that the existing dwelling would retain its existing private access and enclosed garden following the development. As such, it is not considered that the proposals would lead to an over intensive form of development.

Taking the above into account, it is considered that the proposals will not detract from the character or appearance of the area.

Impact on residential amenity and privacy

Whilst the objectors concern in relation to the impact of the proposed detached garage serving plot 2 on the residential properties 27 & 29 Penywaun is acknowledged. The maximum height of the garage at 4 meters is consistent with many domestic garages within the wider area. Additionally, the amenity space of these properties is elevated

above the application site and is screened by existing boundary treatments and vegetation. As such, the proposed garage is not considered to result in any detrimental impact upon the amenity of these occupiers.

Although the proposed dwelling at Plot 2 would see the creation of new first floor window openings facing west towards properties at Penywaun, the first-floor element of the proposed dwelling would be separated by a minimum of 21 metres from the boundary of these properties. As such, any overlooking is not considered to adversely impact upon the privacy of the occupiers on this elevation. With regard to Plot 1 the majority of fenestration would be on ground floor level with only 2no. new window openings on first floor level facing north towards Heol Ffrwd Philip and the front amenity space of Ty Derw. Given the nature of surrounding development, this area is already overlooked from a number of neighbouring properties. As such, the proposal is not considered to exacerbate existing opportunities for overlooking on this elevation. When considering the impact upon the privacy of existing dwelling at Ffrwd Philip Farm, the majority of fenestration orientated towards this property would be ground floor and any opportunities for overlooking could be overcome through the installation of 2 metre boundary treatment which could be constructed under permitted development by the occupiers of the property.

Whilst the development of Plot1 would form a visible addition from a number of neighbouring properties along Heol Ffrwd Philip. When considering the proposed extension to this outbuilding would be single storey in nature and the height of existing barn would be raised by a maximum of 1.2 metres. It is not considered that the proposal would adversely impact upon the amenity of these properties. Additionally, given the separation distance between the properties and the proposal at Plot1 any impact would be similar in nature to existing arrangements between neighbouring properties within the area.

As such, taking the above into account the application is considered to be acceptable in terms of the impact on the amenity and privacy of neighbouring residents.

Highway Safety and Parking Provision

The objectors raise a number of concerns in relation to highway safety associated with increased traffic caused by the development and the proposed relocation of the existing build out. However, no objection was raised following consultation with The Council's transportation Section who provided the following comments with regard to highway safety and parking provision:

The proposed development would be served off Heol Ffrwd Phillip, Efail Isaf. The local highway network leading to the proposed development site is sub-standard in terms of carriageway width, junction radii, vision splays, safe and satisfactory continuous footways, which gives cause for concern. However, the proposed two dwellings will

not generate a significant vehicular and pedestrian movements to warrant highway objection and therefore on balance is considered acceptable.

The amended site plan indicates that the proposed driveway is to be 4.5m for its shared element and 3.5m thereafter where it serves a single dwelling. There is space for turning available at the end of the drive. The plan also indicates that the existing priority build out is to be re-located approximately 2m to the north, away from the proposed driveway. The proposed private shared access is in excess of 45m in length. As such, it should incorporate a larger turning area in accordance with RCT Highway Design Guide standard detail, drawing no. 103. However, the driveway on the amended site plan is not in strict accordance with the aforementioned detail but is on balance considered acceptable.

The proposed conversion and extension of the existing outbuildings will result in 1 no. 4 bedroom dwelling and 1 no. 5 bedroom dwelling. In accordance with the Council's adopted SPG, a 3+ bedroom has an off-street parking requirement of 3 spaces. The 4 no. bedroom dwelling benefits from a detached garage with sufficient clear internal dimension to provide 1 no. off-street parking space with a further 2 no. spaces provided within the site curtilage. The 5 no. bedroom dwelling benefits from a detached garage with sufficient internal dimension to provide 2 no. off-street parking spaces with space for another space within the site curtilage. As such, the proposal is considered acceptable in terms of parking provision.

Taking the above into consideration, the application is considered acceptable in this regard.

Ecology

Given the nature of the conversion works and the location of the application site, the application has been supported by a Preliminary Roost Assessment Survey and a Bat Emergence and Re-Entrance Survey. The ARBTECH Bat emergence and re-entrance Survey (30/09/2020) has found that both building B1 and B2 support single common pipistrelle summer bat roosts. The conversion works will therefore need an NRW European protected Species Licence controlling timing of works, supervision and replacement of bat roost provision - the report identifies the provision of bespoke bat roost masonry brick provision in each building and the EPSL would need details of specification, location, height of these provisions. This conclusion has been considered acceptable following consultation with the Council's Ecologist and Natural Resources Wales who have raised no objection to the application. As such, taking the above into account the application is considered acceptable in relation ecology matters.

Other issues raised by the objectors

Concern was raised by within the objections received in relation to ground stability caused by historic mining activities. Members should note that an area towards the western boundary of the site is located within the High Risk Development Area. As

such, The Coal Authority were consulted during the consultation period in order to provide comments on this matter. The Coal Authority noted that whilst part of the development is located within this area which normally requires a Coal Mining Risk Assessment to support the application. When considering this particular proposal and on the basis that the area where the built development would be located falls outside of the High Risk Development area in this instance no supporting information is necessary and no objection was raised.

Public Health & Protection

The Council's Public Health and Protection Division have raised no objection to the proposal; however a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that these issues can be more effectively controlled by other legislation and the suggested conditions are therefore not considered necessary. An appropriate informative note would be sufficient.

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. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £29665.11.

Conclusion

The proposed dwellings are considered acceptable in terms their impact upon the character and appearance of the locality and the amenity and privacy standards enjoyed by the surrounding properties. Furthermore, the proposal is also considered acceptable in terms of its impact upon highway safety in the vicinity of the site. As such, the application is considered to comply with the relevant policies of the Local Development Plan and is acceptable, subject to the conditions detailed below.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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):

- 501 01 03
- 501 01 04
- 501 01 05
- 501 01 06
- 501 01 07
- 501 02 03
- 501 02 04
- 501 02 05
- 501 02 06
- 501 02 07
- 501_S 02

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. Notwithstanding the submitted plans, development shall not commence until details providing for the required alterations to the public highway including provision of a vehicular crossover, pedestrian connectivity and re-location of the existing priority buildout have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial occupation of any dwelling associated with the development.

Reason: To ensure the adequacy of the proposed development, 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.

4. The parking spaced indicated on submitted drawing no. "501_s 02 Rev A" shall be constructed on site in permanent materials and, together with the proposed detached garages, shall remain for vehicular parking only.

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 AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to 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. 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.

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

6. Building operations shall not be commenced until samples of the external finishes of the dwelling proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the samples so approved.

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. No development shall commence 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 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure, satellite antennae or structures of any kind (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 in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.



PLANNING & DEVELOPMENT COMMITTEE

3 DECEMBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0921/10 (GH)
APPLICANT: c/o Agent Starburst Ltd
DEVELOPMENT: Erection of three Class B1/B2/B8 units and associated parking and servicing (units 16, 17 & 18). Revised layout plan received 12th October 2020)
LOCATION: **UNITS 16,17 &18 HEPWORTH BUSINESS PARK, PONTYCLUN, CF72 9DX**
DATE REGISTERED: 12/10/2020
ELECTORAL DIVISION: Llanharry

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS:The Hepworth Business Park already accommodates a variety of businesses operating within Use Class B. Consequently, the construction of a further three industrial units, of a similar style and scale, would be compatible with those neighbouring land uses and would be consistent with the character of the site and adjacent Coedcae Lane Industrial Estate.

Furthermore, the additional, flexible floor space would be beneficial to both new and existing businesses and would support economic growth within the County Borough, as well as the potential for the creation of employment opportunities.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Director of Prosperity & Development because it constitutes both major and new-build industrial development.

APPLICATION DETAILS

Full planning permission is sought for the construction of three industrial units at Hepworth Business Park, Pontyclun.

The buildings would have a gross internal floor space of 4333m² and are proposed to accommodate Class B1, B2 and B8 uses. Initially the two larger buildings would contain 11 separate units and the smaller building would comprise 7 units; albeit that the flexibility of the modular design would enable units to be combined to meet the needs of tenants.

Information accompanying the application states that off-street parking and circulation space will be provided to the front of each building and in two parking areas adjacent to the units. This would create a total of 53 parking spaces, of which 14 would be for disabled users; whilst space to the front of roller shutter doors would be sufficient for vans and smaller HGVs.

In respect of the appearance of the development, the new buildings would be of a similar scale and style to tie in with the existing units within the Business Park, including those to the west which have recently benefitted from planning consent (20/0375/10). It is proposed that the walls of the units would be of a metallic silver micro-rib cladding, with Solent blue coloured roller shutter doors to match the roof colour.

Within the curtilage of the site there would be two separate covered cycle stores, each holding 6 cycles, whilst each unit would have a bin store to the rear accessed via a single pedestrian door in the rear elevations. Lastly, an attenuation pond would be located adjacent to the northern boundary and existing sewage works, as part of the drainage strategy for the premises.

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

- Design and Access Statement
- Flood Consequences Assessment
- Geoenvironmental Report
- Pre-Application Consultation Statement

SITE APPRAISAL

The application site comprises a piece of land within Hepworth Business Park, which is located off Coedcae Lane to the north of Tyla Garw.

