



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

**COMMITTEE SUMMONS**

C Hanagan  
Service Director of Democratic Services & Communication  
Rhondda Cynon Taf County Borough Council  
The Pavilions  
Cambrian Park  
Clydach Vale CF40 2XX

Meeting Contact: Jess Daniel - Council Business Unit, Democratic Services (01443 424110)

A meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** will be held at the **Virtual** on **THURSDAY, 24TH JUNE, 2021** at **3.00 PM**.

NON-COMMITTEE MEMBERS AND MEMBERS OF THE PUBLIC MAY REQUEST THE FACILITY TO ADDRESS THE COMMITTEE AT THEIR MEETING ON THE BUSINESS LISTED. IT IS KINDLY ASKED THAT SUCH NOTIFICATION IS MADE TO **PLANNINGSERVICES@RCTCBC.GOV.UK** BY 5PM ON TUESDAY, 22 JUNE 2021, INCLUDING STIPULATING WHETHER THE ADDRESS WILL BE IN WELSH OR ENGLISH.

THE ORDER OF THE AGENDA MAY BE SUBJECT TO AMENDMENT TO BEST FACILITATE THE BUSINESS OF THE COMMITTEE

**AGENDA**

**1. DECLARATION OF INTEREST**

To receive disclosures of personal interest from Members in accordance with the Code of Conduct.

**Note:**

1. Members are requested to identify the item number and subject matter that their interest relates to and signify the nature of the personal interest; and
2. Where Members withdraw from a meeting as a consequence of the disclosure of a prejudicial interest they **must** notify the Chairman when they leave.

**2. HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS**

To note, that when Committee Members determine the development

control matters before them, they should have regard to the Development Plan and, so far as material to applications, to any other material considerations and when taking decisions, Members have to ensure they do not act in a manner that is incompatible with the Convention on Human Rights as incorporated into legislation by the Human Rights Act 1998.

### **3. WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015**

To note that the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle and to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### **4. MINUTES**

To approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on 15<sup>th</sup> April 2021.

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## **APPLICATIONS RECOMMENDED FOR APPROVAL BY THE DIRECTOR OF PROSPERITY & DEVELOPMENT**

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### **5. APPLICATION NO: 20/1336/15**

LAND AT FERNHILL FARM, OFF CAROLINE/BROOK STREET, BLAENRHONDDA - Removal of condition 13 (Structural survey of the road bridge) from planning permission reference 19/0882/10 for a temporary farmhouse, glamping pods, storage building and associated development.

11 - 22

### **6. APPLICATION NO: 20/1337/10**

BIRCHWOOD, LLWYDCOED ROAD, LLWYDCOED, ABERDARE - Erection of 3 detached dwellings. Retention of existing dwelling and associated works (Amended Plans rec. 15/02/2021)

23 - 46

### **7. APPLICATION NO: 20/0219/10**

ENTERPRISE RENT A CAR, CARDIFF ROAD, HAWTHORN, PONTYPRIDD - Proposed new wash bay canopy. (Further revised plans, introducing automatic doors to canopy, manufacturer's specification and supporting statement, received 26/4/21)

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## **SITE INSPECTION**

### **8. APPLICATION NO: 20/1342/10**

11 affordable dwellings and associated works. Revised site layout plan (repositioned bin store and shared amenity space) and additional section/elevation drawings re plot 6, received 9th March 2021.  
FORMER MISKIN PRIMARY SCHOOL, SCHOOL ROAD, MISKIN, PONTYCLUN

59 - 82

**9. APPLICATION NO: 20/1345/15**

Variation of condition 7 (sales of goods) of planning permission 98/4284/15. TIRFOUNDER FIELDS, CWMBACH, ABERDARE

83 - 100

**10. APPLICATION NO: 20/1346/15**

Variation of condition 1 approved plans of planning permission 18/0366/39. TIRFOUNDER FIELDS, CWMBACH, ABERDARE

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**DEFERRED APPLICATIONS**

**11. APPLICATION NO: 20/1171/10**

LAND ADJACENT TO 186 EAST ROAD, TYLORSTOWN, CF43 3BY (FORMER BAPTIST CHAPEL SITE) - Construction of 4no. terraced houses with associated curtilage car parking off rear access

121 - 134

**12. TO CONSIDER PASSING THE UNDER-MENTIONED RESOLUTION**

**“ That the press and public be excluded from the meeting under Section 100A (4) of the Local Government Act 1972 for the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 12 Schedule 12(A) of the Act.**

**13. EN 21/00171**

LAND AT ROSE ROW, PENDERYN ROAD, HIRWAUN - The change of use of the land for the stationing of caravans for residential purposes (a one family Gypsy/Traveller site)-

135 - 152

**INFORMATION REPORT**

**14. INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN UNDER DELEGATED POWERS**

To inform Members of the following, for the period 10/05/2021 – 11/06/2021

Planning and Enforcement Appeals Decisions Received  
Delegated Decisions Approvals and Refusals with reasons.  
Overview of Enforcement Cases.  
Enforcement Delegated Decisions.

153 - 176

## 15. URGENT BUSINESS

To consider any items which the Chairman by reason of special circumstances is of the opinion should be considered at the Meeting as a matter of urgency.

### **Service Director of Democratic Services & Communication**

#### **Circulation:-**

#### **Members of the Planning & Development Committee**

The Chair and Vice-Chair of the Planning & Development Committee  
(County Borough Councillor S Rees and County Borough Councillor G Caple respectively)

County Borough Councillors: Councillor J Bonetto, Councillor P Jarman,  
Councillor D Grehan, Councillor G Hughes, Councillor J Williams, Councillor W Owen,  
Councillor D Williams, Councillor S Powderhill and Councillor W Lewis

Service Director of Democratic Services & Communication  
Director of Prosperity & Development  
Head of Major Development and Investment  
Head of Planning  
Head of Legal Services  
Senior Engineer



## **RHONDDA CYNON TAF COUNCIL PLANNING AND DEVELOPMENT COMMITTEE**

Minutes of the virtual meeting of the Planning and Development Committee held on Thursday, 15 April 2021 at 3.00 pm

### **County Borough Councillors - Planning and Development Committee Members in attendance:-**

Councillor S Rees (Chair)

Councillor G Caple	Councillor J Bonetto
Councillor P Jarman	Councillor D Grehan
Councillor W Owen	Councillor R Yeo
Councillor D Williams	Councillor S Powderhill

### **Officers in attendance:-**

Mr J Bailey, Head of Planning  
Mr S Humphreys, Head of Legal Services  
Mr A Rees, Senior Engineer

### **County Borough Councillors in attendance:-**

Councillor S Bradwick

#### **151 APOLOGIES FOR ABSENCE**

Apologies for absence were received from County Borough Councillor G Hughes and J Williams.

#### **152 DECLARATION OF INTEREST**

In accordance with the Council's Code of Conduct, there were no declarations made pertaining to the agenda.

#### **153 HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS**

It was **RESOLVED** to note that when Committee Members determine the development control matters before them, they should have regard to the Development Plan and, so far as material to applications, to any other material considerations and when taking decisions, Members have to ensure they do not act in a manner that is incompatible with the convention on Human Rights as incorporated into legislation by the Human Rights Act 1998.

#### **154 WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015**

It was **RESOLVED** to note that the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle and to act in a manner which seeks to ensure that the needs of the present are met without

compromising the ability of future generations to meet their own needs.

**155 MINUTES**

It was **RESOLVED** to approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on the 25<sup>th</sup> February 2021.

**156 APPLICATION NO: 20/1114**

**Construction of commercial premises with 5 no. self-contained flats to upper floors (amended plans rec. 03/11/2020) (Flood Consequences Assessment rec. 24/02/2021) Site of No. 1 Canon Street, Aberdare, CF44 7AT**

Non-Committee/ Local Member – County Borough Councillor S Bradwick spoke on the application and although supportive of the overall development put forward his concerns in regarding bin storage and the use of the proposed retail unit.

The Head of Planning presented the application to Committee and following discussion by Members it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development, subject to the conditions outlined within the report and to the following additional conditions:

- Prior to commencement of development, details of the arrangements for bin storage/collection for the whole development (both retail and residential) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained as such thereafter.

Reason: In the interests of residential amenity of future occupiers, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the ground floor retail unit hereby approved shall be restricted to uses falling within Class A1 only.

Reason: To define and limit the extent of the permission.

**157 APPLICATION NO: 21/0096**

**New active travel footbridge. Over the Afon Cynon between Aberdare town centre and Sobell Leisure Centre / Aberdare Community School.**

Non-Committee/ Local Member – County Borough Councillor S Bradwick spoke on the application and put forward his support in respect of the proposed Development.

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

(**Note:** At this point in proceedings, Non-Committee Member County Borough Councillor S Bradwick declared a personal interest in the item. "I am a governor at Aberdare Community School that has been mentioned in the report.")

**158 APPLICATION NO: 18/1409/13**

**Outline planning application for residential development and associated works (amended site layout plan received 12/02/19 / amended description 13/06/19). Land to the south of Cross Street and Trafalgar Terrace, Ystrad, Pentre.**

The Head of Planning presented the application which was originally reported to the 17th October 2019 meeting of Planning and Development Committee with an officer recommendation of approval. At that meeting Members resolved that they were minded to approve the application subject to the imposition of a number of conditions and the applicant first entering into a Section 106 Agreement (S.106), in order to secure the provision of affordable housing and an Employment Skills Training Plan.

The Head of Planning outlined the report and that the reason for the application being brought back to Committee was that the site's red line boundary had been amended to omit the sub-station and small area of land directly to the north-west. Following discussions, it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development subject to the completion of a section 106 agreement requiring:-

- the provision of at least 10% of the units on the site as affordable housing in line with Policy NSA 11 of the LDP; and
- the agreement of an Employment Skills Training Plan in accordance with the Council's SPG: Employment Skills.

**159 INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN UNDER DELEGATED POWERS**

Members **RESOLVED** to receive the report of the Service Director, Planning in relation to Planning and Enforcement Appeal Decisions received, Delegated Decisions Approvals and Refusals with reasons, Overview of Enforcement Cases and Enforcement Delegated Decisions received for the period 15/03/2021-02/04/2021.

**This meeting closed at 3.45 pm**

**CLLR S REES  
CHAIR.**

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## **PLANNING & DEVELOPMENT COMMITTEE**

**24 JUNE 2021**

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

#### **1. PURPOSE OF THE REPORT**

Members are asked to determine the planning applications outlined in Appendix 1.

#### **2. RECOMMENDATION**

To approve the applications subject to the reasons outlined in Appendix 1.

1. Application No. 20/1336 - Removal of condition 13 (Structural survey of the road bridge) from planning permission reference 19/0882/10 for a temporary farmhouse, glamping pods, storage building and associated development, Land at Fernhill Farm, off Caroline/Brook Street, Blaenrhondda
2. Application No: 20/1337 - Erection of 3 detached dwellings. Retention of existing dwelling and associated works (Amended Plans rec. 15/02/2021), Birchwood, Llwydcoed Road, Llwydcoed, Aberdare
3. Application No. 21/0219 - Proposed new wash bay canopy. (Further revised plans, introducing automatic doors to canopy, manufacturer's specification and supporting statement, received 26/4/21), Enterprise Rent a Car, Cardiff Road, Hawthorn, Pontypridd



**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**

**24 JUNE 2021**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**REPORT**

**OFFICER TO CONTACT**

**APPLICATIONS RECOMMENDED  
FOR APPROVAL**

**MR J BAILEY  
(Tel: 01443 281132)**

**See Relevant Application File**



## PLANNING & DEVELOPMENT COMMITTEE

24 JUNE 2021

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1336/15 (GW)  
**APPLICANT:** Transformahome  
**DEVELOPMENT:** Removal of condition 13 (Structural survey of the road bridge) from planning permission reference 19/0882/10 for a temporary farmhouse, glamping pods, storage building and associated development.  
**LOCATION:** LAND AT FERNHILL FARM, OFF CAROLINE/BROOK STREET, BLAENRHONDDA  
**DATE REGISTERED:** 30/11/2020  
**ELECTORAL DIVISION:** Treherbert

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#### **RECOMMENDATION: GRANT**

**REASONS:** The bridge is a publicly maintainable asset and the planning permission granted would not significantly increase traffic using the bridge. The Council's Structural Engineer has identified a strength assessment would be carried out by the Council and that any weight restrictions, repairs or strengthening required, as a result of that assessment, would be carried out by the Council. Therefore, it is not considered reasonable and necessary to retain a condition for the developer to undertake a structural survey of the bridge or for any works identified in that survey to be undertaken prior to the first beneficial use of the development.

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

The condition, proposed to be removed, was requested by Members when they resolved to grant planning permission at the earlier Planning and Development Committee meeting.

#### **APPLICATION DETAILS**

The proposal is to remove condition 13 (Structural survey of the road bridge) from planning permission reference 19/0882/10 for a temporary farmhouse, glamping pods, storage building and associated development. Permission was granted by Committee on 16<sup>th</sup> July 2020 with the additional condition requested by Members.

The wording of condition 13 is stated below:



*Prior to any works commencing a structural survey of the road bridge, situated between Brook Street and Caroline Street in Blaenrhondda and that crosses the River Rhondda, shall be submitted to and approved in writing by the Local Planning Authority. Any works identified as being required in the approved survey shall be undertaken prior to the first beneficial use of the development hereby permitted.*

*Reason: In the interests of highway and pedestrian safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.*

## **SITE APPRAISAL**

The site is part of the former Fernhill Colliery site and is accessed from the northern end of Blaenrhondda. The road access from Brook Street is surfaced for the first part (Caroline Street), however its condition deteriorates as it changes to a private road and its width reduces closer to the site of the house and glamping pods. The bridge relevant to the condition is located at the top of Brook Street, just beyond the bus turning circle, and is a publicly maintained asset that forms a section of adopted highway.

## **PLANNING HISTORY (Relevant to application)**

20/0029/38	Fernhill Farm, Off Caroline/Brook Street, Blaenrhondda	Discharge of conditions 7 (Drainage), 8 (Contamination Site Investigation), 9 (Contamination Validation Report), 11 (External finishes) and 12 (Habitat protection plan) of planning permission 19/0882/10.	Pending
19/0882/10	Fernhill Farm, Caroline Street, Blaenrhondda	Temporary farmhouse, glamping pods, storage building and associated development	Granted 17/07/2020
19/0147/10	Land at Fernhill Farm, Caroline Street, Blaenrhondda	New dwelling and garden curtilage including car parking.	Withdrawn 14/08/2019
18/0555/10	Land at Fernhill Farm, Off Caroline/Brook Street, Blaenrhondda	Temporary farmhouse and glamping pods.	Withdrawn 19/09/2018

## **PUBLICITY**



The application has been advertised via the erection of site notices. At the time of writing this report no comments have been received.

## **CONSULTATION**

**RCT Structural Engineer** – RCT engineers have been to inspect the bridge and review its condition, and have also reviewed the previous strength assessment undertaken on the bridge and as such we are recommending internally that RCT need to formally commission a new strength assessment. The likelihood is that the bridge is substandard to current full highway loading. The bridge does not currently have a weight restriction, if it is confirmed to be substandard then we would implement a review in accordance with the Design Manual for Roads and Bridges and either apply monitoring or recommend that a weight restriction be applied to the bridge. Any repairs or strengthening would then be prioritised against the other competing demands for structures funding. There is no timetable for the strength assessment but given the location it will be commissioned within the next few months.

**RCT Transportation Section:** No objection to the removal of the condition.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The site lies in the Northern Strategy Area, is inside the settlement boundary as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

**Policy CS1** - sets out the criteria for achieving strong sustainable communities

**Policy AW5** - sets out criteria for new development. Development must be sustainable and have safe access.

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

### **Supplementary Planning Guidance**

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 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National



Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development; and  
Manual for Streets.

Welsh Government Circular (WGC 016/214) The Use of Planning Conditions for Development Management

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Principle of the proposed development**

Planning permission (Ref 19/0882/10) for the temporary farmhouse, glamping pods, storage building and associated development was granted at Planning Committee on 16<sup>th</sup> July 2020. As such the principle of development has already been established.

Condition 13 was added by Members to ensure the structural integrity of the bridge was sufficient for the proposed use. The additional condition requires the developer to carry out a structural survey of the bridge and undertake any works identified as being required in the approved survey prior to the first beneficial use of the development.

### **Proposed removal of condition 13**

This application has been submitted in an attempt to remove the condition. In the submitted Planning Statement the applicant has argued that the condition does not meet any of the tests set by Welsh Government. The main reason they highlight is that the condition is unreasonable because the, "applicant is being asked to survey a



public asset that can be accessed by anyone and should be regularly surveyed and maintained by the Local Authority”.

Members are advised that Welsh Government Circular (WGC 016/214) The Use of Planning Conditions for Development Management details a condition must be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects. These will be looked at and assessed below:

#### 1. Necessary

The applicant states the bridge and connecting road are public assets that form part of the adopted highway here, and are open to the public at all times and in addition to serving as access to the applicant’s farm, are also accessed by many other vehicles and other stakeholders. Therefore they should be surveyed and maintained by the Local Authority. The other users include: Welsh Water, NRW, Welcome to our Woods, Cadw, The Coal Authority and members of the public who use the road/bridge to access surrounding walks.

It is considered the planning permission granted (19/0882/10) may intensify use of the bridge with visitors to the glamping pods and the farmhouse. However, it should be noted that the site can be used for agricultural purposes and accessed by related vehicles without the need for the planning permission. Furthermore, it is currently used for access by various vehicles in relation to other organisations and the public as identified above. Therefore, the increase in use as a result of the planning permission would be relatively low in scale and unlikely, on its own, to result in a significant deterioration of the bridge.

In addition, following assessment of the scheme the Council’s Transportation Section did not consider such a condition necessary as part of application 19/0882/10. In their comments for that application it was stated “The bridge structure is in a poor state of repair and lacking in width for safe two way vehicular movement as well as segregated footways for pedestrians. There is an advisory sign stating there is no access for HGV vehicles and is suitable for light vehicles only. There is no official weight restriction for the bridge structure and taking into account the bridge is publicly maintained the applicant could potentially farm the land using the bridge for access without implementation of the dwelling and glamping pods and on this basis reluctantly the proposal is acceptable”.

The Council’s Structural Engineer has been requested to comment on the removal of the condition and states, “RCT engineers have been to inspect the bridge and review its condition and the previous strength assessment undertaken on the bridge. As such, we are recommending internally that RCT need to formally commission a new strength assessment. The likelihood is the bridge is substandard to current full highway loading. The bridge does not currently have a weight restriction, if it is confirmed to be substandard then we would implement a review in accordance with the Design Manual for Roads and Bridges and either apply monitoring or recommend that a weight restriction be applied to the bridge. Any repairs or strengthening would



then be prioritised against the other competing demands for structures funding. I do not have a timetable for the strength assessment but given the location we will commission one within the next few months”.

In summing up, the bridge is a public asset and the Council has a duty to maintain it at public expense. The planning permission granted is unlikely to increase traffic significantly to the detriment of the bridges condition. It has also been identified that a strength assessment would be completed by RCT in the near future, and that any weight restrictions or repairs and strengthening that may be required would be carried out by the Council. Therefore, in these circumstances, it is considered it would not be necessary to require the applicant to carry out the survey and finance any repairs or strengthening that may be required.

## 2. Relevant to planning

The applicant argues the condition has no relevance to planning as the bridge is the obligation of the Local Highway Authority.

Whilst the above is noted, it is considered the condition is relevant to planning as an acceptable access is an issue that needs to be considered during the determination of planning applications. The reason put forward by the applicant in this section is considered to be more related to whether the condition is necessary or reasonable. This is discussed further in sections 1 and 6.

## 3. Relevant to the development to be permitted

The applicant argues that the condition is not relevant to the development permitted, as the condition attempts to control something not created by the development permitted. It is also stated the bridge needs to be adequately maintained for the other stakeholders who use the bridge.

From the applicant’s statement it is assumed that it is meant that the development permitted hasn’t caused the bridge’s condition. This would be agreed as the use had not commenced before the application was determined. However, it is considered the condition would be relevant to the development, as access is a matter to be assessed in planning applications and the bridge forms part of the access to the site. The reason put forward by the applicant in this section is considered to be more related to whether the condition is necessary or reasonable. This is discussed further in sections 1 and 6.

## 4. Enforceable

No argument is made against this by the applicant. The condition clearly states what information is required and when and why any repair or strengthening is required. Therefore, it is considered the condition would be enforceable.

## 5. Precise

The applicant argues the condition appears to request the applicant must carry out the survey work but does not clarify who is to manage or finance any necessary works. The condition however clearly states, “*Any works identified as being required in the*





*approved survey shall be undertaken prior to the first beneficial use of the development hereby permitted.”* It would therefore be the responsibility of the developer to manage or arrange finance for any necessary works. Therefore, it is considered the condition is precise.

#### 6. Reasonable in all other respects.

The applicant states this is a “Grampian” type condition, which should prevent development until certain works have been carried out including works on land that is not in the control of the applicant. And concludes it is not reasonable to impose the condition as the bridge is a Local Authority asset and not under the ownership of the applicant.

It is considered the condition is a “Grampian” style condition, that would prevent development until the bridge survey is carried out and any necessary repairs or strengthening works undertaken.

The question of whether the condition is reasonable is considered related to the issues in the “Necessary” section. The Council is responsible for maintenance of the bridge and it has been detailed by the Council’s Structural Engineer that a strength assessment will be carried out in the next few months, and that any potential weight restrictions, repair and strengthening works required will be prioritised against competing structure funding. Therefore, it is considered in these circumstances that it would not reasonable for the developer to carry out the survey and any required works.

## **CONCLUSION**

The bridge is a publicly maintainable asset and the planning permission granted would not significantly increase traffic using the bridge. The Council’s Structural Engineer has identified a strength assessment would be carried out by the Council in the near future and that any weight restrictions, repairs or strengthening required, as a result of that assessment, would also be carried out by the Council. Therefore, it is not considered reasonable and necessary to retain a condition for the developer to undertake a structural survey of the bridge and carry out any mitigation works required.

It is recommended however that the other conditions attached to the original planning permission should be reinstated. In addition, with regard to the date in condition 2, Members are advised this identifies when the temporary development that was granted should end. Originally this was 16<sup>th</sup> July 2023 which would allow the applicant 3 years to try and establish the farming and glamping enterprise. It is recommended that as the applicant has been unable to fully commence the development granted, that this is extended to three years from the date of the new decision.

## **RECOMMENDATION: Grant**

1. The development hereby approved shall be carried out in accordance with the approved plans nos:

- Site Location Plan (received 16th March 2020)
- hdw/ph/gp.001e - Glamping Pods Proposed floor plan & elevations and proposed block plan (received 10th March 2020)
- Landscape plan.dwg aug 2019 issue B-MDA (received 3<sup>rd</sup> September 2019)
- hdw/ph/ab.002a - Temporary Farmhouse Proposed Site Plan, Elevations and Floor Plan (received 13th August 2019)

and documents received by the Local Planning Authority on 6th February 2019, 13th August 2019, 6th November 2019, 7th November 2019, 14th November 2019 and 23rd January 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.

2. The temporary dwelling, glamping pods, storage building and any associated paraphernalia associated with its use shall be removed from the land in its entirety and the land shall be restored to its former condition on or before 3<sup>rd</sup> June 2024.

Reason: This planning permission is for a temporary period only in order to enable the establishment of a rural enterprise and in the interests of visual amenity in accordance with Planning Policy Wales TAN 6: Planning for Sustainable Rural Communities and Policy AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

3. The occupancy of the farmhouse dwelling shall be restricted to those:
  - a. solely or mainly working or last working on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;
  - b. who would be eligible for consideration for affordable housing under the local authority's housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either (a) and (b);
  - c. widows, widowers or civil partners of the above and any resident dependants.

Reason: The site is not in an area intended for general development. Permission is granted solely because the dwelling is required to house a person or persons employed or last employed in a rural enterprise. A dwelling



in this location would normally be contrary to Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

4. 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, 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.

5. The glamping pods hereby approved shall only be occupied as holiday units and no unit shall be occupied by any individual, family or group for more than a continuous period of two months in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason: The site is unacceptable for general residential use by reason of its unsustainable location, in accordance with Policy AW 2 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) no external lighting equipment shall be erected or installed on the site unless details including its location, size, design and intensity have been submitted to and approved in writing by the Local Planning Authority. The lighting installed shall be carried out and retained in accordance with the approved details.

Reason: To prevent light pollution and to afford protection to animal species in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management including full drainage details have been submitted to and approved in writing by the Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15. The development hereby approved shall not be brought in to beneficial use until approved drainage arrangements have been implemented on site.



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.

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

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

Reason: In the interest of Health and Safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme set out in condition 8 have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

11. Notwithstanding the submitted details, building operations shall not be commenced until samples of the finishing materials proposed to be used for



the temporary farmhouse, glamping pods and storage building (including colour) have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) 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.

12. Notwithstanding the submitted details no development shall take place until a wildlife / habitat protection plan has been submitted to and approved in writing by the local planning authority. The wildlife / habitat protection plan shall include:

- i. The creation/translocation of a minimum of 1200m<sup>2</sup> of compensatory dry heath habitat to a suitable nearby location.
- ii. A mitigation strategy for reptiles.
- iii. A method statement related to nesting bird habitat or if clearance is undertaken in the period March 1st to August 31st a nesting bird survey shall be carried out and submitted.
- iv. A site lighting scheme

The protection plan shall then be implemented in accordance with the timings detailed in the approved wildlife / habitat protection plan.

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

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## **PLANNING & DEVELOPMENT COMMITTEE**

**24 JUNE 2021**

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

#### **1. PURPOSE OF THE REPORT**

Members are asked to determine the planning applications outlined in Appendix 1.

#### **2. RECOMMENDATION**

To approve the applications subject to the reasons outlined in Appendix 1.