Formerly the site was that of the Hepworth Concrete Works business, but which has been largely redeveloped as an industrial park within which an access road and a variety of new and replacement units have already been constructed.

The site is situated to the north of the South Wales railway line and is mostly surrounded by a variety of neighbouring industrial and commercial premises. There are two dwellings and the Haveli Hotel which are located approximately a minimum of

135m to the south west, although the majority of the other closest residential properties are at least 415m to the south at Tyla Garw and 490m to the north-east at Lanelay Hall.

Owing to the proximity of the Nant Melyn watercourse, part of the site falls within an area designated as C2 Flood Zone. In addition, the site intersects with land identified as being a coal high risk to development area.

PLANNING HISTORY

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

- 20/0375/10:** Erection of two Class B1/B2/B8 units and associated parking. Decision: 10/07/2020, Grant.

- 17/1059/10:** Application for the erection of Class B1/B2/B8 units and associated parking and servicing. (Flood Consequences Assessment received 16/11/17). Decision: 11/01/2018, Grant.

- 17/0399/10:** Proposed erection of Class B1/B2/B8 units and associated external alterations (Unit 10). Decision: 25/07/2017, Grant.

- 15/1417/10:** Application for the erection of Class B1/B2/B8 units and associated external alteration (Phase 4). Decision: 27/01/2016, Grant.

- 11/1431/10:** Development comprising 2 buildings for Class B1, B2 and B8 Use (Phase 3). Decision: 06/08/2015, Grant.

- 09/0036/10:** Development comprising 3 buildings (B1, B2 and B8 use) with on site car parking (amended description 06/04/10 - retention of building as built and amendments to design and siting of remainder of development). Decision: 21/07/2011, Grant.

- 07/1539/10:** Erection of 1 unit B2 General Industrial Building and Internal Offices. Decision: 07/03/2008, Grant.

PUBLICITY

The application has been advertised by direct notification to twenty-five neighbouring properties and notices were displayed on site.

Furthermore, in accordance with the Town and Country Planning (Development Management Procedure)(Wales) Order the relevant press notice was published identifying that the application constitutes 'major development'.

No letters of objection or representation have been received.

CONSULTATION

Highways and Transportation

The proposed development satisfies its access, circulation and parking requirements and therefore is considered acceptable, subject to conditions.

Drainage

No objection subject to an informative note regarding the need for SAB approval, and a condition for the submission of drainage details.

Public Health and Protection

Conditions are recommended in respect of demolition, hours of operation, noise, dust, waste and site contamination. However, with the exception of the latter, it is considered that these matters can be best dealt with under existing public health powers, and therefore an informative note will be appended to any planning consent.

Dwr Cymru Welsh Water

Since the proposal intends utilising an alternative to mains drainage, DCWW advises that the applicant should seek advice from Natural Resources Wales and/or the Local Authority Building Control Department/Approved Building Inspector as both are responsible to regulate alternative methods of drainage.

Natural Resources Wales

No objection subject to a condition for a site investigation and scheme to deal with contamination. NRW has also noted that the site lies partially within Flood Zone C2, but is satisfied that any water displaced as a result of raising finished floor levels can be accommodated within the site without having an impact elsewhere.

Western Power Distribution

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

The Coal Authority

The Coal Authority previously commented on planning applications for Phase 4 (15/1417/10) and Unit 10 (20/0375/10), where it reviewed information provided by Dr Ian Williams, Director, Ground Investigation.

On the basis that the content of the submitted Phase 1 Geoenvironmental Report (July 2020, prepared by Hydrogeo Ltd), which accompanies this planning application and

which confirms that the risk to development on the site from past coal mining activity is extremely low, the Coal Authority has no objections to this planning application.

No other consultation responses have been received within the statutory period, and any late representations will be reported directly to Committee.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Pontyclun.

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, and support opportunities for investment in sustainable locations that will benefit the economy.

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 option.

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. Proposals must also be designed to protect and enhance landscape and biodiversity

Policy AW8 - Seeks to protect and enhance the natural environment from inappropriate development.

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

Policy SSA13 - The settlements in the Southern Strategy Area have absorbed a significant amount of new development during the last decade. In order to protect the identity of these settlements, ensure the efficient use of land and protect the countryside from urbanisation and incremental loss; the policy stipulates that development will not be permitted outside the defined settlement boundary.

Supplementary Planning Guidance

- Design and Place-making
- Access, Circulation and Parking Requirements
- 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 national policy guidance consulted:

PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 23: Economic Development;
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 relates to the construction of three industrial units on land within the curtilage of Hepworth Business Park.

As the planning history and past land uses demonstrate, this site has been subject to longstanding industrial development and recent redevelopment; indeed, the OS six-inch map series published in 1900 shows that a Sanitary Pipe & Brick Works was already established at this location.

Chapter 2 of PPW 10 clarifies that the use of previously developed land and its regeneration accords with the National Sustainable Placemaking Outcomes which seek to make best use of resources. The development would also accord with other Outcomes by virtue of the likely job creation, the fostering of economic activity and the accessibility of the site. TAN 23 is also supportive and advises that local planning authorities should “recognise market signals and have regard to the need to guide economic development to the most appropriate locations, rather than prevent or discourage such development”.

The location of the site within the settlement boundary means that the development would comply with LDP Policies CS2, SSA13 and point 1 of Policy AW2. Furthermore, the compatible surrounding uses, accessibility by sustainable transport options and access to key services and facilities in the nearby settlements, means that the site would be considered to be a sustainable location as defined by the other relevant criteria of Policy AW2.

Therefore, subject to the material issues considered below, the development would be in accordance with national and local planning policy, and acceptable in principle.

Impact on the character and appearance of the area

The proposed units would be sited within the curtilage of the existing Hepworth Park, and would be of a comparable scale, mass and design to the existing large units; including units 14 and 15 which were recently approved by Committee Members under the auspices of planning application 20/0375/10.

In this case the considerations about site context are again the most relevant in determining the acceptability of the appearance of the development, and whilst the functional design and external finishes would not be suitable for a town centre or residential setting for example, they are entirely appropriate at this location.

Consequently, the application is considered to be in accordance with LDP Policies AW5 and AW6, and no harm would be caused to the appearance of the site or the character of the wider area.

Impact on neighbouring occupiers

Hepworth Business Park is located within the centre of a larger industrial area to the west of Talbot Green and north-east of Pontyclun and Tyla Garw. This comprises an extensive range of commercial and industrial premises across approximately 63 hectares.

There are no residential land uses within the immediate vicinity of the application site, with the closest being two dwellings and a small motel located 135m to the south-east on Coedcae Lane. Within this intervening gap, there are extant industrial units of a large scale and screening by vegetation, so it is considered very unlikely that any detriment to amenity would be caused.

In addition, no objections have been received as a result of the public consultation exercise and none were recorded in response to the Applicant's Pre-Application Consultation.

Therefore, given that this part of the Hepworth Park development is some distance from residential properties, and already surrounded by similar industrial uses, it is considered that there would be no unacceptable impact on neighbouring occupiers and that conditions for either hours of construction or operation would be unnecessary.

Access and highway safety

The Council's Highways and Transportation Section has noted that the submitted red line boundary does not definitively show the proposed means of access from the publicly maintained highway, but assumes that the Applicant has the benefit of using the existing access arrangements from Coedcae Lane that serve the neighbouring units.

Access

The proposed development is located within Hepworth Park, Coedcae Lane. Hepworth Park is served from the public highway via a private access road with a carriageway width of 7.3m with a 2m wide footway on one side. The proposed development will utilise this existing access road, which is considered acceptable. There is no new access off the public highway proposed as part of this development.

The proposed development would be accessed via the forecourt/circulatory area constructed as part of previous phases of development at the site. It is noted that this access route does not incorporate a defined carriageway with segregated footways and street lighting, which is a cause for concern.

However, a concrete service yard does not provide scope for such provision and as a result of the shared space surface, vehicle speeds will be slow and therefore, on balance, the lack of dedicated pedestrian access is reluctantly accepted. Furthermore, given that Hepworth Park is privately maintained, the estate management company would be able to address any future issues in this respect.

Although there is no dedicated turning area for the new development, this is a continuation of former phases of development and the existing circulatory road would ensure that large vehicles are able to re-join the public highway in a forward gear.

Parking

The proposed development provides for a total of 53 car spaces (including 14 disabled spaces) for 4,333m² GFA of development (1 space per 81m²). This level of parking provision is just one short of that set out within the Council's SPG for Access, Circulation and Parking Requirements, which is 54 spaces (1 space per 80m²).

It is also noted that operational parking for each unit is provided to the front of the roller shutter doors to cater for light goods vehicles such as a large van. Additionally, secure cycle storage for 12 cycles is proposed to encourage sustainable modes of transport. With these points in mind, the parking provision of the proposed development is considered acceptable.

Nevertheless, a condition is suggested below to ensure that 10% of the proposed parking provision is provided with an electric vehicle charging point, in line with current standards.

Flood Zone

NRW's consultation response recognised that the site is partially within flood Zone C2, and although the planning application proposes a use which is categorised as 'less vulnerable' development, TAN 15 identifies that the justification test within Section 6 should be applied.