1. Application No. 20/1336 - Removal of condition 13 (Structural survey of the road bridge) from planning permission reference 19/0882/10 for a temporary farmhouse, glamping pods, storage building and associated development, Land at Fernhill Farm, off Caroline/Brook Street, Blaenrhondda
2. Application No: 20/1337 - Erection of 3 detached dwellings. Retention of existing dwelling and associated works (Amended Plans rec. 15/02/2021), Birchwood, Llwydcoed Road, Llwydcoed, Aberdare
3. Application No. 21/0219 - Proposed new wash bay canopy. (Further revised plans, introducing automatic doors to canopy, manufacturer's specification and supporting statement, received 26/4/21), Enterprise Rent a Car, Cardiff Road, Hawthorn, Pontypridd



**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**

**24 JUNE 2021**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**REPORT**

**OFFICER TO CONTACT**

**APPLICATIONS RECOMMENDED  
FOR APPROVAL**

**MR J BAILEY  
(Tel: 01443 281132)**

**See Relevant Application File**





## **PLANNING & DEVELOPMENT COMMITTEE**

**24 JUNE 2021**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1337/10 (KL)  
**APPLICANT:** Mrs P Lyons  
**DEVELOPMENT:** Erection of 3 detached dwellings. Retention of existing dwelling and associated works (Amended Plans rec. 15/02/2021)  
**LOCATION:** BIRCHWOOD, LLWYDCOED ROAD, LLWYDCOED, ABERDARE, CF44 0UL  
**DATE REGISTERED:** 30/11/2020  
**ELECTORAL DIVISION:** Aberdare West/Llwydcoed

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**RECOMMENDATION:** Approve, subject to conditions

**REASONS:** The application site is located inside the defined settlement boundary and within a predominantly residential area. The construction of an additional 3 dwellings at the site is therefore considered to be acceptable in principle.

Furthermore, the site is capable of accommodating 3 additional dwellings along with adequate off-street car parking provision and outdoor amenity space without resulting in a significant impact upon the character and appearance of the surrounding area or the amenity and privacy of surrounding residential properties. It is also considered that the proposed development would have no undue impact upon highway safety in the vicinity of the site.

The application would therefore comply with relevant local and national planning policies and is considered to be acceptable.

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#### **BACKGROUND**

The application has been submitted following the refusal of a previous planning application (ref. 20/0409/10) for 4 detached residential dwellings. The application was refused for the following reason:

*The proposal, as a result of the number and scale of the dwellings proposed, would lead to overdevelopment of the plot which would have a detrimental impact upon the character and appearance of the site and surrounding area. The application would*



*therefore not comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.*

## **APPLICATION DETAILS**

Full planning permission is sought for the construction of 3 detached dwellings on a parcel of land that currently forms part of the garden curtilage of an existing residential dwelling known as Birchwood, which is situated on Llwydcoed Road, Llwydcoed, Aberdare.

The existing dwelling at the site and its associated garage would be retained with the proposed dwellings being situated to its south-eastern side elevation (plot 1) and south-western rear elevation (plots 2 and 3). Both the existing dwelling and the three dwellings proposed would be accessed off a new private access road which would be served off Llwydcoed Road to the north. The driveway would run along the north-western boundary of the site. The existing Public Right of Way (OED/22/5) that runs alongside the south-eastern side of the site would be altered as a result of the proposal.

Plot 1 would face a north-easterly direction, as per the original dwelling, and would measure 9.1 metres in width by 6.1 metres in depth with a hipped roof design that would measure 7.7 metres in height to the ridge and 4.7 metres in height to the eaves. It would incorporate two pitched roof dormers within the front roof slope and one pitched roof dormer and a Velux window within the rear roof slope. Accommodation would consist of a lounge, kitchen/family room and WC at ground floor and 3 bedrooms and a family bathroom at first floor.

Plots 2 and 3 would face a north-westerly direction and would be identical in terms of scale, design and layout. The dwellings would measure 6.1 metres in width by 10.1 metres in depth with an apex pitched roof that would measure 8.8 metres in height to the ridge and 5.7 metres in height to the eaves. Accommodation would consist of a living room, kitchen and WC at ground floor, 3 bedrooms and a family bathroom at first floor and 1 bedroom, a dressing room and an en-suite bathroom within the roof space.

External materials would consist of through colour cream render, dark grey Redland Stonewold slate and white uPVC windows and doors.

The application is accompanied by the following:

- Planning Statement
- Tree Survey
- Coal Mining Risk Assessment
- Landscape Specification
- Preliminary Ecological Report

## **SITE APPRAISAL**



The application site relates to an irregular shaped parcel of land which is located just off Llwydcoed Road, Llwydcoed, Aberdare. It measures approximately 2315m<sup>2</sup> and is currently occupied by a single residential dwelling which is located fairly centrally within the plot. Access is provided via an existing access track to the eastern boundary of the site which joins with Llwydcoed Road to the north. The track, which is identified as a Public Right of Way (OED/22/5 and OED/22/2), runs along the full length of the south-eastern and south-western boundary of the site and provides access to a further residential dwelling, known as 'Casa Mia' (to the west of the existing property) and a parcel of land to the south (housing allocation – NSA 9.4). The site is enclosed by a mature hedgerow to the eastern and western boundaries with a band of trees to the south.

The surrounding area is predominantly characterised by residential properties with the nearest being located to the north-western boundary of the site ('Casa Mia' and 'Beverly'). These properties form a pair of semi-detached bungalows which are orientated towards the application site. It is noted that access to Casa Mia is via the lane adjacent to the eastern and southern boundaries of the application site. Other properties in the wider area of Llwydcoed vary in terms of their scale, design and overall visual appearance.

There are a small number of retail units to the south-east of the site, on the opposite side of the lane.

## **PLANNING HISTORY**

**20/0409/10:** BIRCHWOOD, LLWYDCOED ROAD, LLWYDCOED, ABERDARE, CF44 0UL  
BIRCHWOOD, LLWYDCOED ROAD, LLWYDCOED, ABERDARE, CF44 0UL

Erection of 4 detached dwellings. Retention of existing dwelling and associated works (amended red line boundary plan rec. 24/08/2020; amended elevation plans rec. 25/08/2020; additional supporting information rec. 25/08/2020)

Decision: 21/10/2020, Refused

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification letters to 13 surrounding neighbouring properties, through the erection of two site notices in the vicinity of the site (dated 02/12/2020) and through the publication of a press notice in the local newspaper (Dated 10/12/2020). A total of 5 letters of objection have been received as a result of the consultation exercise. Three of the letters are written on behalf of the occupier of one neighbouring property, one is from the landowner of an adjacent parcel of land and the final letter is from a local resident. The objections and concerns are summarised as follows:

Character and Appearance

- The development to the rear garden is insensitive development and if allowed would have a serious adverse impact on the character of the surrounding area and would have an unneighbourly impact on neighbouring homes.
- The replacement of open rear garden land to accommodate 3 no. residential dwellings, internal road, parking and associated hardstand areas represent overdevelopment which, if allowed, would irreversibly damage the pleasant character of the area and harm the residential amenity and outlook of neighbours.
- The development is wholly unreasonable in scale in terms of 3 dwellings in addition to retaining the existing dwelling that sits centrally within the plot.
- The development would have an urbanising effect on the immediate residential land, wider setting and highway.
- It is a fair assumption that future occupiers of the proposed dwellings would expect ancillary accommodation including garages which would exacerbate the already cramped arrangement.
- Concern is raised that the development would not relate well to local character which includes bungalows to the site boundary.
- The housing layout shows limited space between dwellings emphasising how cramped the development would be.
- The internal road layout is unneighbourly.
- The scheme is not sympathetic and does not relate well to the natural and built environment.
- It would erode the pleasant garden space.
- The houses offer no enhancement to the built form.

#### Amenity

- In dissecting/removing lawned area in place of a roadway, there would be clear detrimental impact upon the adjacent bungalows by virtue of traffic movements in proximity to the shared boundary.
- Noise, light spill from cars and fumes would be presented with only a hedgerow separating the internal road from adjacent existing homes’
- The cramped form of residential development creates a substandard living environment for future occupiers.
- The amenity enjoyed by the occupiers of the main house would be greatly diminished by Plot 1.
- The enjoyment of existing properties would be significantly and detrimentally affected by the overdevelopment of the garden land beyond the boundary’.
- Concern is raised that the cramped appearance of the new dwellings would result in no one wanting to live in the original house due to loss of outlook and privacy.
- The development would not create a pleasant living environment for existing or future occupiers.
- No consideration is given to neighbouring homes to the rear boundary of Birchwood.

- No visit has been made to neighbours and a full assessment of neighbour impact can be reached.
- Noise disturbance and fumes generated from vehicles manoeuvring within the turning area would irreversibly change the living arrangement of neighbouring properties which includes patio areas.
- It is wholly unacceptable for vehicles to be manoeuvring, starting up, for car doors to be opening and closing throughout the course of the day and the night and it would severely detract from the living conditions of established homes.

### Highways Impacts

- The traffic generation created by the proposal raises significant highways concerns for pedestrians and motorists on the lane and at the main road junction.
- The plans show alterations to land outside of the application site/applicant's control and it is considered that the proposed works beyond the red line boundary may not be deliverable.
- The proposed access is unacceptable.
- The development would have a direct impact on a right of way and the local junctions.
- The development would exacerbate highway safety concerns for pedestrians and drivers, noting that the topography of the land drops to the south from the main road, reducing clear visibility from properties, including Birchwood.
- The development would be served off a narrow lane which also serves shops and the addition of more traffic would jeopardise pedestrian and traffic safety at the entrance to Birchwood.
- The parking layout is contrived.
- It is understood that the Council's Highways department has raised concerns/objections on these grounds.
- The hammer head and internal road running along the shared boundary adjacent to my client's property presents an awkward and unacceptable layout.
- Headlights shining directly into neighbouring properties windows would be unneighbourly and unacceptable.
- As the road would be privately owned, there will be no control over parking and it is anticipated that visitors to the new homes would park on the boundary and within the turning area.

### Shallow Mine Workings

- It is not accepted that there would be no impact in terms of the conclusions made in the Coal Mining Risk Assessment.
- There appears to be coal workings cutting across the corner of the site which would affect the new homes from a health and safety perspective.

- No investigative work appears to have been presented by the applicant and a query is raised on how the Council can conclude that the site is developable without key technical confirmation.

#### Public Right of Way

- The development would cause conflict between vehicles and pedestrians on the narrow lane due to increased levels of traffic movement.
- The garages opposite Birchwood's access serves commercial properties and are in daily use with at least 3 lorries loading and un-loading.
- There is no pavement or vehicle passing bays located on the single-track lane.

#### Impact on Trees

- It is unclear as to whether the building envelope of the new homes and drives impose on the root protection areas of established boundary trees.

#### Sustainable Drainage and Surface Water Flood Risk

- It is unclear whether the applicant has engaged in SAB pre-application consultation. If this matter has not been addressed, then it is fair to assume that amendments to layout could result.
- The Council's FRM officer identifies that the site is within a high surface water flood risk area which has the potential to impact on neighbouring property and land. Without SAB confirmation, the planning authority are potentially endorsing a residential development proposal for significant additional hardstand which may have an impact in terms of surface water run off beyond the boundary of the site.

#### Other

- In planning policy terms, the garden is not designated for housing within the Local Development Plan.
- The lane to the east of the site provides access to Casa Mia and to the land to the south. The lane is not under the ownership of a single person and we are concerned that the shared access road would be realigned with a public right of way onto private property owned by the applicant.
- Our right of access has been ignored during this application and is unacceptable.
- A query is raised with regards to the legal owners of the road and liability.
- Title deeds have been provided to indicate that the lane to the south of the application site is owned by the objector (this does not include the lane to the east).

#### **CONSULTATION**



The following consultation responses have been received:

**Coal Authority:** No objection. An informative note is recommended.

**Flood Risk Management:** Objection raised in relation to the drainage information submitted however, it is considered that a condition could be added to any grant of planning consent to overcome the concerns raised.

**Natural Resources Wales:** No objection.

**Public Health and Protection:** No objection subject to conditions.

**RCT Countryside, Ecology, Landscape:** No objection, subject to condition

**RCT Highways and Transportation:** No objection, subject to conditions

**RCT PROW Officer:** Advises that no part of the development shall interfere with or obstruct the public right of way until the right of way has been formally stopped-up or diverted.

**RCT TPO Officer:** No objection, subject to conditions

**Welsh Water:** No objection subject to condition and advisory notes.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

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

**Policy CS1:** the emphasis is on building strong, sustainable communities which will be achieved by providing high quality, affordable accommodation that promotes diversity in the residential market.

**Policy AW1:** outlines how the housing land requirement will be met which includes development of unallocated land within the defined settlement boundaries.

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

**Policy AW5:** sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6:** requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW8:** ensures that developments have no unacceptable impact upon features of importance to landscape or nature conservation, including ecological networks.





**Policy AW10:** development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of land instability, flooding, contamination etc.

**Policy NSA10:** requires housing developments in the Northern Strategy Area to have a net residential density of at least 30 no. dwellings per hectare, subject to certain exceptions.

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

### **Supplementary Planning Guidance**

Design and Placemaking

Nature Conservation

Planning Obligations

Access Circulation and Parking

### **National Guidance**

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

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

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

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed: *(or not in the case of refusals)*

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;





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

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

### **Principle of the proposed development**

Full planning permission is sought for the construction of 3 detached dwellings within what is currently the garden curtilage of an existing residential property. The site is unallocated and located within a well-established residential settlement of Llwydcoed, which is inside the defined settlement boundary prescribed by the Rhondda Cynon Taf Local Development Plan. The proposal therefore meets the criteria set out in Policies AW1 and AW2 of the Local Development Plan (LDP) which both aim to support residential development on unallocated land within settlement boundaries.

Policy AW2 also seeks to direct development within sustainable locations by supporting development that would have good access to key services and facilities, good accessibility by a range of sustainable transport options and that would not unacceptably conflict with surrounding land uses. In the case of this proposal, the area has good access to key local services and amenities, such as schools and shops, and is accessible by a range of sustainable modes of transport with bus services to the nearby Principal Town of Aberdare and Merthyr Town Centre which both provide onward travel to the wider area. The area is also conducive to travel on foot and bicycle and the site is therefore considered to be a sustainable location. Furthermore, given that the surrounding area is predominantly residential in character, it is not considered that the use of the site for additional residential dwellings would conflict with surrounding land uses.



The proposal provides a net residential density of 15 dwellings per hectare which is far below the minimum requirement of 30 dwellings per hectare set out in Policy NSA10 (Housing Density). However, the policy states that lower densities will be permitted where they are necessary to protect the character of the site and/or the surrounding area; to protect the amenity of existing or future residents; and where they still make adequately efficient use of the site. In the case of this proposal, it is considered that an acceptable balance between the key issues has been achieved and as such, there would be no objection in respect of Policy NSA10.

It is noted that the vacant parcel of land to the south of the application site is allocated for housing within the Local Development Plan (NSA9) however, it is not considered that the proposed development would prejudice or prevent any future proposal at that site. The allocated site forms part of the Tan-y-Bryn Gardens development and access can be provided through that development.

One letter of objection notes that the garden is not designated for housing within the Local Development Plan. Whilst that may be the case, it does not necessarily mean that it cannot be developed for housing.

In light of the above, the principle of developing the site for residential purposes is considered to be acceptable, subject to compliance with other relevant material considerations as discussed further in the sections below.

### **Impact on the character and appearance of the area**

The current scheme proposes the construction of 3 dwellings on a parcel of land which currently forms part of the residential garden curtilage of an existing residential dwelling. Plot 1 would be sited immediately adjacent to the existing dwelling whilst Plots 2 & 3 would be sited to the rear and would address the proposed new turning head.

It is noted that one letter of objection raises concerns that the proposal would lead to overdevelopment of the plot however, the number of dwellings have been reduced since the previous refusal of 4 dwellings and this is considered to be acceptable. The scale of the proposed dwellings is relatively modest and set within reasonable sized plots with the removal of plot 4 allowing for a better overall layout which reduces the previous concern raised in relation to the cramped appearance of the development. The additional space created within the site would allow for more soft landscaping to be incorporated which would help soften its visual appearance and ensure that the site retains its attractive appearance. The proposal includes a soft landscaping scheme which indicates that a large number of existing trees and hedges would be retained on the boundaries of the site whilst additional trees and hedges would be planted within the site.

The surrounding area is not characterised by one particular house style or type and whilst properties in the immediate vicinity of the site on the southern side of Llwydcoed



Road are predominantly set within larger-than-average plots, there are properties in the wider area that are set within similar sized and smaller plots to those proposed and it is not considered that the development would have an urbanising effect on the wider setting. The proposal would undoubtedly provide two different house types at the site (in addition to the existing dwelling) however, this would provide further visual interest to the existing urban form. Furthermore, it is indicated that the dwellings would be finished with appropriate materials that would match/complement materials found at the existing site and in the surrounding area and it is not considered that the proposed development would appear overly prominent or out of character with the area.

An objector also raises concern that future occupiers of the proposed dwellings would possibly seek ancillary accommodation in the form of garages etc. Whilst it is likely that planning permission would be required for such structures with the impacts of those proposed structures being considered at that time, it would be prudent to include a condition to any grant of planning consent to remove the permitted development rights of the plots to ensure that no ancillary structures could be constructed without planning permission.

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

### **Impact on residential amenity and privacy**

#### Existing residents

As indicated above, a number of letters of objection have been received on behalf of one local resident that lives in property immediately adjacent to the application site. The letters raise concern with regards to the impact of the development on the amenity and privacy of existing properties to the north-west of the site with particular reference being made to the density of the development and the likely impacts of the proposed driveway which would be sited alongside the common boundary.

In terms of the density of the development, the net residential density of the development is far below the requirement of Policy NSA 10 (as indicated in the *Principle of the Proposed Development* section above). This policy makes allowances for lower density levels where they are necessary to protect the amenity of existing or future residents and where they still make adequately efficient use of the site. In the case of this application, the proposal is considered to strike an acceptable balance between the requirements of Policy NSA10 and Policy AW5. Indeed, the scheme has been amended since the refusal of a previous planning application for 4 dwellings with the closest dwelling to Casa Mia and Beverly being removed. Whilst the impact of the siting of the previous 'plot 4' on Casa Mia and Beverly was not considered to have a detrimental impact upon existing dwellings in the previous application, its removal has inevitably further reduced the impact with the siting of plots 2 and 3 towards the eastern



boundary of the site creating an even greater separation distance than the previous scheme. Whilst plots 2 & 3 would face towards Casa Mia and Beverly, they would be sited 30 metres away and at a similar ground level. As such, it is not considered that they would result in an adverse overbearing, overshadowing or overlooking impact.

Whilst it is noted that the construction of additional dwellings at the site may increase the level of noise and disturbance experienced by adjacent occupiers, this would be of a residential nature which is considered to be acceptable.

In terms of the location of the shared access driveway adjacent to the common boundary with Casa Mia and Beverly, the vehicular movements along the driveway would be limited given that only two of the proposed dwellings (plots 2 & 3) would utilise the full length of the lane. The access to the existing dwelling and plot 1 would be situated much closer to Llwydcoed Road and adjacent to the existing driveway of Beverly. Vehicles would therefore not need to venture any further into the site to access these properties. As such, it is considered that the comings and goings of 2 residential dwellings would be relatively low and the vehicular movements and the noise, light spill and fumes associated with the vehicles of these properties would therefore be unlikely to adversely affect the living conditions of adjacent properties.

#### Future Occupiers of the Site

Residents have also raised concern that the development would result in a substandard living environment for future occupiers of the existing and proposed dwellings. Whilst these concerns are noted, the proposed dwellings are sited such that they would not result in any significant levels of overlooking or a detrimental loss of outlook.

Plot 1 would be sited to the side elevation of the existing property with it being set back from its principal elevation. This would result in the rear of the dwelling extending beyond the rear elevation of the existing dwelling however, this would be marginal and would not give rise to any significant overbearing, overshadowing or overlooking impact. Whilst it is noted that the first floor rear windows of plot 1 would have views towards the rear garden of the existing dwelling, these views would be oblique rather than direct and the situation is not significantly different to the relationship between other properties in the surrounding area.

Plots 2 & 3 would be sited towards the rear of the site and would inevitably be visible from the rear windows and rear gardens of the existing dwelling and Plot 1. The relationship between these properties would be close with a separation distance of 10 metres between the rear elevations of the existing property and Plot 1 and the side elevation of Plot 2 and there is some concern that Plot 2 would have an overbearing impact upon the rear aspect of the existing property and Plot 1. There is also some concern that the southern position of Plot 2 would result in some overshadowing upon the existing property and Plot 1.



However, the position of Plot 2 is such that it does not extend across the full rear boundaries of either the existing dwelling or Plot 1 and this, together with its apex roof design, would ensure the rear aspects of the existing dwelling and Plot 1 would still experience a reasonable level of natural sunlight and a reasonable outlook. As such, it is not considered that the resulting impact would be so detrimental to future occupiers that it would warrant the refusal of the application.

The rear elevation of Plot 1 would directly face the side aspect of Plot 2 which could give rise to some direct overlooking however, the master bedroom would be served by a Velux window within the roof slope rather than a standard window and the level of overlooking achieved from this window would therefore be low. The other bedroom window in this elevation would face the blank side elevation of Plot 2 and would only have oblique views of its rear garden. Any views from the ground floor windows would be screened by boundary fences between plots.

One letter of objection raises concern that no consideration has been given to neighbouring homes to the rear boundary of the application site. Properties to the rear of the site (Tan-y-Bryn Gardens) are situated at least 80 metres away from the rear boundary of the site and are separated from the site by a vacant parcel of land that contains numerous trees and vegetation. Given the separation distances involved and that the access to the identified dwellings is through Tan-y-Bryn Gardens rather than the lane adjacent to the application site, the dwellings to the south would not be affected by the proposed development.

In light of the above, the proposal is considered to be acceptable in terms of the impact it would have upon the amenity and privacy of existing properties surrounding the site and that of any future occupiers of the proposed dwellings and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Access and highway safety**

It is noted that a number of objections have been received from local residents/adjacent landowners in respect of the impact of the proposal upon highway safety. The Council's Highways and Transportation section originally raised an objection to the proposal which was primarily in relation to the access to Plot 1, off the sub-standard lane to the east of the site. This concern was discussed with the applicant's agent and an amended plan was submitted which indicates that access to Plot 1 could be achieved off the proposed private driveway with no access off the sub-standard lane. These plans were further assessed by the Highways and Transportation section and the objection was subsequently withdrawn (subject to conditions). The comments received are summarised as follows:

#### **Access**

The existing and proposed dwellings would be served off Llwydcoed Road (B4276) which has a speed limit of 30mph, a weight restriction of 7t for deliveries only and



continuous pedestrian links leading to the site. Llwydcoed Road is acceptable for safe and satisfactory access for vehicles and pedestrians.

#### *Private Shared Access*

The existing junction leading to Birchwood is sub-standard in terms of structural integrity, junction radii, acute angle junction, steep gradient at its junction with Llwydcoed Road. It is also located opposite the junction to Scales Houses which has potential to result in vehicular conflict to the detriment of all highway users and free flow of traffic.

The proposal would result in the improvement of the access onto Llwydcoed Road by provision of a standard junction with 5.5m carriageway, 6.0m junction radii, 2.0m footway for part of its length and vision splays of 2.4m x 40m which is in accordance with the Rhondda Cynon Taf Design Guide and is therefore acceptable.

There is some concern with the potential conflict with the junction to Scales Houses opposite however, taking into account the proposed junction improvements, limited additional movements generated by 3 additional dwellings and fairly low speeds due to the location of a nearby speed camera, the proposal is considered to be acceptable.

An amended plan has been submitted which indicates that the existing dwelling and all three dwellings proposed would be served off the new proposed private shared access which provides for safe vehicular and pedestrian access as a shared use. The submitted plan does not provide a direct pedestrian access to Plot 1, should all the car parking spaces be occupied however, there is potential for this issue to be overcome through the imposition of a suitably worded condition requiring an unobstructed segregated footway to the primary access/front door of Plot 1.

#### *Vision Splays*

As indicated above, the site is located on a classified road, Llwydcoed Road (B4276) which has a speed limit of 30Mph. This requires a visibility splay of 2.4m x 40m which has been provided within the proposal and is therefore acceptable.

#### *Public Right of Way*

The existing shared access and junction is also used as a PROW which raises cause for concern with regards to increased vehicular movement off a sub-standard junction. The proposal includes an amendment to the route of the PROW which is acceptable to the Highway Authority.

#### *Parking*

The proposed dwellings require up-to a maximum of 3 spaces per dwelling and 1 visitor space, in accordance with the SGP: Access, Circulation and Parking 2011. The proposal provides 3 spaces per dwelling and is therefore considered to be acceptable.





The does not appear to be any visitor space provided however, taking into account the width of the shared access driveway, this short- term space could be accommodated there.

In light of the comments received from the Highways and Transportation section, the proposal is considered to be acceptable in terms of the impact it would have upon highway and pedestrian safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Other Issues:**

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

### **Drainage**

The application site is located within a high flood risk area which is subject to significant flood depths. Whilst the Council's Flood Risk Management team have recommended that a drainage condition be added to any grant of planning consent, the development would be above the 100 square metre threshold and separate Sustainable Drainage Approval will therefore be required. As such, issue of surface water drainage would be adequately dealt with in the Sustainable Drainage application process and the condition is not considered to be necessary in this case.

It is noted that one letter of objection queries whether SAB pre-application consultation has been undertaken as this could result in changes being made to the layout of the site. The SAB process is entirely separate to the planning process and whether the SAB process has been considered by the applicant/developer would have no bearing on the outcome of a planning application. It is accepted that this may result in amendments being made to the proposed development following its approval however, any amendments required would need to be applied for through the submission of either a further full planning application or a Section 73 (variation of condition) application in which the amendments would be considered accordingly.

### **Ecology**

The application is accompanied by a Preliminary Ecological Survey which was undertaken by Ecological Services (dated March 2020). The report identifies moderate to high bat roost potential in the existing house.

The proposal includes the provision of a new dwelling in close proximity to the side elevation of the existing dwelling and concern was raised by the Council's Ecologist that this would affect flight lines. As a result of these concerns, the applicant consulted with their own Ecologist and subsequently submitted amended plans to set the proposed dwelling further away from the side elevation of the existing dwelling. The proposed dwelling has also been re-designed and is of a reduced scale. The Council's



Ecologist considers the amended scheme to be acceptable however, conditions are recommended to secure bat sensitive lighting and for details of all ecological recommendations and mitigation outlined in the Preliminary Ecological Survey.