In respect of TAN 15 tests (i) and (ii), the proposal would provide business units that would have a beneficial contribution to employment and regeneration and would help to sustain this long-established industrial area. As previously developed land, having been the site of Hepworth Concrete Works, criteria (iii) is also met.

The last test (iv), requires the applicant to demonstrate, via the submission of a Flood Consequence Assessment (FCA), that the potential consequences of flooding can be managed to an acceptable level.

NRW has reviewed the FCA by Marsden Associates, entitled 'Flood Consequences Assessment Units 16, 17 & 18, Hepworth Park, Coedcae Lane, Talbot Green Report MA/PC/07', and dated July 2020.

The FCA indicates that most if not all of the site is at or above a level of 48m AOD. It is proposed that the slab level of the buildings i.e. the finished floor levels (FFL), will be raised by up to one metre to 49m AOD.

The predicted flood level during a 0.1% (1 in 1000 year) flood event is 48.11m AOD, which means that the proposed FFL of 49m AOD would ensure the proposed buildings are designed to be flood free in the 0.1% (1 in 1000 year) flood event.

With regard to the remainder of the site, the maximum flood depth in the 0.1% (1 in 1000 year) flood event is predicted to be 110mm, which NRW advises is within the tolerable limits of paragraph A1.15 of TAN 15.

Therefore, regarding paragraph A1.12 (flood risk elsewhere), NRW is of the view that any water displaced as a result of raising finished floor levels can be accommodated within the site without having an impact elsewhere.

In light of the above, the development is considered to comply with national planning policy in relation to the location of development and flood risk.

Other Matters

The application has identified the intention for foul drainage to be disposed of via a private sewerage system (PTP). Initially, NRW objected to the proposal on the basis that the proposed development is located within a publicly sewered area.

The installation of private sewage treatment facilities within publicly sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

Section 6.6.21 of Planning Policy Wales states 'Any development discharging domestic sewage should connect to the foul sewer where it is reasonable to do so. Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible...'

NRW also expects trade effluent to be connected to mains sewerage since Welsh Government Circular 008/2018 stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having considered the cost and/or practicability it can be shown to the satisfaction of the Local Planning Authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

Since submission the Applicant's drainage engineers (Hydrogeo) have been in negotiation with NRW to demonstrate that a mains sewer connection is not possible. The Local Planning Authority has been provided with a copy of correspondence, dated 17th November 2020, within which NRW has stated "I understand the cost of connecting to the public sewer is greater than the cost of installing a PTP, in addition to there being practical difficulties, therefore I would consider it not feasible to connect to DCWW's foul sewer".

On this basis, the development can be considered to have complied with statutory requirements in respect of foul drainage disposal, and the matter of a permit for the PTP is one for which the developer will have to apply to NRW.

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. Therefore, no CIL would 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.

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 only intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

In this case the proposed development, would provide business units for Class B1, B2 and B8 purposes with a gross floor space of 4333m².

Members will be aware that the Council's SPG for Employment and Skills normally requires residential, retail/leisure/office and industrial developments, that exceed a given threshold, to secure an Employment and Skills Plan via a Section 106 agreement.

However, the Applicant's Agent has explained that the development is a speculative one and at this stage none of the potential occupiers of the completed development, or the type of business they would be engaged in, can be known. It would therefore be impossible to provide a meaningful plan in advance or one that could be monitored for adherence.

Given the above, and since the approved uses of the site would enable long term employment and economic activity unlike, for example a residential development, it is therefore considered that a S106 agreement would be unnecessary and unreasonable in this instance.

Conclusion

It is considered the proposal would not have a significant or detrimental impact on the character and appearance of the site or immediate locality; and would be compatible with the surrounding commercial land uses. The site benefits from acceptable access and circulation space and in addition to its contribution to the local economy, would provide opportunities for employment. The application is therefore considered to comply with LDP Policies CS2, SSA13, AW2, AW5, AW6, AW8 and AW10.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

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

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

2. The development hereby approved shall be completed in accordance with the approved drawing numbers:

- 026092/1 Rev A
- 026092/2 Rev A
- 026092/3
- 206029/4
- 206029/5
- 026092/6
- 026029/7

and details and documents received on 2nd September 2020 and 12th October 2020.

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

3. 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. 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.

4. No development shall commence until a scheme to deal with contamination has been submitted to and approved in writing by the LPA. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing.

(i) A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site

(ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(iv) A verification plan to provide details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to the occupation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the occupation of the development, a long term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:
- Details of the methods and triggers for action to be undertaken
 - Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required
 - Timescales for submission of monitoring reports to the LPA e.g. annually
 - Details of any necessary contingency and remedial actions and timescales for actions
 - Details confirming that the contingency and remedial actions have been carried out

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason: A long term land contamination monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on water quality, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to approval of the scheme of investigation, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing by the LPA. Only material approved by the Local Planning Authority shall be imported.

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

9. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence until details providing for electric vehicle charging at 10% of the proposed 53 no. parking spaces have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial occupation and the 53 no. parking spaces and 12 no. cycle parking stands shall be retained in perpetuity for the purpose of vehicular parking only.

Reason: To ensure that adequate access, turning and parking facilities are provided within the curtilage of the site, in the interests of highway safety, and to encourage sustainable modes of travel in accordance with PPW 10 and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. No development shall commence until a Construction Method Statement has been submitted to 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) wheel cleansing facilities,
- f) 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, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.



PLANNING & DEVELOPMENT COMMITTEE

3 DECEMBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/1091/10 (LJH)
APPLICANT: Mr & Mrs J Parry
DEVELOPMENT: Part two storey, part single storey rear extension.
LOCATION: 8 DYFODWG STREET, TREORCHY, CF42 6NN
DATE REGISTERED: 07/10/2020
ELECTORAL DIVISION: Treorchy

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

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

REASON APPLICATION REPORTED TO COMMITTEE

- The application is reported to Committee for determination as three or more objections have been received.

APPLICATION DETAILS

Full planning permission is sought for the construction of a part two-storey and part single storey rear extension at 8 Dyfodwg Street, Treorchy.

The proposed extension would be sited on the southern facing rear elevation of the property, adjoining an existing two-storey extension, to create an almost full-width extension across the back of the house. The overall structure would measure a total of 5 metres in width, with the new addition extending 3.3 metres from the eastern side of the existing two-storey projection. The overall structure would measure 7.6 metres in depth at ground floor level, being set back to 4 metres at first floor level. A pitched roof is proposed above the two-storey element measuring a maximum of 7.9 metres

in height, falling to 5.1 metres at the eaves. The single storey element would also have a pitched roof design, measuring 3.9 metres at the ridge, falling to 2.6 metres at its eaves. The single storey element's roof would contain 4 no. rooflights, 2 within each roof slope.

The addition would accommodate an enlarged kitchen/dining area at ground floor, while the first floor would accommodate a bedroom and family bathroom. It would be finished with smooth render to the side elevations and face brick to the rear. The roof would consist of concrete tiles to match the existing dwelling, and uPVC windows and doors would be provided.

SITE APPRAISAL

The application property is a two-storey, mid-terraced dwelling located within a residential area of Treorchy. It is set back from the road to the north by a small enclosed front garden and benefits from an average sized rear garden to the south, to a depth of approximately 10 metres, which is bound by the rear gardens of nos. 7 & 9 to the east and west respectively. A service lane is located to the rear.

Neighbouring properties are of a similar scale and design, all being traditional terraced properties, with many having examples of similar two-storey extensions to that proposed.

PLANNING HISTORY

No previous planning applications have been submitted at the site in the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification. Three letters of objection have been received from the occupants of nos. 7 & 9 Dyfodwg Street. The concerns raised are summarised below:

- Consent will not be given for the applicant or their builders to enter onto either of the neighbours' land to complete the proposed works.
- The eaves/guttering of the extension will overhang no. 9 Dyfodwg Street and the owner of this property will not give consent to this.
- Loss of privacy is already an issue as the applicant has CCTV installed on both the front and rear elevations.
- The extension will allow the applicant to look directly into the neighbours' gardens and cause more loss of privacy.
- If the height of the extension exceeds the height of the extension at the property next door it will cause shadowing to next doors garden.
- The re-locating of the mains drains to accommodate the extension may cause issues with drainage.

- The noise and traffic during construction will be a disturbance. The neighbour is a registered nurse who works night shifts and therefore needs to sleep during the day.
- As the works are non-essential and purely cosmetic, is it wise to commence works during the pandemic? The duration of construction could be lengthened due to shortages in materials and possibility of workers having to self-isolate.
- The applicant is an inconsiderate neighbour and has previously undertaken works to his property without prior notification. The works would last until 10pm in the evenings 7 days a week and the applicant would cause a lot of mess to the neighbouring properties on either side with no attempt to clean up anything but his own property.
- If approved, the neighbours insist that the applicant should use sheeting to protect the neighbouring properties from dust and debris.
- The police have been called to the site on at least two occasions in recent months regarding the applicant's behaviour.

CONSULTATION

None undertaken.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Treorchy and is not allocated for any 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.

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 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 extension of an existing residential property to improve living standards at the dwelling. The principle of development is therefore acceptable, subject to compliance with the criteria set out below.