In light of the comments received from the Council's Ecologist, the proposal is considered to be acceptable in terms of its impact upon protected species and biodiversity and the application would therefore comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

### **Impact on Trees**

The application is accompanied by a Tree Survey (undertaken by Treescene Arboricultural Consultants, dated January 2020) which has been assessed by the Council's Tree and Allotments Officer who has raised no objection to the proposal. It is indicated that the tree species appear to be low importance small trees of fair to poor condition with the rest being hedgerow species. As these are mostly growing around the perimeter boundary line, it is considered that there will be little impact on the trees from the proposed development. However, it will be necessary to ensure that the trees are suitably protected during construction and a condition is recommended to ensure that protection is provided in accordance with the details contained within the Tree Survey. A further condition is recommended for nesting birds.

None of the trees within the site are identified as being protected.

Whilst the Tree Survey indicates that some trees and hedgerows need to be removed due to their health/condition, the loss would be compensated through the implementation of a landscaping scheme.

### **Public Right of Way**

Policy AW7 of the Local Development Plan indicates that development proposals that would affect a public right of way will only be permitted where it can be demonstrated that there is a surplus of such facilities in the locality, where the loss can be replaced with an equivalent or greater provision in the immediate locality or where the development enhances the existing facility.

In the case of this proposal, the public right of way would be altered and retained as a result of the proposal rather than it being permanently stopped-up. The proposal includes the provision of a pedestrian footpath at and in the vicinity of the junction off Llwydcoed Road and the layout of the junction would also be improved in comparison to the current situation. As such, it is considered the proposal would provide safer access to the site and the public right of way for all highway users.

The concerns raised by the objectors are noted however, the alteration of the public right of way would not be a reason to refuse planning permission. Planning permission does not authorise the interference with or the obstruction, diversion or stopping-up of a public right of way and the alteration will need to be applied for via a separate diversion order.





As such, it is considered that the proposal would enhance the existing public right of way and the application would therefore comply with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

### **Historic Coal Mining**

The most south-eastern corner of the site falls within a High Coal Risk Area and a Coal Mining Risk Assessment undertaken by W. M. Clarke Ltd - Consulting Engineers, dated November 2020) has been submitted to support the application. The report has been reviewed by the Coal Authority who raises no objection to the proposed development. The comments received indicate that concerns were raised in relation to the previous proposal (ref. 20/0409) however, the current scheme presents an amended layout which results in plot 3 only marginally intersecting the defined Development High Risk Area. This is confirmed by the Coal Mining Risk Assessment which concludes that there is no risk to the proposed development from past mining activity and that no special measures are required. The report recommends that in the event that coal seams are found as part of the excavation works, these should be inspected by an Engineer and that the Coal Authority must be notified. The Coal Authority agrees with the recommendation set out in the report and have recommended that an informative note be added to any grant of planning permission to ensure that information outlining how the former mining activities affect the proposed development, along with any mitigation measure required, be submitted alongside any subsequent application for Building Regulations approval.

Whilst the concerns raised in the objection letters are noted, no evidence has been submitted to the contrary and the Coal Mining Risk Assessment submitted with the application is therefore considered to be acceptable (as confirmed by the Coal Authority). The proposal would therefore comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan in this regard.

### **Public Health**

The Council's Public Health & Protection Section have raised no objections 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 controlled more effectively by other legislation and the suggested conditions are not considered necessary in this case.

### **Welsh Water**

The application has been assessed by Welsh Water who have advised that the site is crossed by a public sewer, in the approximate location of Plot 1. The comments state that no works will be permitted 3m either side of the centreline however, it is advised that the sewer could be diverted if the developer applies under Section 185 of the Water Industry Act. This issue has been raised with the applicant who has confirmed that a separate application will be made to Welsh Water for the diversion of the sewer.

### **Other issues raised by objectors**



The following comments are offered for issues raised by objectors that are not addressed in the sections above:

### Land Ownership

The objectors raise concern with the realignment of the lane to the side of the application and questions are raised over its ownership. One of the letters of objection is accompanied by title deeds which indicates the extent of their ownership which includes the land to the south of the site and the lane between that and the application site; it does not include the lane to the eastern side of the application site. Indeed, it was suggested that no one owns the lane.

Landownership is not a material planning consideration however, the applicant is required to ensure that appropriate notice has been served on the landowner(s). The issues raised by the objectors was raised with the applicant who subsequently advertised the application in a local newspaper and submitted an amended landownership certificate accordingly (Certificate C). It is considered that the applicant has undertaken all reasonable steps to determine the ownership of the lane and has completed the relevant landownership certificate.

Any right of access over the land is a private matter that cannot be taken into consideration in the determination of the planning application. It is noted that access to both Casa Mia and the adjacent parcel of land would be altered rather than prevented by the proposal Furthermore, the Council's Highways and Transportation section have determined that the alteration would present an improvement to the current road and junction layout.

One letter of objection also suggests that the narrow lane serves the shops to the east. Public access to the shops is directly from Llwydcoed Road with only a secondary access provided at the rear. Given that the vehicles associated with the proposed development would not need to enter the lane, the number of vehicles requiring access to the lane would be reduced in comparison to the current situation.

### **Community Infrastructure Levy (CIL) Liability**

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

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

### **Conclusion**

The application site is located inside the defined settlement boundary and within a predominantly residential area. The construction of an additional 3 dwellings at the site is therefore considered to be acceptable in principle.



Furthermore, the site is capable of accommodating 3 additional dwellings along with adequate off-street car parking provision and outdoor amenity space without resulting in a significant impact upon the character and appearance of the surrounding area or the amenity and privacy of surrounding residential properties. It is also considered that the proposed development would have no undue impact upon highway safety in the vicinity of the site.

The application would therefore comply with relevant local and national planning policies and is considered to be acceptable.

**RECOMMENDATION: Approve subject to 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 permitted shall be carried out in accordance with the approved plans and documents received on 15<sup>th</sup> March 2021 unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. T2436-1-PA-01: Site Location Plan (Rec. 25/11/2020)
- Drawing No. T2436-1-PA-03B: Proposed Site Layout Plan (Rec. 12/02/2021)
- Drawing No. T2436-1-PA-04B: Proposed Floor Plans – Plot 1 (Rec. 03/06/2021)
- Drawing No. T2436-1-PA-05B: Proposed Elevations – Plot 1 (Rec. 03/06/2021)
- Drawing No. T2436-1-PA-06: Proposed Floor Plans – Plots 2 & 3 (Rec. 25/11/2021)
- Drawing No. T2436-1-PA-07: Proposed Elevation Plans – Plots 2 & 3 (Rec. 25/11/2021)
- Drawing No. T2436-1-PA-12b: Proposed Soft/hardscape Landscaping (Rec. 12/02/2021)
- Drawing No. T2436-1-PA-14: Typical External Wall (Rec. 25/11/2020)
- Drawing No. T2436-1-PA-15: Typical Boundary Fence (Rec. 25/11/2020)
- Drawing No. T2436-PA-16: Proposed New Hedging (Rec. 25/11/2020)
- Drawing No. T2536 -PA-17 (Rec. 25/11/2020)



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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no 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 in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Before the development is brought into use the means of access, together with the parking, vision splays, un-controlled crossing points and turning facilities, shall be laid out in accordance with the submitted plan T2436-1-PA-03B and approved by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

5. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the private shared access including its tie in with Llwydcoed Road B4276, un-controlled pedestrian crossing points together with sections and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the private shared access and turning implemented to the satisfaction of the LPA prior to construction of the first dwelling.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the submitted plans, development shall not commence until details of the pedestrian access to plot 1 with no obstruction have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation of plot 1.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

7. Notwithstanding the submitted plans, development shall not commence until details of the pedestrian access to plot 1 with no obstruction have been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details prior to beneficial occupation of plot 1.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;
- a) the means of access into the site for all construction traffic,
  - b) the parking of vehicles of site operatives and visitors,
  - c) the management of vehicular and pedestrian traffic,
  - d) loading and unloading of plant and materials,
  - e) storage of plant and materials used in constructing the development,
  - f) wheel cleansing facilities,
  - g) the sheeting of lorries leaving the site.

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

Reason: In the interests of the safety and free flow of traffic in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

9. Notwithstanding the submitted details, prior to above ground works, a scheme for biodiversity mitigation and enhancement, shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include details of on-site bat sensitive lighting and bat roost provision with development design, reptile mitigation, nesting bird method statement and bird nest box/brick provisions, retained habitat areas and consideration of ecological treatments within SuDs provision. The approved details thereafter shall be implemented, retained and maintained for the designed purpose in accordance with the approved scheme. The scheme shall include, but not be limited to, the following details:
- a) Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
  - a) Materials and construction to ensure long lifespan of the feature/measure.
  - b) A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.

- c) When the features or measures will be installed and made available.

Reason: To provide biodiversity enhancement, in accordance with Chapter 6 of PPW.

10. The development shall be carried out in accordance with the recommendations set out in the Arboricultural Impact Assessment (undertaken by Tender Leaf, dated 26/10/2020).

Reasons: In order to protect existing trees on site, in the interests of the visual amenity of the site and in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

11. The proposed works shall be carried out outside of the nesting bird season (between September and February).

Reason: To protect the biodiversity of the site in accordance with Policy AW6 of the Rhondda Cynon Taf Local Development Plan.

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

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



## PLANNING & DEVELOPMENT COMMITTEE

24 JUNE 2021

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/0219/10 (GH)  
**APPLICANT:** Enterprise Rent-A-Car  
**DEVELOPMENT:** Proposed new wash bay canopy. (Further revised plans, introducing automatic doors to canopy, manufacturer's specification and supporting statement, received 26/4/21)  
**LOCATION:** ENTERPRISE RENT A CAR, CARDIFF ROAD, HAWTHORN, PONTYPRIDD, CF37 5AG  
**DATE REGISTERED:** 26/04/2021  
**ELECTORAL DIVISION:** Hawthorn

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**RECOMMENDATION:** GRANT SUBJECT TO THE CONDITIONS BELOW:

**REASONS:** The proposed new wash bay canopy would represent betterment over the current on-site valeting arrangements, providing an opportunity to improve amenity issues for neighbouring residents in respect of noise, spray, location, and control of hours of operation. Furthermore, given the appearance of the existing site buildings, the design of the canopy would not be considered to be harmful to the character and appearance of the site.

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

Three or more letters of objection have been received

#### **APPLICATION DETAILS**

Full planning consent is sought to construct a car wash bay canopy at Enterprise Rent-A-Car, Cardiff Road, Hawthorn.

It is proposed that the wash bay would be located centrally within the site, above an area of hardstanding with a centrally positioned drain, such that vehicles could enter and leave from either side.

The wash bay would comprise a metal frame to a maximum width of 6m and a depth of 10m, the dimensions of which include an integral materials store protruding from its northern side.





Both ends of the structure would be enclosed with a 'Rapid Roll' fabric curtain door, which the Applicant has advised would be set up so that the valeting equipment could only be used when the doors are closed.

The monopitch roof would have a maximum height of 3.75m on its westerly edge, with a modest fall to the east to enable the surface to drain. This would also be clad with light grey corrugated metal and acoustic panels fitted to the walls and roof.

In terms of the proposed hours of operation, the Applicant has requested the following:

Monday to Friday: 07:00 – 19:00 hours  
Saturdays: 08:00 – 17:00 hours

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

- Planning Statement
- SeceuroDoor Rapid Roll manufacturers specification

## **SITE APPRAISAL**

The application property consists of a large purpose-built industrial unit and forecourt, occupying a 0.17ha site both towards the centre of the Hawthorn area and to the south of the A470.

Enterprise Rent-A-Car currently operates from the site, having gained planning consent for a change of use in 2017, prior to which a long-established car sales business and MOT workshop had been in situ. The latter still occupies the eastern part of the building and site.

From Cardiff Road two vehicular crossovers lead to a forecourt of substantial size, which provides parking for both customers and the hire fleet. The main building, which is mostly single storey, is positioned in the north-western corner and is where the hire business has its offices and reception. The rear of the building accommodates the existing valeting bay.

The boundary with Cardiff Road to the south is formed by a combination of low wall and metal palisade fencing, whilst that to the east, north and west, and which borders residential properties and a footpath, is a combination of timber fence and hedging.

Most of the neighbouring properties adjacent to the site are residential, although there is a public house and hairdressing business facing the site, and a cluster of retail premises just to the east on Ynyscorrwg Road.

## **PLANNING HISTORY**





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

- 18/0090/10:** Pre-fabricated car wash bay canopy. Decision: 13/03/2018, Refused.
- 17/1069/01:** Illuminated fascia sign to main building. Free standing pylon sign directional /entrance signs to gates. Decision: 22/11/2017, Grant.
- 17/0733/10:** Change of use from MOT centre and car sales to MOT centre and car hire. Decision: 12/09/2017, Grant.

## **PUBLICITY**

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

As a result of amendments received, relating firstly to the orientation of the wash bay and secondly, to the inclusion of the Rapid Roll doors and supporting statement, consultations were undertaken twice.

A total of thirteen letters of objection have been received from seven neighbouring properties raising the following concerns which can be summarised as follows:

- If approved, time should be restricted to 9am to 5pm
- Residents have already been affected by transporters blocking in neighbours and by Enterprise's vans, with objections receiving an arrogant response.
- Will it only be vehicles from this site being washed?
- Enterprise should look at securing a site at Treforest Industrial Estate for washing and cleaning vehicles where no residents live and where they could be offered a business incentive.
- There are already far too many vehicles in this area with the pub car park, vehicles from the garage next to Enterprise and two bus stops which are well used. Further, additional cars drop off and collect in the area in association with the High School and this has also affected the area by the Post Office with cars parked on the grass verges and roads.
- I have had to shout from the bedroom window at staff jet washing past midnight and feel this would start to happen again. I have young children and it is inappropriate listening to this noise late at night. They should be based on an industrial estate. I also work nights and find it very noisy with cars scraping against the gravel. The detergents they are using is spraying over our washing.
- We do not object to the vehicles being on site, just the operation of the power washing of vehicles.
- We live directly behind the entrance of the present facility. When vehicles are being driven in to be cleaned, they drive over chippings which creates noise, then the vehicle is vacuumed just inside the door (which sounds like a jet engine) followed by doors slamming and on occasions sounding of horns. Then it is driven into the vehicle wash bay. Also on occasions they use a second

power lance outside the building. They have been told by the Public Health Department they are not supposed to clean vehicles outside, but they choose to ignore it. There is a water pump in the wash bay which operates from time to time to get rid of excess water to prevent flooding which is also very noisy. Some days there is an almost constant number of vehicles being cleaned.

- When the weather is nice we used to enjoy sitting in our garden but it's no longer possible as it is just too noisy.
- I do not want to be restricted from sitting in my garden because of the excessive noise of machinery along with the staff shouting out bad language, which is louder than the noise of the machinery.
- No acoustic report has been provided in connection with the proposed new wash bay canopy. Currently, Enterprise Cars use pressure washers and hoovers within a large building on the site which is somewhat removed from the local residences. These make enough noise as it is, often continuously (machinery is not switched off when not in use) and also very late into the evening.
- Currently, there is a planning restriction on when Enterprise Cars have vehicles delivered to site. This cannot take place before 9am or after 4.30pm. Enterprise Cars seem unable to abide by this and evidence of recent deliveries before 9am has been supplied by local residents to the planning department. The car transporter also blocks driveways and crosses the zig zag area near the pedestrian crossing at the time that the children are on their way to the primary school. If any time restrictions were therefore to be placed on when the wash bay canopy was to be used, would Enterprise Cars stick to them?
- Enterprise Cars have noted that they have used similar set-ups elsewhere with success. In that case, it should be perfectly possible for them to provide a noise impact assessment and even videos of the facility in operation which would serve to reassure local residents that the solution now proposed will, in fact, be a solution.
- Other respondents to the proposal have mentioned SUDS. What provision for the drainage of waste water will be made? Will a petrol interceptor be installed to prevent any waste petrol from entering main drains?
- I have been woken up again by this racket. They aren't supposed to be jet washing in the yard. There is no way they are going to keep the doors shut on their new building while jet washing.

## CONSULTATION

### Highways and Transportation

No objection and no conditions are recommended.

### Drainage

No objection or recommendation for condition in relation to surface water flood risk for this application as this will be adequately managed by both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010.



### Public Health and Protection

No objection, subject to a condition restricting hours of working to 8am to 6pm Mondays to Fridays and 9am to 5pm on Saturdays and Sundays. Valeting/car washing should not take place anywhere else on site other than the designated car wash bay.

### Natural Resources Wales

No objection. The site lies partially within Zone C1 of the Development Advice Map (DAM) as contained in TAN15. Given the nature of the proposed development, the location of flood risk shown to be affecting the application site and in the absence of a flood consequences assessment, NRW considers the proposals could be acceptable, subject to the developer being made aware of the potential flood risks to these areas.

### Dwr Cymru Welsh Water

Notes that the application specifies the proposed method of surface water disposal will be via a main sewer. There is no justification within the application submitted investigating sustainable methods of surface water drainage, although the proposed development would be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems', for which DCWW is a consultee.

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

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary for Hawthorn

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW10** - supports development proposals which are not detrimental to public health or the environment

### **Supplementary Planning Guidance**

- Design and Place-making
- Access, Circulation and Parking Requirements

### **National Guidance**



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

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

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

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

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 11: Noise  
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**

As was the case for the car sales business which previously occupied the premises, it is acknowledged that there would also be a need to provide washing facilities for a vehicle hire operation, which would be considered as an activity ancillary to the main use of the site.

Originally, Enterprise installed an external car washing area to the rear of the site, close to the boundary with the neighbouring properties located on Ynyscorrwg Road, which comprised a concrete hardstand and drainage system. Shortly afterwards, a large canvas canopy was erected over the washing area, and a retrospective planning application submitted to retain the structure (18/0090/10).

However, this application was refused due to concerns regarding neighbour amenity and the canopy was subsequently removed. An enforcement notice was served for the removal of the remaining drainage system within the hardstand, for the purpose of preventing external vehicle washing. The notice was subject to an appeal, which was dismissed, and the notice was varied and upheld.

As the Planning Inspector noted at the time of her site visit, adaptations had been made to rear part of the existing building, prior to the appeal hearing, to form an internal car washing bay. This internal bay is enclosed on three sides and roofed but is generally open for access at the front. The works carried out to create this area did not require planning permission.

Since then all but the highest vehicles, which could not fit through the entrance, have been washed in the internal bay although, as noted below, this has not been satisfactory for neighbouring residents. The Applicant has stated that current application is an attempt to improve matters for the residents around the rental site and for the team at the rental location.

In this case the main material concerns are considered to be the siting and appearance of the proposed wash bay and canopy, and its proximity to residential properties. Such matters are discussed below.

## **Impact on the character and appearance of the area**

As viewed from Cardiff Road, the proposed wash bay canopy would be seen in the context of the existing large unit and forecourt, to which it would appear as a subordinate and ancillary structure.

The external finish of the canopy, whilst not being particularly attractive, would be of a similar appearance to the corrugated cladding on the front, side and roof of the existing unit which accommodates both Enterprise and the separate vehicle repair business. In addition, it is likely that the new structure would be partly screened by the intervening parked vehicles.



Therefore, the position and appearance of the wash bay canopy are considered acceptable in terms of any impact on the character and appearance of the site and street scene.

### **Impact on neighbouring occupiers**

Although the existing internal valeting bay may have led to a reduction in noise levels, compared with the earlier vehicle cleaning outside, the consultation responses from residents demonstrates that the noise of valeting equipment, vehicle movements and that generated by the valeters themselves, continues to have a disruptive impact on those closest to the site.

Ideally, as residents note, the situation would be resolved by valeting taking place off-site and several have expressed a wish for Enterprise to re-locate. However, the application must be determined as presented and as referred to in the previous section, it was identified at appeal that the creation of the internal wash bay did not require planning consent, which may therefore be considered to be a default or fall-back position.

Notwithstanding reports or concerns of valeting currently taking place at unsocial times and/or outside of the internal bay, these matters may be considered as a statutory nuisance and enforced by the Public Health Section under the Environmental Protection Act 1990

The Planning Statement explains that the existing internal wash bay is set up with a drainage system that automatically pumps water up and away from the wash bay bed, into a filter and then to drains. The system causes a noise level similar to that of a vacuum cleaner and is on a timer, but a similar set up would not be necessary for the proposed new wash bay and canopy.

In addition, it is proposed to install acoustic panelling and fabric curtain doors to the new bay, which should resolve concerns about drifting spray from washing equipment and help to reduce noise. Nonetheless, a condition is recommended to require the submission of the details of the acoustic panels for approval, and a further condition recommended to restrict use of the bay only to when the doors are closed.

The Applicant was also asked to comment on other matters, including concerns highlighted by objectors. It was clarified that the existing internal wash bay would, in future, be used for vehicle parking, thus noise from valeting would not occur from there. As per the comments from Public Health, a condition is proposed to prevent valeting from taking place elsewhere on the application site, other than for the new bay. A condition is also recommended to limit hours of operation of the new bay to those considered appropriate by Public Health to protect neighbour amenity.

In terms of the use of the new bay, the Applicant has stated that on an average day, 25 vehicles would be cleaned, and it would enable all of the rental fleet based at





Hawthorn to be cleaned on site, the largest of which is a Luton box van. No rental vehicles would be cleaned other than those allocated to the Hawthorn site, and although two smaller cars might fit into the bay at the same time, this would be unlikely due, for example, to one getting dirty with the overspray from another.

Consideration was also given as to whether an acoustic report might be necessary but as the Applicant advised, the new wash bay would eradicate the most frequent noise source – namely the drainage pump system – and move the cleaning away from the residents at Ynyscorrwg Road. In any event the aforementioned condition relating to the specification of the acoustic panels will address this matter.

Lastly, the new wash bay would be at a sufficient distance from neighbouring dwellings to cause any direct harm to outlook or shading, being just over 15m from the rear boundary of the site as measured from its nearest point, and 11m from the eastern side boundary. In terms of distance from the elevations of the closest dwellings, these would be 21.6m to the those at Ynyscorrwg Road to north, and 17m from the bungalow known as 'Electra' to the east.

Consequently, subject to conditions, the new wash bay and canopy is considered to represent an improvement to the amenity of neighbouring residents and would therefore comply with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

### **Access and highway safety**

The application property is served from the A4054 (Cardiff Road), which has a carriageway width of 8m, a 2.8m wide footway on the development side and a 1.8m wide footway on the opposite side. Other than the presence of bus stop clearways directly outside the site and zig-zag markings to the immediate southeast, there are no parking restrictions in place along Cardiff Road in the vicinity of the site.

The car hire element of the site has an operational requirement of 1 space per vehicle operated and a non-operational requirement of 1 space per 3 auxiliary staff. Information submitted in support of previous applications indicated that a maximum of 30 vehicles could be located at the site, with a typical day resulting in around 10 – 15 vehicles being present.

Compared with those previously submitted details the current proposal would remove 4 off-street car parking spaces which raises concern; although it is appreciated that the interior space currently used for valeting vehicles could instead be used for parking.

However, whilst development would remove some off-street car parking, the Council's Highways and Transportation Section has advised that the remaining provision would still be in excess of that stipulated by the SPG for Access, Circulation and Parking Requirements, and the development is therefore considered acceptable.



## **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**

Subject to details of the acoustic lining and conditions relating to hours of operation and other related amenity matters, it is considered that the proposal would improve the amenity of the closest neighbouring occupiers, compared with the current valeting arrangements. In addition, the scale, siting, and design of the canopy would not be harmful to the appearance of the site and surrounding area. The application is therefore considered to be in accordance with Policies AW5, AW6 and AW10 of the Local Development Plan.

## **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 drawings numbers:
  - 001
  - 002 Revision A
  - 003 Revision B

and details and documents received on 15<sup>th</sup> February 2021, 26<sup>th</sup> March 2021, 26<sup>th</sup> April 2021 and 27<sup>th</sup> April 2021.

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

3. No development works shall commence on site until full details and specification of the proposed acoustic panelling, together with a report of the external noise levels that would emanate from use of the equipment within the approved wash bay and canopy, with panelling installed and doors closed, have been submitted to and approved by the Local Planning Authority. The panelling shall be installed in accordance with the approved



details before the new wash bay and canopy is brought into beneficial use and shall be maintained in perpetuity and in good order thereafter.

Reason: In the interests of the amenity of neighbouring occupiers in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Use of the new wash bay and canopy shall be restricted to the following:

Monday to Friday	08.00 to 18.00 hours
Saturday	09.00 to 17.00 hours
Sunday and Bank Holidays	Not At All

Reason: In the interests of the amenity of neighbouring occupiers in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Once the new wash bay and canopy hereby approved are brought into beneficial use, no cleaning of vehicles shall take place anywhere else on site other than the within the approved wash bay and canopy.

Reason: In the interests of the amenity of neighbouring occupiers in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No cleaning of vehicles shall take place within the approved wash bay and canopy unless both of its doors are closed.

Reason: In the interests of the amenity of neighbouring occupiers in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **PLANNING & DEVELOPMENT COMMITTEE**

**18th May 2021**

#### **SITE MEETING**

**APPLICATION NO. 20/1342/10 - 11 affordable dwellings and associated works. Revised site layout plan (repositioned bin store and shared amenity space) and additional section/elevation drawings re plot 6, received 9th March 2021. FORMER MISKIN PRIMARY SCHOOL, SCHOOL ROAD, MISKIN, PONTYCLUN**

#### **REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION**

**Author:** Jessica Daniel, Council Business Unit.

#### **1. PURPOSE OF THE REPORT**

- 1.1 To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Director, Prosperity & Development, attached at Appendix 1.

#### **2. RECOMMENDATION**

It is recommended that Members:

- 2.1 Approve the application in accordance with the recommendation of the Director, Prosperity & Development.

#### **3. BACKGROUND**

- 3.1 In accordance with Minute No 166 (Planning and Development Committee – 29<sup>th</sup> April 2021) a site inspection was undertaken on Tuesday 18th May 2021 to consider overdevelopment of the site and highways concerns.
- 3.2 The meeting was attended by the Planning and Development Committee Members County Borough Councillors S. Rees, D. Grehan, W. Owen, S Powderhill, D. Williams and J. Williams.

- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors J. Bonetto, G. Caple, G. Hughes, P. Jarman and R. Yeo
- 3.4 Members met at the proposed front entrance to the site on School Road and entered the site to view the proposed parking site, outdoor amenity space and rear of the current building. The Planning Officer in attendance informed members that planning permission is sought for the conversion the former Miskin Primary School, School Road, Miskin, to 11 affordable dwellings.
- 3.5 The Planning Officer outlined the proposed conversion works which would result in extensions to the front and rear of the School building and the considerations in respect of the amenity of the adjoining neighbouring occupiers. Members noted that the primary entrance would be at the front of the building facing School Road, although there would be an additional access leading to the rear car park and shared amenity area. A total of 11 off-street car parking spaces and a cycle store would be provided within the site, the location of which was pointed out to Members.
- 3.6 Members noted their concerns regarding the highways safety and access to the site and were informed that the proposed site plan incorporates a localised narrowing of School Road to 5.5m, which would allow the kerb line on the development side to be 'built-out' to improve the available vision splays. The Highways officer present also confirmed to Members that the side access was the only vehicular access point to the site.
- 3.7 Members also discussed the proposed outdoor amenity space and asked the Planning Officer to outline where this would be on the site. Members discussed the size of the site alongside the proposed parking area.
- 3.8 Members asked the applicant who was also present, to detail their experience of delivering any similar schemes and for information on how the applicant determines who would live in the proposed dwellings. The applicant provided information of a nearby project in Llantrisant and also provided details of how they form their lettings policy. They provided information of the criteria that can be incorporated into the lettings policy.
- 3.9 Members also queried the number of dwellings outlined in the application and questioned whether 11 is a possible over development. Members were advised that the outlined plans for each proposed dwelling meet the DQR requirements for internal space and the applicant felt confident that the number could be achieved.
- 3.9 The Chair thanked the officers for the report and closed the meeting.



## **PLANNING & DEVELOPMENT COMMITTEE**

**29 APRIL 2021**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1342/10 (GH)  
**APPLICANT:** Trivallis  
**DEVELOPMENT:** 11 affordable dwellings and associated works. Revised site layout plan (repositioned bin store and shared amenity space) and additional section/elevation drawings re plot 6, received 9th March 2021.  
**LOCATION:** **FORMER MISKIN PRIMARY SCHOOL, SCHOOL ROAD, MISKIN, PONTYCLUN**  
**DATE REGISTERED:** 09/03/2021  
**ELECTORAL DIVISION:** Pontyclun

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**RECOMMENDATION:** GRANT SUBJECT TO THE CONDITIONS BELOW AND A SECTION 106 AGREEMENT:

**REASONS:** The site is located within the settlement boundary, where the principle of residential development is acceptable and would accord with Policies CS2, AW1, AW2 and SSA13 of the Rhondda Cynon Taf Local Development Plan.

The development would result in the beneficial re-use of a redundant and vacant building, the refurbishment of which would benefit the appearance of the site and surrounding area.

In addition, the new affordable dwellings would provide a valuable contribution towards addressing local housing needs as identified by the Council's Local Housing Market Assessment 2017/23.

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

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

#### **APPLICATION DETAILS**

Full planning consent is sought for the conversion the former Miskin Primary School, School Road, Miskin, to 11 affordable dwellings.

The proposed development would provide the following accommodation:

- 5 one-bedroom ground floor apartments
- 5 one-bedroom first floor apartments
- 1 two-bedroom duplex apartment over both floors

The main entrance would be at the front of the building facing School Road, although there would be an additional access leading to the rear car park and shared amenity area.

The conversion would involve the creation of a two storey front extension, which would be constructed within the void between the two prominent gable ends. To the rear the development would involve significant remodelling to remove the centrally located gable end and create another, together with a two storey extension of comparable form to that at the front.

The extensions are proposed to be enclosed with flat roofs, both of which would be either at or below, the existing roof lines. To provide additional natural light to the first floor rooms, the north and south-facing roof planes would incorporate a total of eight Velux style roof lights.

In terms of external finishes, the submitted plans and details state that the materials of the proposed extensions are designed to be sympathetic to the existing building with stone proposed to the ground floor walls and cladding to the first. Window detail would be retained to the front elevation of the property to help tie-in and maintain its Victorian character.

A total of 11 off-street car parking spaces and a cycle store would be provided within the site, located behind the main building. The parking area would be accessed via the existing site access alongside the north-eastern side boundary.

As a result of concerns raised during the initial consultation period, revised plans were received. These seek to set the bin store further back from the front of the site and reallocate space to the rear of the building as a shared amenity space.

Furthermore, a revision to the southern side elevation, including the removal of a gable window, are proposed to address the potential overlooking of the neighbouring house from the flat identified as Plot 6.

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

- Bat Scoping Survey
- Bat Activity Survey
- Transport Statement
- Design and Access Statement
- Drainage Strategy
- Ground Investigation Report
- Pre-Application Consultation Report

## **SITE APPRAISAL**

The application property is the former Miskin Primary School building, located on the south-eastern side of School Road in the village of Miskin. The School closed at this site in around 1994 and the premises were sold by the predecessor authority.

The building, which is of later 19th Century origin, occupies a rectangular site extending to an area of approximately 0.11ha. Although the accommodation is single-storey it is comparable in height to a two-storey building and features two prominent gable ends to the principal elevation.

Elevations are of a dressed stone construction with limestone detailing, which are enclosed by a slate pitched roof. The site is bounded by a low stone wall set below a wooden fence and hedge to the north, east and south however the hardstand area to the front of the building is open and allows for some off-street parking provision. It is understood that the site was previously used as a training centre and by a builder's merchant.

The surrounding area is largely characterised by residential properties of varying scale and design. There are two-storey, detached properties located immediately to the north-east and south-west of the building with more recent two-storey detached properties being located on the north-western side of the road, opposite the site. A number of mature trees and associated vegetation align the south-eastern rear boundary.

## **PLANNING HISTORY**

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

- 19/5136/41:** Change of use of existing building to provide 13 affordable dwellings and associated works. Decision: 07/01/2020, Raise Objections.
- 97/2419/10:** Conversion to wine bar and restaurant. Decision: 01/08/1997, Withdrawn.
- 94/0640/10:** Alterations to form a self-contained dwelling. Decision: 31/10/1994, Granted.

## **PUBLICITY**

The application has been advertised by direct notification to thirty-four neighbouring properties and notices were displayed on site. A further consultation was undertaken on receipt of the amended details referred to above.

The initial consultation generated twenty-four letters of objection from residents, raising a range of concerns that can be summarised as follows:

Scale/Design of development/Character

- Overdevelopment of the site
- The form of the existing building should be preserved to maintain its character
- Refuse storage will take up parking space
- The development would not be in-keeping and would affect the 'sense of place' the building offers and have a major effect on neighbouring properties. The loss of chimneys and addition of a large cladded front would affect its appearance
- The current building is large; however, it fits into the street as the frontage has a large recess in the centre, which makes it less imposing.
- If the recess was to remain, it would reduce the number of dwellings by two, but the impact on the neighbourhood would be substantially less and allow for an entrance to be made within the current footprint of the building, not the extra porch and steps. It would also allow for some greenery to be planted along the front of the building, helping it to fit into the rest of the street
- Density of development is not consistent with the surrounding area
- There are five Grade II Listed structures 300m from the site
- The revised frontage would be overbearing and out of scale and character
- Not in-keeping with other executive properties in the road and in general, properties in the area
- We suggest that the owners should be asked to resubmit a scaled down development in terms of dwellings including appropriately designed outdoor space
- I fully support social housing and the re-development of a historic building in the village but feel that many people on such a small site would be overcrowded and may impact the mental welfare of the residents

### Sustainability

- There are no facilities in the village except for a bus service
- The proposed development does not upgrade the environment and does not take into consideration a low carbon Wales. The proposals do not address any environmental issues
- Poor connectivity to cycle and walking networks; a car is the only way of accessing social infrastructure and shops, (increasing noise and air pollution); public transport is expensive and inaccessible (Pontyclun station is 25 minute walk); site is not accessible for the old or disabled; there are no play areas in Lower Miskin; there are no outdoor areas/gardens or areas for local food growing
- Current Trivallis developments in the locality suggest that 60% of the residents have a permanent disability, so it is highly unlikely that the residents will walk the 2km to the shops in Pontyclun. The local bus schedules are limited and the nearest bus-stops around 1/2 mile from the Old School, so with no local taxi firms, the new residents will need to have a car to get their weekly groceries
- The site is 2km from local shops and the health centre, and 2.5km to the library and school
- Tenants of these dwellings would have no outdoor space other than the parking spaces, there seems to be no provision for drying clothes outside
- Without outdoor space, there is no room for any children living there to play and neither is there any room for elderly residents to sit outdoors. This does not



bode well for the mental health and well-being of any residents and may well cause problems further down the line

- No outside space available to residents. I believe this will not provide a healthy environment for those people who will live there. The current pandemic has highlighted the need for outside space and this proposal offers none to its residents
- The 11 dwellings will potentially leave 24 people living on top of each other with no communal space either indoors or out. The pandemic has shown us the importance of outdoor space in individual health and well-being, particularly mental health.
- The back of the property is to be a car park with 11 car parking spaces. There will be no balconies and there are no nearby parks

#### Highways:

- Traffic congestion
- Poor junction visibility
- Insufficient on-site parking
- No parking provision for visitors meaning further on road parking
- The road is very busy since the driving test centre is close by
- Cars regularly mount pavements to let speeding motorists through from the north using the road as an alternative route to the M4 and the Vale of Glamorgan
- The amount of traffic that is coming down School Road and the other road into the village has increased tremendously as motorists are trying to avoid the congestion on the A4119 to Junction 34 of the M4. This will get worse when the houses are all built on the old Cardiff Road.

#### Affordable Housing:

- The 400 houses at Cefn Yr Hendy will have a high proportion of affordable dwellings, and would be better located for access to services
- Development has been proposed and granted for up to 900 houses within one mile of the proposed development, which will provide up to 180 affordable homes.

#### Amenity

- The houses opposite, at The Grange, would be overlooked from any flats in the first floor
- The flats look directly into the back of my house from the side (proposed flats 6 and 7). Vegetation does not buffer this.
- Increase in noise and disturbance due to the development particularly the change of use to parking in garden/school yard area. There will be an increase in light and noise pollution affecting residents
- At night, the headlights from cars exiting the Old School car rear park will point directly into the bedroom windows of the houses opposite.
- More residents are working from home in the pandemic which is likely to continue for the next nine to twelve months. Any building work to the Old School

will present those home workers with much noise and dirt from the proposed works and make telephone and zoom type meetings difficult. In addition, the workers are likely to park in the road and the deliveries are going to cause noise and obstructions.

- The bin store is located adjacent to a neighbouring property which would be likely to cause smells and insect/rodent nuisance

#### Ecology/Biodiversity

- Bats forage and fly over the back gardens of Beechlea Close and School Road at dusk every night. The car park will affect protected species since artificial lighting of bat roosts, access points and foraging pathways can be extremely disturbing to bats and should be avoided
- Little or no carbon offset planting or greenery evident
- The proposal will interfere with bats and birds around the building

#### Other matters

- The site has not been publicly marketed since it was sold to the last owners in 2018. Policy AW11 requires a marketing period of 12 months for an alternative use of an existing employment site
- The site lies within the buffer zone for the Hendy Quarry, and Policy AW14 requires further safeguarding from development
- The style of development always leads to lack of ownership and personal responsibility for waste, e.g. overflowing bins and burst recycling bags
- The bin store is too small and routes to it for residents are not convenient. There is little space for sorting or storing recyclables or bulk items. The size of the development should be constrained by what essential support facilities are possible, i.e. waste management, parking and amenity space, and not the other way around

#### Non-planning matters

- Likely devaluation of adjacent and surrounding existing properties due to proximity of social housing
- Timing of this planning application is despicable; the developers have had since August to proceed and have decided on the middle of December as a good time
- The responses to the concerns raised during the PAC are disappointingly glib and dismissive
- It would be lovely to see a nursery with some sustainable shops for example
- A proposed redevelopment of this nature, as a minimum, deserves a public hearing
- The building could be utilised in many more beneficial ways to the community and be a good location for a care home for the aged or a Community Hall to benefit local residents
- This Community has not been given the opportunity to consider what potential use could be made of the facility on a cooperative basis

At the time of writing, the second neighbour consultation had resulted in the receipt of further correspondence, including eleven objections, of which eight were new representations. Whilst some of these reconfirmed the matters listed above, the following was noted:

- The minor changes made to the bin storage do not address issues with waste management, are close to the neighbouring property, have no access from the rear of the premises and are inadequate in size
- Inadequate access for fire appliances
- Absence of electric car charging points
- The provision of a tiny square labelled as a shared communal space next to a car park is inadequate for 11 dwellings
- The revised site layout does not in any way solve the problems of parking
- Very disappointing that no changes have been made to the proposed scale of the development
- Concerns about residents congregating to smoke in the small amenity area
- Mitigation from dust will be required during construction

## **CONSULTATION**

### Pontyclun Community Council

The Council supports the redevelopment of the site and the need for additional affordable dwellings in the area, but objects to the overdevelopment of the site. It is considered that conversion to 11 dwellings would be too great a density and the external space would be insufficient for quality of life. Subsequently, the Council reviewed the amended plans, but felt that the changes were insufficient to warrant altering its objection.

### Highways and Transportation

No objection, subject to conditions in respect of site access and parking, and informative notes relating to street naming and consent for works in the public highway.

### Flood Risk Management

From the perspective of the Flood Authority the key element required to satisfy TAN 15 will be the surface water discharge rate. The applicant will be required to demonstrate the pre and post catchment discharge rates and as a Brownfield site a - 30% discharge rate will be required.