Impact on the character and appearance of the area

The proposed extension is considered to be acceptable in terms of its scale, design and overall visual appearance. It is noted that the height of the extension is proposed to match that of the main ridge line of the host property and a set down would be preferable, however there are many examples of similar structures in the locality and therefore this design is considered typical of the area and would not be out of character within its surroundings. Furthermore, the materials proposed would match the existing property and sited to the rear of the dwelling, there would be no impact upon the street scene. Therefore it is not considered the proposed extension would have a detrimental impact upon the character and appearance of the existing dwelling or the wider area, and the application is considered acceptable in this regard.

Impact on residential amenity and privacy

The proposed extension would be sited close to the common boundary with no. 7, and on the common boundary with no. 9, therefore it is acknowledged that there would inevitably be a degree of impact upon the amenity and privacy standards currently enjoyed by the occupiers of both adjoining properties.

In terms of potential overshadowing and overbearing impacts, the proposed extension would be sited adjacent to an existing two-storey extension of a similar depth at no. 7. Therefore any potential impact to this property would be minimal. Furthermore, the two-storey element would not project any further than the existing two-storey addition at the property which is already adjacent to no. 9. Therefore no further impact would occur to this property.

There are windows proposed within the rear elevation of the two-storey element and it is acknowledged that there would be some overlooking of the rear amenity spaces of the neighbouring properties, as noted by the objectors. However, with an existing window in this position at the site it is not considered the additional windows would significantly increase the amount of overlooking that already occurs. In addition, the rear windows at ground floor level would be adequately screened by existing boundary treatments to either side boundaries. Furthermore, as noted above, this type of development is typical of the area and relationships of this kind are commonplace throughout the locality. It is considered necessary however to attach a condition to any consent ensuring that the window serving the bathroom contains obscure glazing and shall remain as such in future.

Therefore, whilst the concerns raised by the objectors in this respect are acknowledged, it is not considered the proposal would result in a significant impact upon the residential amenities or privacy of the surrounding neighbours.

Other Issues Arising from Consultation Process:

An objector has commented that the proposed extension may cause issues with drainage as it will sit above the street's main sewer line. The plans indicate that a sewer line does run parallel to the rear of the property and that the extension would be built over it. However the building over or moving of a sewer is an issue that would form the subject of a separate consent from Dwr Cymru Welsh Water and is not material to the determination of this planning application.

With regards to the concerns raised about the applicants' previous un-neighbourly behaviour, works previously carried out at the site, and the current COVID-19 pandemic impacting upon the construction phase, these issues are not material planning considerations.

The neighbours are also concerned that works will be carried out at unreasonable times given historical issues that have occurred at the property, and the Council's Public Health and Protection Department have confirmed that they have received a complaint regarding the occupiers of the application property which related to building noise, late working hours, and mess/dust etc. However given the minor nature of the works proposed it is not considered necessary to add a condition to any consent restricting working hours at the site and that an informative note would suffice. Members are also advised that construction noise, waste and dust matters can be more efficiently controlled by other legislation open to the Council.

Finally, in relation to comments from both adjoining neighbours that consent will not be given for the applicant or their builders to enter onto either of the neighbour's land to undertake or complete works to the extension, this issue would be a civil matter that would need to be resolved between the applicant and their neighbours.

Similarly, the issue of the overhang of the eaves/guttering between the application property and no. 9 Dyfodwg Street is also a private matter. The correct notice has been served on the adjoining property prior to submission of the planning application and the relevant Certificate B within application forms completed. Therefore it is considered the necessary processes have been followed in this respect and the application can be determined.

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 not considered the proposal would have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5 and AW6) and is recommended for approval.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS

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: hdw/ph/jp.01, hdw/ph/jp.02, and documents received by the Local Planning Authority on 07/10/2020, 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. The window in the rear elevation of the extension serving the bathroom shall at all times be obscure glazed to industry standard privacy level 3 or above.

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

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PLANNING & DEVELOPMENT COMMITTEE

3 DECEMBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0464/10 (GW)
APPLICANT: WDL Homes Ltd
DEVELOPMENT: Proposed residential development and associated works.
LOCATION: LAND AT COLEG Y CYMOEDD, CWMDARE ROAD, ABERDARE
DATE REGISTERED: 09/11/2020
ELECTORAL DIVISION: Aberdare West/Llwydcoed

RECOMMENDATION: REFUSE

REASONS: The development site is outside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan (LDP). Residential development is not supported by policy in such locations and no suitable justification, as an exception to the relevant policy, has been submitted.

The benefits of providing the proposed dwellings and contributions for improved play facilities and education would not outweigh the conflict with policy and therefore, on balance, the application is recommended for refusal.

As such the proposal would conflict with Policies AW1, AW2 and NSA12.

REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to the Committee for final determination as it proposes 5 or more dwellings.

APPLICATION DETAILS

Full planning permission is sought for 7 dwellings at the application site. The proposal would essentially form an extension to a development of 87 dwellings already permitted at the former Coleg y Cymoedd site in Cwmdare (and currently under construction). The new dwellings would be located on part of the land that was

allocated for Public Open Space as part of the previous scheme and would be accessed from the roads within that development, leading from Cwmdare Road.

The 7 dwellings would be situated to the east of the formal playground area that would be provided for the development currently under construction. The proposal is for 3 and 4 bed dwellings of similar types to those being provided at the adjacent development site. They would be of a similar design and materials to those dwellings already approved.

The application is accompanied by the following:

- Cover Letter
- Planning Statement
- Ecological Appraisal Report and Additional Report
- Habitat Creation Plan by BSG Ecology
- Tree Survey
- Landscape Specification & Management Plan
- Written Scheme of Investigation for Archaeological Works

SITE APPRAISAL

The site is located with an open area of land to the north of the former Coleg y Cymoedd Campus in Cwmdare. The former college site is currently being developed in relation to the 87 dwellings already granted permission (19/0116). This and the proposed site would be accessed from Cwmdare Road.

The site is bound to the west by Maesgwyn School and to the south by a residential development at the former Aberdare High School, located on the opposite side of Cwmdare Road. To the east is the B4275, Hirwaun Road and a small number of residential dwellings. The site is bound to the north by the remainder of the open field/greenfield land which houses a single residential dwelling.

PLANNING HISTORY (Relevant to this application)

20/0365/39	Plot 82, Coleg Y Cymoedd, Cwmdare Road, Cwmdare	Provision of garden room for plot 82 of planning consent 19/0116/16.	Granted 04/05/2020
20/0152/39	Coleg Y Cymoedd, Cwmdare Road, Cwmdare	Provision of garden room for plot 87 of planning consent (19/0116/16).	Granted 10/03/2020
19/5116/41	“ “	Pre-application enquiry for construction of 7 new units and associated works.	Raise no objection 23/10/2019

19/1112/39	“	“	Provision of garden room for plot 3 and plot 85 of planning consent (19/0116/16).	Granted 15/10/2019
19/0309/38	“	“	Discharge of conditions: 5 (Scheme of Historic Investigation), 7 (Species and Habitat Protection Plan), 9 (Arboricultural Impact Assessment). 12 (Drainage Strategy), 15 (Internal Highway works) of previously approved outline planning application 16/1390 for development of dwellings.	Granted 06/09/2019
19/0580/38	“	“	Discharge of conditions 13 (external highway works) and 14 (traffic regulation order) of planning permission ref. 16/1390 for residential development.	Granted 21/08/2019
19/0116/16	“	“	Application for reserved matters approval (appearance, landscaping, layout, access and scale) and discharge of conditions 8 (Landscape Mitigation Plan), 10 (Site Investigation Report), 11 (Contamination Report) and 21 (Tree Protection) in respect of 87 dwellings and associated works (16/1390/13)	Granted 17/07/2019
18/0346/38	“	“	Discharge of condition 6 (Construction Method Statement) & part discharge of condition 7 (Demolition Method Statement) of previously approved planning application 16/1390/13.	Discharged 20/03/2019
16/1390/13	“	“	Demolition of existing buildings and development of up to 110	Granted 13/10/2017

dwellings, provision of public open space, landscaping and associated infrastructure.

PUBLICITY

The application was advertised via the erection of site notices and by direct neighbour notification. One letter of objection has been received at the time of writing this report. The contents are summarised below:

- We strongly object to the surface water to be discharged to the existing water course, which runs under our property. The site under development is extremely wet and is likely to become waterlogged regularly. The volume of surface water is likely to be very high. We are therefore concerned about the volume of water that is likely to be pumped into the water course, and are concerned that the level of the water is likely to be raised to such a high level during rainy periods that our property will be flooded.
- We are also concerned about the proposed fencing surrounding the development site. The plans show the fences surrounding our property at very close proximity to our hedge at the side of our garden and the wall at the bottom. We would like assurance that no damage will be caused to the hedge, trees and wall surrounding our garden. We have a holly tree within the boundary of our garden that is very precious to us and are worried that this will be damaged by the fencing.
- Behind the holly tree, just outside our boundary is another tree. Firstly, it provides a busy and valuable environment for birds and other wildlife and we feel that it would be an act of ecological vandalism to remove it. Secondly, it will provide an essential shield for us – our bathroom window looks out onto this tree and if it is removed then the new houses will have a clear, close and unshielded view into our bathroom, which will not be pleasant for anybody!

CONSULTATION

Dwr Cymru / Welsh Water – We advise that the site will eventually drain to our Cynon Waste Water Treatment Works and as a consequence how the available capacity is apportioned amongst new development is a matter for the Local Planning Authority.

To ensure there is no detriment to the public sewerage system we request that should you be minded to grant planning permission the following condition is necessary with additional Advisory Notes:

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

Glamorgan Gwent Archaeological Trust - We commented on the adjacent application for residential development (16/1390/13) in our letter dated 1st February 2017, when we recommended a condition requiring the submission of a Written Scheme of Investigation (WSI), detailing an archaeological watching brief, be attached to any consent. Similar archaeological potential exists for the current application as was the case for 16/1390/13 and we note the submission of an addendum to the existing WSI, updating the document to include the current application area. To ensure adherence to the stated mitigation strategy in the WSI we recommend that a condition should be attached to any consent granted by your Members.

Natural Resources Wales – No objection. From the information provided it would seem there will be no impacts on any potential bat roosting features on trees. We note that the Ecological Appraisal – Coleg Y Cymoedd: Additional Units, by BSG Ecology, dated May 2020 states “There are no potential roosting features in any of the trees within the site boundary”.

We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2), a bat survey may be required.

RCT Countryside, Landscape and Ecology – The ecology report has confirmed the overgrown nature of the pasture field which will house the development. It identifies a central area of moderately species rich neutral grassland (which includes some key indicators of species rich grassland). It also identifies the extending bramble fringe to the site and the old hedgerows around the perimeter. The report concludes loss of nesting bird habitat, likely reptile impact, and loss of bat foraging habitat. It does also confirm that mitigation/enhancement for loss of what is an area of local wildlife habitat will be hard to achieve within the development area. The provision of bat and bird boxes are recommended, with wildlife friendly landscaping and control of Japanese Knotweed the only mitigation options available.

The tree survey and layout do indicate retention of most of the eastern boundary tree/hedgerows, but removal elsewhere.

The development is effecting habitat of at least local wildlife value, which when considered with the adjacent wet fields that are subject of the S106 Management Plan for the already approved development, could be considered to form part of a habitat area that justifies SINC criteria, as bird/bat habitat and with potential for reptiles, and old, moderate species rich ex-pasture. As the ecology report identifies, the site does not have the potential to provide mitigation to off-set biodiversity loss, let alone provide biodiversity enhancement.

Notwithstanding this loss, the subsequent Habitat Creation Plan submitted would provide strategic ecological enhancement immediately adjacent the application site.

The mitigation identified in both ecology reports can be secured by conditions if permission were to be granted.

RCT Education & Lifelong Learning – No comments received at the time of writing this report.

RCT Flood Risk Management – On review of the location's risk of flooding it is noted that along the southern perimeter and within there is a High (Q30) surface water flood risk along the length of the watercourse.

The developer should be made aware that if they intend to undertake works to an ordinary watercourse (open channel or culvert) then they will require Ordinary Watercourse Consent prior to the works taking place.

The applicant has indicated that the sites surface water drainage will discharge through sustainable development however further information is required. Therefore, a condition requiring that no development shall commence until all relevant matters with regard to drainage details have been approved in writing by the Local Planning Authority is suggested.

From the 7th January 2019 all surface water drainage for new developments are required to comply with mandatory National Standards for Sustainable Drainage Systems which will be demonstrated through the application of Sustainable Drainage Approval to the Sustainable Drainage Approval Body prior to the commencement of works. This requirement is outside of the Town and Country Planning Act.

RCT Parks – The proposal would reduce Public Open Space and fails to meet the standards for the provision of adequate open space as highlighted by the Fields in Trust criteria. Off-site mitigation could be secured with a £7,000 payment to secure improved facilities at the playground area for the Coleg y Cymoedd site.

RCT Public Health and Protection – No objection subject to conditions in respect of demolition of dwellings, hours of operation, noise, dust and waste.

Previous intrusive investigations undertaken on this land (under condition 11 of Planning Consent 16/1390/13 which related to a wider area), identified potential contaminants of concern which required remediation in areas of soft landscaping and residential gardens. The land forming this fresh application is not believed to have been remediated as part of the earlier application, since it was being put to a less sensitive use (Public Open Space). Therefore, a condition is required to obtain a scheme to deal with contamination.

RCT Transportation Section – The proposed development of 7 dwellings provides for satisfactory access, circulation and parking in accordance with the Council's SPG: Access, Circulation and Parking and Design Guide. Therefore, on this basis, the proposal is considered acceptable and no objections are raised subject to the following

conditions: full engineering design and details of internal layout, a construction method statement and the provision of a Travel Plan for future occupiers of the dwellings.

RCT Waste Services – No comments received at the time of writing this report.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is located outside the defined settlement boundary, north of the former Coleg y Cymoedd Campus off Cwmdare Road in the Northern Strategy Area. The site was allocated in the local plan for educational development (NSA 28), although the new campus was instead erected at the Robertstown Strategic Site. The site is bordered by a Green Wedge (NSA 24.7 – Land between Penywaun and Cwmdare/Trecynon), however it does not encroach into this designation. Further, the site lies entirely within a coal mineral resource area (AW 14.4), although the minerals have already been sterilised by surrounding development.

Policy CS 1 - emphasises building strong, sustainable communities in the Northern Strategy Area, to be achieved partly by promoting development in principal towns (1) and partly by promoting the re-use of previously developed land (3).

Policies CS 4 and CS 5 - the policies identify that land is required to meet the housing requirements of 14,385 new dwellings in sustainable locations over the plan period. Of these, 1,770 should be affordable units, as set out in CS 5.

Policy AW 1 - supports new housing inside the settlement boundaries and allocated sites.

Policy AW 2 - promotes development in sustainable locations.

Policy AW 4 - lists community infrastructure and planning obligation contributions which the Council may seek in respect of new development.

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 7 - covers the protection and enhancement of the built environment.

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.

Policy AW 14 - protects the resources of coal from sterilisation.

Policy NSA 10 - seeks a minimum housing density of 30 dwellings per hectare and gives criteria for accepting lower densities.

Policy NSA 11 - seeks the provision of 10% affordable housing on residential development of 10 dwellings or more.

Policy NSA 12 - gives criteria for housing development within settlement boundaries.

Policy NSA 24.7 – Green Wedges have been identified in order to prevent coalescence between and within settlements. The Green Wedge covers the land between Penywaun and Cwmdare/Trecynon.

Policy NSA 28 - Land adjoining the College is allocated for education development.

Supplementary Planning Guidance:

Access Circulation and Parking
Affordable Housing
Design and Placemaking
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 current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations (Wales) Act in to planning.

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 national 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 16: Sport Recreation and Open Space;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development;
PPW Technical Advice Note 24: The Historic Environment; and
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 development

The site is located outside the defined fixed settlement boundary of Aberdare, north of the former Coleg y Cymoedd Campus off Cwmdare Road in the Northern Strategy Area. The site was allocated in the local plan for educational development (NSA 28) although the new Coleg y Cymoedd campus was instead erected at the Robertstown Strategic Site. The site is also bordered by a Green Wedge (NSA 24.7 – land between Penywaun and Cwmdare/Trecynon), however the proposed development does not encroach into this designation. Further, the site lies entirely within a coal mineral resource area (AW 14.4), although the minerals have already been sterilised by surrounding development. There are a number of considerations to be made in relation to this application.

Housing Need

The applicant argues that the development would meet housing land supply and need. The Ministers, on the 26th March 2020, revoked PPW Technical Advice Note 1: Joint Housing Land Availability (TAN 1) in its entirety and as a consequence the Council will no longer follow the model in TAN 1 to demonstrate a five-year housing land supply. Instead, the Council will move to the Annual Average Requirement (AAR) method, tracking actual completions. It should also be noted that paragraph 4.2.15 of PPW 10, concerning the five-year housing land supply, has also been deleted in accordance with the Minister's letter of the 26th March 2020. Therefore, the argument set out within the applicant's planning statement, in relation to this issue, carries little weight in this regard.

Settlement Boundary and Whether Site is in a Sustainable Location

The development is outside but adjoining the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan. Therefore, the proposal conflicts with Policy AW 1.

With regard to Policy AW 2, this requires that development should meet a number of criteria to be considered a sustainable location for development. In relation to the first criterion, the site lies outside the defined Aberdare fixed settlement boundary in Trecynon/Cwmdare and therefore conflicts with part of criterion 1 of the policy.

Policy AW 2 also requires that it accords with Policy NSA 12 of the LDP. This provides for development within and adjacent to the defined settlement boundary in the Northern Strategy Area, subject to criteria. Aberdare however has a fixed settlement boundary, which aims to prevent development that would undermine the character of the area, result in the urbanisation of the countryside and potentially witness growth without the necessary infrastructure to support sustainable development. The Council would not normally allow development outside the defined Aberdare settlement boundary and any development contrary to the plan undermines confidence in the plan-led system. Furthermore, no assessment has been provided as to whether there are sites within the settlement boundary that remain undeveloped and which are capable of accommodating the number of residential units being proposed.

In terms of the other relevant criterion for Policy AW 2 there would be some conflict with surrounding land uses as there would be some loss of ecology. However, whilst the loss would be regretted, as detailed below there would be, on balance, no objection as beneficial mitigation can be provided elsewhere. Access to surrounding services and facilities would be similar to the adjacent residential estate under construction which has been considered a sustainable location for development.

In summing up, the development is outside the settlement boundary identified in the LDP. Residential development is not supported in such locations and no suitable justification, as an exception to the policy, has been submitted. The development would therefore conflict with Policies AW 1, AW 2 and NSA 12 of the LDP. This consideration is backed up by recent decisions made by the Minister for Housing and Local Government including: Appeal ref: APP/L6920/A/19/3226294 Land at Heol y Cefn, Cefn Fforest, Bedwellty, Caerphilly. The Minister detailed, "I am committed to a plan-led system in Wales and I consider the primacy of the adopted LDP is key to providing certainty for communities and developers, regarding the type and scale of development that will be in permitted in local authority areas throughout Wales."

Allocation for College development

The site is allocated in the LDP for an extension to the Coleg Morgannwg (now Coleg y Cymoedd) campus (Policy NSA 28). The college has however subsequently been re-located on the Robertstown Strategic Site and as such development of the land for this purpose is no longer required. Notwithstanding this, development of the site, would not intrude into the adjacent Green Wedge which would retain its purpose of protecting the countryside and preventing coalescence, and it is conceded that the application site would somewhat offer a natural extension to the existing permitted site (for 87 dwellings), whilst being contained by surrounding designations and development. That being said, it remains outside the fixed settlement boundary, and if other types of development (i.e. residential) were considered acceptable, it would have been included within the settlement boundary of the LDP.

Impact on Public Open Space

The proposed 7 no. houses would be located within the red line area of an existing planning permission for 87 houses (19/0116) and on land identified as Public Open Space (POS) for that development. From the proposals submitted, it would appear that the existing area to the west of the current application site would still form an area of POS, with a children's play area, although somewhat reduced in size from that approved for the site of 87 dwellings (19/0116).

Approximately 1.1 ha of POS was indicated in application 19/0116 for the 87 houses. The current application reduces the POS by 0.38ha to 0.72ha. In assessing if 0.72ha is an acceptable area of POS, the Council's SPG on obligations indicates the previous permission had a 304 person demand and the new development increases this by 27. Taken from the calculations in the SPG the combined requirement of 331 persons for POS would be 0.7944ha. Whereas only 0.72ha is provided (in the area identified as POS) this would be a shortfall of approximately 0.07ha.

The applicant argues that this is acceptable as outline permission (16/1390) identified 110 houses were acceptable on the site and that the additional dwellings being proposed now would be within the total numbers approved. Members are advised that the 110 houses were however identified in an area for housing on the 'masterplan' for that application, and this number of houses would not have affected the 1.1ha of approved area for POS. As such, the under development of the approved housing area (for 87 houses) is not considered a reason that should carry significant weight in allowing the loss of POS.

The Council's Parks and Countryside Section have been consulted for their opinion on whether the remaining open space within the wider site is acceptable for both developments. They comment that the remaining area fails to meet the standards for the provision of adequate open space as highlighted by the Fields in Trust criteria. It is also noted the site is however on the rural fringe where residents could relatively easily access other open space in the area. The Council's Legal and Democratic Services Section state that if the remaining area of POS is not sufficient, further mitigation could be sought.

The information submitted suggests the applicant does not have any further land nearby to provide additional POS. Whilst POS would be lost as part of the proposal, it could be argued that there would be some benefits from having housing in the proposed location. In accordance with place-making principles (and as set out in the pre-application advice), the developer was encouraged (if submitting an application) to provide housing that overlooked the play area on both the permitted and proposed sites, in the interest of supervision and safety. It is noted that the 7 dwellings proposed as part of this site extension do indeed overlook the designated open space/play park and may provide some benefit in this matter.

The Council's Parks Section have further detailed that a payment of £7,000 from the developer could be used to mitigate the loss of open space to provide enhanced play facilities at the adjacent site. The applicant has been made aware of this and would

agree to the payment. Members are advised that the payment could be obtained by a Section 106 agreement if the development was permitted.

In summing up, whilst the remaining open space does not meet the Fields in Trust criteria, the site is located on the rural fringe where the countryside can be accessed relatively easily. In addition the agreed payment for enhanced facilities would offset the loss of public open space on site and would be considered necessary if permission were to be granted. Therefore, on balance, whilst the level does not accord with the criteria required by Policy AW 6, the Public Open Space issue would be considered acceptable.

Density of development

Policy NSA 10 requires a minimum density of 30 dwellings per hectare in the Northern Strategy Area. The policy does however stipulate that lower density levels may be permitted where it can be demonstrated that: they are necessary to protect the character of the area; they are necessary to protect the amenity of existing or future residents; and they still make adequate efficient use of the site. During the pre-application stage, the applicant was asked to provide justification for the proposed lower density level for the site. The applicant argues that “...*the density of the proposed development is considered to be acceptable in order to provide a well-designed development that makes efficient use of the land and meets planning policy requirements*”. No further argument or point is made in this regard. It is acknowledged that the topography of the site, which slopes upward towards the north, could be a factor in not meeting the requirement of 30dph in this instance, however this point is not raised by the applicant. The site is also on the rural fringe where density is normally lower. The site is approximately 0.3 hectares in size, which equates to 20dph, this is shy of the minimum density level set by the policy. An additional 2 or 3 dwellings would be required on the site to meet the policy requirements. On balance however, as detailed above, the density of the proposed residential development would be considered acceptable in this location as it would help protect the character of the area.

PPW Placemaking principles

The pre-application advice requested that the applicant provide information evidencing that the site is in line with the placemaking principles, well-being goals and the five ways of working, as set out in PPW 10 and the Well-being of Future Generations (Wales) Act. Such evidence is not present within the Planning Statement that accompanies this application. There is however a focus on the five-year housing land supply issue, which has been subsequently deleted from national planning policy. Notwithstanding this and that the site is outside the settlement boundary, it is evident that the proposal would link in to the highways arrangement of the earlier approved development and would somewhat complement the character of that proposal.

Education Contribution

The original proposal for 87 dwellings required an education contribution. The additional dwellings at the site would result in increased demand for education services. As detailed in the pre-application meeting with the applicant, if the other issues with the application are acceptable, a section 106 agreement for an education contribution for primary school places would be necessary. The education contribution for the previous application for 87 dwellings was £343,196 for primary school places. Therefore, for this proposal the contribution for 7 dwellings would be £24,514. The applicant has agreed to this contribution which could be obtained via a Section 106 agreement. As such, if the contribution is paid it would cover some of the burden of additional education demand as a result of the development.

Summing up

In summing up, the site is outside the settlement boundary and conflicts with Policies AW 1, AW 2 and NSA 12. Recent Welsh Government decisions have reiterated the importance of a plan-led system.

The allocation of the land for an extension to the former college (Policy NSA 28) carries little weight as the college has moved and therefore this development requirement has been removed.

There are issues with the shortfall in Public Open Space and the proposed low density of development, however these would be acceptable as detailed above.

The development could however be seen somewhat as a natural extension of the already approved housing scheme. It would be connected to the existing highways network, would somewhat complement the character of the approved residential scheme and could aid overlooking of the remaining Public Open Space. Furthermore, a financial contribution for improved play facilities would be provided and an education contribution would be provided to offset the school places demand it would generate.

Whilst it is accepted the proposed development would provide some benefits, it is not considered these benefits outweigh the conflict with LDP policies. Particularly to the Aberdare area, where the settlement boundary has been designed in order to control housing development outside defined settlement policy boundaries.

Therefore it is recommended the proposal would not be acceptable in principle.

Impact on Ecology

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."

The submitted ecology report concludes there would be a loss of nesting bird habitat, likely reptile impact, and loss of bat foraging habitat. It also confirms that mitigation/enhancement for the loss of what is an area of local wildlife habitat will be hard to achieve within the development area. The only mitigation options recommended are: the provision of bat and bird boxes, wildlife friendly landscaping and the control of Japanese Knotweed. The Council's Ecologist considers the development will be effecting habitat of at least local wildlife value and that could be considered to form part of a habitat area that justifies Site of Importance for Nature Conservation (SINC) criteria. Therefore, it is not considered the measures proposed would be sufficient to mitigate the loss identified.

In response, the applicant has submitted an updated ecology report with a habitat enhancement plan for land outside and to the north of the application site. The mitigation area referred to is not within the current applicant's ownership and it is understood to be owned by Coleg y Cymoedd.

No objection has been raised to this by the Council's Ecologist subject to conditions for improvements on site and to the adjoining mitigation area. On balance, it is considered that whilst biodiversity at the site would be significantly diminished, the mitigation at the adjoining site would be a benefit. The development therefore demonstrates that it could provide a net benefit for biodiversity as required by Section 6.4.5 of Planning Policy Wales (PPW) and would accord with the requirements of Policy AW 8 of the Local Development Plan in respect of its compatibility and impact on ecology.

Impact on the character and appearance of the area

The proposed residential development would result in the loss of some open countryside space. However, due to the position of existing houses on Hirwaun Road to the east and Nantgwyn to the west and the development under construction on the former college site, the proposed development could somewhat be seen as a natural rounding-off of the settlement boundary. It would also not affect the adjoining Green Wedge area.

The layout proposed is similar to that on the approved part of the former college site and the density of housing being proposed is considered acceptable in this location. The range of housing types and the design, size, scale and finishing materials would be acceptable.

Taking into account the above assessment, on balance, it is considered the development would not result in a significant detrimental visual impact to the character of the site and the area as a whole.

Impact on residential amenity and privacy

An objection has been received, as part of the public consultation exercise, detailing that there could be a loss of privacy to a neighbouring dwelling as a result of a tree being removed. Whilst this is noted and it is appreciated that views maybe opened up as a result of some vegetation being removed, it is considered that there would be an acceptable distance between the existing dwellings and the proposed to protect amenity. For example, the resulting closest relationship would be between plot 90 and the existing dwelling behind on Hirwaun Road. These would be separated by 20m, which in this instance, is considered an acceptable separation distance.

The layout would also not result in any significant impact from overbearing or loss of sunlight. As such, the impact to nearby residents is considered to be acceptable.

Access and highway safety

The development would be accessed from the highways permitted under the original scheme. No objection has been raised by the Transportation Section subject to conditions requiring full engineering design and details of internal layout, a construction method statement and the provision of a Travel Plan to future occupiers of the proposed dwellings.

Contamination

The Council's Public Health and Protection Section highlight previous intrusive investigations undertaken on this land for the previous applications identified potential contaminants of concern which required remediation in areas of soft landscaping and residential gardens. They detail the land forming this fresh application is not believed to have been remediated as part of the earlier application, since it was being put to a less sensitive use (Public Open Space). Therefore a condition is considered necessary to obtain a scheme to deal with contamination. Details of this can be required by a suitably worded condition if Members are minded to approve the application.

Impact on Archaeology

The site has potential for former historical features as clarified by Glamorgan Gwent Archaeological Trust (GGAT). The applicant has submitted a report detailing a scheme of investigation. No objection has been raised by GGAT subject to a condition requiring a watching brief. This is considered necessary and can be required by a suitably worded condition if permission is granted.

Drainage

An objection has been raised by a local resident detailing that the proposed surface water discharge to a drainage channel, which then crosses their property, may result in the flooding of their property. The Council's Flood Risk Management Section recognise there are some local flooding issues in the area and that flow to the channel

would need to be regulated to below green field discharge rates. They further detail all surface water drainage for new developments are required to comply with mandatory National Standards for Sustainable Drainage Systems, which will be demonstrated through the application of Sustainable Drainage Approval to the Sustainable Drainage Approval Body prior to the commencement of works.

With regards to foul drainage, Dŵr Cymru/Welsh Water do not object subject to a condition to restrict surface water to the public sewerage system.

Members are advised that drainage matters can be obtained by separate legislation i.e SAB approval, Building Regulations and Dŵr Cymru/Welsh Water approval. However, as flooding issues could occur if an acceptable drainage system is not provided, a condition requiring drainage details be submitted to and approved by the LPA prior to any works starting on site is considered necessary in this instance.

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 only intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case would be:

- An education contribution for primary school places of £24,514.

- A contribution for improved play facilities at the adjoining site of £7,000.

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 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 would not comply with the relevant policies of the Local Development Plan in respect of the principle of development (Policies AW 1, AW 2 and NSA 12).

Furthermore, the development would not contribute to national sustainable placemaking outcomes, identified in Planning Policy Wales, in the following areas: Has distinctive and special landscapes and prioritises the use of previously developed land and existing buildings.

RECOMMENDATION: Refuse

1. The site is outside the defined settlement boundary of the Rhondda Cynon Taf Local Development Plan. As such the proposal conflicts with Policies AW1, AW2 and NSA12 of the Rhondda Cynon Taf Local Development Plan and it would amount to an unjustifiable extension of residential development into the countryside.

tudalen wag



PLANNING & DEVELOPMENT COMMITTEE

5 DECEMBER 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 09/11/2020 – 20/11/2020

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 DECEMBER 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: 20/0708
APPEAL REF: D/20/3261762
APPLICANT: Mr and Mrs John
DEVELOPMENT: Demolition and rebuild of existing rear garage.
LOCATION: 1 TYNBEDW TERRACE, TREORCHY, CF42 6RL
APPEAL RECEIVED: 09/11/2020
APPEAL START DATE: 09/11/2020

APPLICATION NO: 20/0410
APPEAL REF: A/20/3262231
APPLICANT: Mr G Hill
DEVELOPMENT: Outline planning for residential development off a private drive (re-submission of 20/0132/13).(Amended Ecology Survey rec. 11/06/2020)
LOCATION: SWN YR AFON, CWMYNYSMINTON ROAD, LLWYDCOED, ABERDARE, CF44 0UP
APPEAL RECEIVED: 29/10/2020
APPEAL START DATE: 12/11/2020

APPLICATION NO: 20/0506
APPEAL REF: A/20/3261935
APPLICANT: Mr Rees
DEVELOPMENT: New enclosed cattery building and change of use of part of site from residential to cattery use.
LOCATION: TY SEREN HAF, BRYN TERRACE, ARTHUR STREET, YSTRAD, PENTRE, CF41 7RX
APPEAL RECEIVED: 25/10/2020
APPEAL START DATE: 12/11/2020

tudalen wag

Report for Development Control Planning Committee

Penywaun

20/1033/10 Decision Date: 12/11/2020

Proposal: Rear single story extension.

Location: 2 HEOL CARADOC, PENYWAUN, ABERDARE, CF44 9AU

Aberdare West/Llwydcoed

20/0840/10 Decision Date: 19/11/2020

Proposal: Proposed rear single storey extension with internal and external alterations.

Location: 10 TRE-IFOR, LLWYDCOED, ABERDARE, CF44 0YG

Aberdare East

20/1016/10 Decision Date: 12/11/2020

Proposal: Change of use of shop (A1) to solicitors office (A2).

Location: UNIT 4, 3-6 CARDIFF STREET, ABERDARE, CF44 7DG

20/1055/01 Decision Date: 09/11/2020

Proposal: Proposed new fascia signage.

Location: SPECSAVERS OPTICIANS, 20B VICTORIA SQUARE, ABERDARE, CF44 7LB

Cwmbach

19/0548/10 Decision Date: 16/11/2020

Proposal: Proposed dropped kerb and extension to existing driveway.

Location: 3 MAESHYFRYD, CWMBACH, ABERDARE, CF44 0DH

20/0945/10 Decision Date: 17/11/2020

Proposal: Proposed Change of Use from Police Station (Sui Generis) to Care Home (C2)

Location: FORMER POLICE STATION, CANAL ROAD, CWMBACH, ABERDARE

20/1069/10 Decision Date: 16/11/2020

Proposal: Provision of a car parking hardstand and vehicular crossover.

Location: 41 MAESHYFRYD, CWMBACH, ABERDARE, CF44 0DN

20/1130/10 Decision Date: 19/11/2020

Proposal: Proposed two storey extension.

Location: 3 CROWN ROW, CWMBACH, ABERDARE, CF44 0AT

Report for Development Control Planning Committee

Mountain Ash East

20/0813/10 Decision Date: 12/11/2020
Proposal: Extension to first floor over existing kitchen annexe.
Location: 2 RICHMOND ROAD, MOUNTAIN ASH, CF45 4AN

Mountain Ash West

20/1024/10 Decision Date: 09/11/2020
Proposal: First floor rear extension.
Location: 73 HIGH STREET, MOUNTAIN ASH, CF45 3LD

Abercynon

20/1027/10 Decision Date: 18/11/2020
Proposal: Change of use of former mini market to a self contained flat.
Location: MATTHEWSTOWN MINI MARKET, MAIN ROAD, TYNTETOWN, ABERCYNON, MOUNTAIN ASH, CF45 4YH

Ynysybwl

20/0903/10 Decision Date: 12/11/2020
Proposal: Extension to front & garage conversion.
Location: 2 CLAS-TY-GELLI, YNYSYBWL, PONTYPRIDD, CF37 3DL

Aberaman North

20/1039/10 Decision Date: 09/11/2020
Proposal: Hard standing to front with vehicular crossover.
Location: 313 CARDIFF ROAD, ABERAMAN, ABERDARE, CF44 6UU

Aberaman South

20/0590/10 Decision Date: 11/11/2020
Proposal: Construction of one four-bedroom dwelling (Amended plans to existing planning consent 17/0356/10. Revised plans received 20th August 2020 and Certificate B received 1st October 2020).
Location: LAND ADJACENT TO 112 JOHN STREET, ABERCWMBOI, ABERDARE, CF44 6BN

Treorchy

20/0883/10 Decision Date: 20/11/2020
Proposal: First floor extension to rear of property.
Location: 38 CONWAY ROAD, CWMPARC, TREORCHY, CF42 6UR

Report for Development Control Planning Committee

Llwynypia

20/1005/10 Decision Date: 17/11/2020
Proposal: Construction of garage on existing hardstanding.
Location: LAND OPP 12 & 13 HILLSIDE TERRACE, LLWYN-Y-PIA, TONYPANDY

Tonypandy

20/0970/10 Decision Date: 12/11/2020
Proposal: Proposed first floor rear extension.
Location: 52 ELEANOR STREET, TONYPANDY, CF40 1DR

20/1023/10 Decision Date: 18/11/2020
Proposal: Construction of access steps, terracing, and fencing within the front garden (Retrospective).
Location: 107 THOMAS STREET, TONYPANDY, CF40 2AH

Porth

20/0610/10 Decision Date: 09/11/2020
Proposal: Construction of a new building on the site providing A3 commercial use at ground floor and office use at first floor with a small courtyard to the rear of the site. (Amended Flood Consequences Assessment received)
Location: VACANT LAND ADJ TO 5 HANNAH STREET, PORTH CF39 9PU

20/1044/19 Decision Date: 18/11/2020
Proposal: TPO T1 – Horse chestnut - clean up fallen stem, remove top out of stump T2 - Sycamore - reduce height by 4m and side over road by 2m and shape T6 - Sycamore - reduce crown by up to 2m all round and shape T7 -
Location: MAENDY GROVE, Y MAENDY, YNYSHIR, PORTH, CF39 0AS

Cymmer

20/1000/10 Decision Date: 13/11/2020
Proposal: First floor rear extension.
Location: 10 BLOSSE TERRACE, GLYNFACH, PORTH, CF39 9LH

Report for Development Control Planning Committee

Town (Pontypridd)

20/0973/12 Decision Date: 17/11/2020
Proposal: Flood defence measures to the internal and external envelope of the building.
Location: EGLWYSBACH SURGERY, BERW ROAD, PONTYPRIDD, CF37 2AA

20/0974/10 Decision Date: 17/11/2020
Proposal: Flood defence measures to the internal and external envelope of the building.
Location: EGLWYSBACH SURGERY, BERW ROAD, PONTYPRIDD, CF37 2AA

20/1080/09 Decision Date: 18/11/2020
Proposal: Lawful Development Certificate for a proposed single storey side extension.
Location: 5 VALE GARDENS, PONTYPRIDD, CF37 2HG

Treforest

20/0908/10 Decision Date: 10/11/2020
Proposal: External envelope upgrades/alterations.
Location: ST DYFRIGS COMMUNITY HALL, BROADWAY, TREForest, PONTYPRIDD, CF37 1DB

20/0909/01 Decision Date: 10/11/2020
Proposal: Decorated timber boarded sign.
Location: ST DYFRIGS COMMUNITY HALL, BROADWAY, TREForest, PONTYPRIDD, CF37 1DB

Hawthorn

20/0968/10 Decision Date: 13/11/2020
Proposal: Proposed single storey side extension to create new kitchen diner and convert garage to new fitness suite.
Location: TEG WEN, YNYS TERRACE, RHYDYFELIN, PONTYPRIDD, CF37 5NT

20/1220/09 Decision Date: 17/11/2020
Proposal: Certificate of lawful development for a proposed single storey rear extension.
Location: 51 YMYL YR AFON, HAWTHORN, PONTYPRIDD, CF37 5AZ

Ffynon Taf

20/1170/10 Decision Date: 19/11/2020
Proposal: Proposed construction of new two storey side extension.
Location: 6 RHIW'R DDAR, TAFFS WELL, CARDIFF, CF15 7NA

Report for Development Control Planning Committee

Llantwit Fardre

20/1001/10 Decision Date: 17/11/2020

Proposal: Extension to existing farm shop.

Location: CAESARS ARMS FARM SHOP, HEOL CREIGIAU, EFAIL ISAF, CARDIFF, CF15 9NN

20/1028/09 Decision Date: 18/11/2020

Proposal: Single storey rear extension.

Location: 1 HEOL ISAF, LLANTWIT FARDRE, PONTYPRIDD, CF38 2TJ

Church Village

20/0980/19 Decision Date: 10/11/2020

Proposal: Semi Mature Oak - Crown Reduction 30%.

Location: 10 BROADACRES, CHURCH VILLAGE, PONTYPRIDD, CF38 1BZ

20/0995/10 Decision Date: 16/11/2020

Proposal: Single storey rear extension.

Location: 7 CAE FARDRE, CHURCH VILLAGE, PONTYPRIDD, CF38 1DR

Tonyrefail West

20/0886/10 Decision Date: 16/11/2020

Proposal: Detached double garage to rear.

Location: 22 GILFACH ROAD, TONYREFAIL, PORTH, CF39 8HH

20/0971/10 Decision Date: 17/11/2020

Proposal: Demolition of existing conservatory and erection of infill extension.

Location: 44 GRAIG Y MYNYDD, THOMASTOWN, TONYREFAIL, PORTH, CF39 8FD

Tonyrefail East

20/1003/10 Decision Date: 17/11/2020

Proposal: Alteration and extensions to existing bungalow.

Location: ADERYN BACH BUNGALOW, ELY VALLEY ROAD, TONYREFAIL, PORTH, CF39 8BA

Beddau

20/0941/10 Decision Date: 12/11/2020

Proposal: Two storey side extension, single storey front extension and creation of new parking within front garden.

Location: 16 MAES MAELWG, BEDDAU, PONTYPRIDD, CF38 2LD

Report for Development Control Planning Committee

Town (Llantrisant)

20/0925/10 Decision Date: 12/11/2020
Proposal: Single storey extension/ demolition of existing porch and construction of new porch.
Location: 4 CLOS HEREFORD, LLANTRISANT, PONTYCLUN, CF72 8QJ

Talbot Green

20/0900/10 Decision Date: 19/11/2020
Proposal: Erection of 0.7m high wooden fence on top of current boundary wall.
Location: 61 FANHEULOG, TALBOT GREEN, PONTYCLUN, CF72 8HQ

Pontyclun

20/1047/19 Decision Date: 10/11/2020
Proposal: Remove all branches overhanging A4222 highway and footpath to within 6m of highway surface and 3m of foot way surface.
Location: LAND ADJACENT TO TALYGARN PAVILLION, COWBRIDGE, PONTYCLUN, CF72 9JU

Llanharry

20/0444/10 Decision Date: 09/11/2020
Proposal: Construction of garage block. (Coal Mining Report Received 14/09/2020)
Location: LAND AT THE REAR OF WOODLAND VILLA, WOODLAND TERRACE, PONTYCLUN, CF72 9HB

20/0956/10 Decision Date: 11/11/2020
Proposal: Detached bungalow
Location: TYLACOCH BUNGALOW, TYLACOCH, LLANHARRY, PONTYCLUN, CF72 9LR

20/1008/10 Decision Date: 19/11/2020
Proposal: Garage/office extension to the existing property.(Amended Plans received 02/11/20)
Location: THE FLANDERS, FFOREST ROAD, LLANHARRY, PONTYCLUN, CF72 9JF

20/1041/10 Decision Date: 18/11/2020
Proposal: Loft conversion including rear dormer and hip to gable extension.
Location: 11 COED MIERI, TYLA GARW, PONTYCLUN, CF72 9UW

Brynna

20/0991/10 Decision Date: 12/11/2020
Proposal: Single storey rear extension.
Location: 33 WILLIAMS STREET, BRYNNA, PONTYCLUN, CF72 9QJ

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
Development Control : Delegated Decisions (Permissions) between:
Report for Development Control Planning Committee

09/11/2020 and 20/11/2020

Total Number of Delegated decisions is 45

tudalen wag

Report for Development Control Planning Committee

Tonyrefail West

20/1029/10 Decision Date: 20/11/2020

Proposal: Change of use of out-house to a dog-grooming facility (Re-submission of 20/0588/10).

Location: 3 DUFFRYN TERRACE, TONYREFAIL, PORTH, CF39 8HB

- Reason: 1** The proposal represents an incompatible and unneighbourly use, which, by reason of noise and general disturbance, would be detrimental to the amenities of neighbouring residential properties. As such, the proposal is contrary to Policies AW 2, AW 5 and AW 10 of the Rhondda Cynon Taf Local Development Plan.
- Reason: 2** The rear lane is sub-standard in terms of width, junction radii, vision splays, forward visibility, 90-degree bend, structural integrity, lighting, drainage and segregated footway to serve as primary means of access for the proposed dog grooming. As such, the proposal is contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.
- Reason: 3** The lack of on-site parking would increase on-street parking demand in proximity of the sub-standard junction of Duffryn Terrace with B4278 and in an area where there is already substantial on-street parking demand thus increasing harm to all highway users and free flow of traffic. As such, the proposal is contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan
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Llanharry

20/0643/10 Decision Date: 12/11/2020

Proposal: Conversion of existing barn into a single dwelling. (Amended Bat Report received 21/09/20)

Location: FORMER TYLA COCH QUARRY, LLANHARRY, CF72 9ZE

- Reason: 1** The principle of the proposed development is unacceptable as the proposal is in not keeping with policies AW2 and AW9 of the Rhondda Cynon Taf Local Development Plan and National Policy in that; the building itself does not represent a structure that has such significant historical or architectural merit that warrants its retention on these grounds alone. As such, the development amounts to a new dwelling in the countryside and is an unsustainable form of development.
The private shared access is sub-standard in terms of junction geometry and arrangement with Llanharry Road and Tyla Garw, adequate width and passing bays for two-way traffic flow, turning area to enable all vehicles to access and leave the site in forward gear. The proposal will therefore result in the creation of traffic hazards to the detriment of highway safety and the free flow of traffic. As such, the application is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
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Total Number of Delegated decisions is 2

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