Since the proposed development will encompass works with drainage implications for an area over 100m<sup>2</sup>, Schedule 3 of the Flood and Water Management Act 2010 will apply. No objection or recommendation for condition in relation to surface water flood risk is recommended for this application as this will be adequately managed by both the separate Building Regulations process and Sustainable Drainage Approval.

### Public Health and Protection

Conditions are recommended in respect of noise, dust, demolition, hours of operation and waste. It is considered that these can be considered within the scope of a construction method/management statement. In addition, a condition for the submission of a site investigation is required.

#### Natural Resources Wales

Notes that the site overlies a principle bedrock aquifer and therefore the controlled waters at the site are environmentally sensitive. Conditions are therefore recommended in respect of unidentified contamination and surface water infiltration. NRW also advises that a European Protected Species Licence will be required due to the presence of a roost on site.

#### Dwr Cymru Welsh Water

A condition, relating to the regulation of surface water flows is recommended, together with advisory notes in respect of foul and mains water services.

#### Western Power Distribution

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

#### South Wales Fire and Rescue Service

The developer should consider the need for the provision of adequate water supplies on site for firefighting purposes and access for firefighting appliances, together with an appendix of standard guidance notes for various types of development.

#### Countryside, Landscape and Ecology – Ecologist

The bat survey report records a small common pipistrelle bat roost in the building, identifies the need for a NRW EPS Licence, and proposes mitigation by way of two replacement bat roosts. Although the bat usage is of a low level NRW should be consulted to ensure this is the case and confirm they are happy with the level of mitigation offered.

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

### **POLICY CONTEXT**

#### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary for Miskin.

**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.

**Policy CS5** - The policy identifies that there is a need to provide 1770 affordable housing units over the plan period.

**Policy AW1** - This policy is concerned with the supply of new housing within the County Borough. It stipulates that the supply will be met by the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements, including the conversion of suitable structures.

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

**Policy AW4** - details the types of planning obligations that may be sought in order to make the proposal acceptable in land use planning terms and that Community Infrastructure Levy contributions might apply.

**Policy 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.

**Policy AW11** - Identifies criteria for consideration when alternative uses are proposed for employment sites.

**Policy AW14** - Seeks to safeguard mineral resources from sterilisation by development, including the nearby Hendy Quarry.

**Policy SSA11** - The policy stipulates that residential development will only be permitted where the net residential density meets a minimum of 35 dwellings per hectare.

**Policy SSA12** - The provision of 20% affordable housing will be sought on sites of 5 units or more.

**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
- Affordable Housing
- Planning Obligations
- Nature Conservation
- Development of Flats

### **National Guidance**

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

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

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

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

- Policy 1 – Where Wales will grow
- Policy 2 – Shaping Urban Growth
- Policy 7 – Delivering Affordable Homes

#### SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys

Other relevant national policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing  
PPW Technical Advice Note 12: Design  
PPW Technical Advice Note 18: Transport  
Manual for Streets.

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

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

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

#### **Main Issues:**

## **Principle of the proposed development**

LDP Policies AW1, AW2 and SSA13 seek to promote development in sustainable locations in order to protect the countryside from incremental loss and urbanisation.

In this case the site is located inside the defined settlement boundary and within an established residential area which is accessible by sustainable transport options; primarily a local bus service offering travel to the nearby retail area of Talbot Green, to Cardiff City Centre and onward travel to the wider area.

These bus stops are located approximately 340m to the north of the site and 380m to the south. By way of comparison, the latter is comparable to the walking distance between the new Llys Cadwyn library and Boots store in Pontypridd town centre.

Policy CS2 also seeks to protect the culture and identity of communities by focusing development within defined settlement boundaries and promotes the reuse of under and previously developed land and buildings.

With regard to the last point, the relevance of Policy AW11 was also considered. For buildings that have been employment sites and where a change of use is proposed, the policy requires evidence of marketing to demonstrate a lack of demand for retention for employment purposes.

Nevertheless, since the closure of the school, there have been no subsequent planning applications for a Use Class A or B development. Therefore, the established lawful use is considered to remain as Class D1 which incorporates a range of uses such as clinics, health centres, creches, day nurseries, schools, non-residential education and training centres, museums, public libraries, public halls etc.

Whilst planning consent was granted for conversion of part of the building to a dwelling in 1994, it appears that this consent was never implemented. However, the building has been used more recently as a training centre by HCC, which Members will note is a Class D1 use. In light of the planning history, it is considered that Policy AW11 is not applicable.

Also considered to be inapplicable, despite the proximity of Hendy Quarry, is Policy AW14, which aims to protect mineral resources. The reason for this view is that the School site is already developed, and the proposal would not extend its curtilage or cause such mineral resources to be further sterilised, or their extraction prevented.

A further policy consideration is SSA11 where a minimum density of 35 dwellings per hectare is sought. The application site is approximately 0.11 hectares, and the proposal would result in a net residential density of roughly 118 dwellings per hectare, which is well in excess of the requirements of Policy SSA11.

Lastly, the Council's Housing Strategy Team has advised that this social rented scheme has been designed by Trivallis in dialogue with them, in order to help address the need for additional affordable housing within Miskin, and that the unit mix and

tenure proposed are in accord with the Local Housing Market Assessment 2017/23. As such, this proposal satisfies Policy SSA12.

Consequently, the site is considered to be in a sustainable location and the development would result in the refurbishment and reuse of a currently vacant building. The proposal would therefore comply with the primary objectives of the aforementioned policies and the principle of the proposed development in this location is considered to be acceptable.

### **National Sustainable Placemaking Outcomes**

PPW11 has placed great emphasis on the need for development proposals to demonstrate sustainable placemaking, and to ensure that the right development is achieved in the right place; furthermore, that these outcomes, which are contained within Chapter 2, are used to assess development proposals.

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

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

In addition to consideration of the placemaking merits of the scheme within the other sections of the report, the proposed development is considered to align particularly well with the following national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The development density exceeds that prescribed by Policy SSA11 and would help to provide much-needed affordable homes in an area of unmet demand.
- **Making Best Use of Resources:** The development would result in the re-use and regeneration of an existing building, and would be of sufficient quality given the need for it to meet affordable housing DQR standards
- **Facilitating Accessible and Healthy Environments:** The Transport Statement demonstrates that the property would not be car dependant, would benefit from public transport links and would have access to a range of goods and services within a reasonable travelling distance.
- **Maximising Environmental Protection:** A sustainable drainage scheme will provide betterment to existing surface water flow, and the development will introduce a small areas of planting and soft landscaping, where currently there is none.
- **Growing Our Economy in a Sustainable Manner:** The development would have a positive effect in terms of construction jobs.

No negative impacts, upon any of the other national outcomes, were identified.

### **Impact on the character and appearance of the area**



The proposed development seeks to retain the existing school building, although the shell of the structure would be subject to extension and modification in order to enable the level of accommodation required by the Applicant.

Although the development would cause a marked change to the appearance of the rear of the building, the proposed extension to the front is that which would have the greater impact on the street scene, and which has been a concern of objectors.

Whilst the character of the building would undoubtedly be altered and the contemporary extensions would add substantially to its mass, it should be recognised that the property is not listed, and the site is not within or adjacent to the Misikin Conservation area.

Whilst the appropriateness of design of the development may be subject to differing opinions and individual interpretation, it is considered preferable that the Applicant has sought to convert the property rather than demolish it and replace with a modern alternative.

LDP Policies AW5 and AW6 identify the most relevant design criteria that should be considered, including that the scale, form, and design of the development would have no unacceptable effect on the character of the site and surrounding area, and that elevational treatment, materials and detailing are appropriate to the local context.

As noted during the site visit, the surrounding development in this part of the village is mostly of later 20<sup>th</sup> century construction. This includes all of the properties on the western side of School Road from the large, modern All Hallows Church at its northernmost end, and to the south, beyond its junction with The Chestnuts.

On this basis it is considered it would not be reasonable to argue that the development would be out of keeping with, or cause detriment to, the local character. Consequently, whilst the design approach of aiming to blend traditional finishes with modern elements may not suit all tastes, for the purposes of planning policy the scheme is not considered to be visually harmful or introduce any degree of incongruity sufficient to warrant a recommendation of refusal on these grounds.

## **Impact on amenity**

### Neighbouring occupiers

The conversion of the school building would not affect its physical relationship with neighbouring properties, and the development would not therefore cause harm by detriment to outlook or by overshadowing.

In this regard particular attention was given to any impact upon the two residential properties adjacent to the site boundary, and also as to whether any overlooking opportunities would be likely from the conversion.

Whilst the modifications to the rear of the school building would alter the northern side elevation facing towards Old School House, its height would not exceed that of the existing roof. Furthermore, this neighbouring house occupies a slightly higher plot,

thus the outlook from its first floor side window would not be considered to be compromised, compared with the current situation.

In respect of the adjacent house to the south, Crud yr Awel, the overall scale of the side elevation would be unchanged. As noted within the application details section further above, a revision was submitted to remove a small gable window, since it was considered possible that it might enable intrusive views towards Crud yr Awel.

Subsequently, the only first floor windows of concern - namely those neither looking towards blank elevations nor screened by existing boundary treatments - would now be roof lights. Due to their position in the relevant roof planes, both in terms of their internal/external height and set back from the eaves, it is considered they would not affect the residential privacy of either Crud yr Awel or Old School House.

Other than those matters mentioned, a condition for a construction method statement is recommended for the purposes of minimising disruption and dust issues. A further issue of concern to immediate neighbours was highlighted in respect of whether the communal amenity area would cause future residents to congregate there to smoke and cause a pollution nuisance.

The Applicant has confirmed that while smoking is not permitted in internal communal areas, such as corridors and staircases, residents are able to smoke in their flats and would not have to go outside. Otherwise, the situation would not be very different from any other residential arrangement where back gardens share a boundaries, so although the concern is appreciated, it would not provide a sustainable reason for a planning objection.

The nearest other properties to the application site are located on the opposite side of School Road. Due to the topography and distance between windows of habitable rooms in opposing elevations being no less than 24m, the conversion of the school would not cause detriment to the amenity from reciprocal intrusive views.

#### Future occupiers of development

The main considerations relating to the quality of life and amenity standards of future residents of the former school building are incorporated within the Council's SPG for the Development of Flats.

The SPG does not stipulate internal space requirements, but in this case the Welsh Government's Delivering Quality Requirements (DQR) sets minimum standards of floorspace for social housing developments built by housing associations. These standards must be met for such schemes to receive the housing grant necessary to enable their construction.

Therefore, although a number of objectors have raised concerns about the density of the scheme and the desirability of having 11 units within the extended school building, it is considered that this would not provide a sustainable planning reason for a refusal of consent.

In terms of any external amenity space, the DQR only sets a standard for houses and bungalows, requiring 40m<sup>2</sup> and 30m<sup>2</sup> respectively, although means for the drying of clothes and storage of waste are specified for flats.

Nonetheless, the Council's SPG does address this matter and states that residents of flats "should be provided with access to either private or communal outdoor space, such as a balcony or garden, unless the possibility of this is restricted by other factors. Flats without outdoor space are more likely to be acceptable where high quality public open space is located close by".

Initially, the proposed conversion did not include any communal 'garden' area, as that now allocated was identified for the benefit of the duplex apartment only. However, following representations to the Applicant's Agent, as the report previously advises, the current alteration was made.

Representations, regarding whether the amount of amenity space to be provided will be sufficient for the wellbeing of residents, have been eloquently made by a number of objectors, given the density of the scheme and the potential number of residents.

It is noted that Miskin is well-placed to access links for longer countryside walks and the village is a pleasant area in which to walk around, and although there is a large public open space further to the north west (426m as the crow flies), there are no immediately accessible formal recreation or park areas for those who may be less mobile.

The last year of lockdowns and restrictions on movement caused by Covid has highlighted the value of immediate access to quality outdoor space, and these matters have been well-covered in the media, where residents of flats have been badly hit, particularly in urban areas and inner cities.

The need to ensure such access in the future has been recognised by public and professional bodies and the Welsh Government published Building Better Places in July 2020, setting out priorities and actions for placemaking, in response to the effects of the pandemic.

Building Better Places recognises the value of green infrastructure, health and well-being and ecological resilience in general terms, as well as protecting and improving access to recreation and natural green spaces - already a national sustainable placemaking outcome. Understandably, it does not qualify or quantify what might be acceptable for a small housing scheme in an established settlement, and the judgement remains one for the decision maker.

The Applicant was asked to consider options for reducing the scale of the scheme and number of dwellings to enable more communal external space on site, and it is disappointing that the development is to be considered more or less on the same basis as originally submitted. However, the Applicant's position is also appreciated in that such requests have to be considered along with the overall viability of the scheme and the desire to deliver as many affordable homes as possible to address unmet needs.

On balance and set against the other material matters that weigh in favour of the scheme, any shortfall in communal external amenity space provision is not considered to be of sufficient detriment to warrant a recommendation of refusal in this instance.

## **Access and highway safety**

### Access

The application property is served from School Road, Miskin which has a carriageway width of 5.9m and footways to a width of 1.5m. The latter is of slight concern since the current standard footway width recommended for safe pedestrian movement is 2m.

As part of the development the vehicular access to the rear car parking area is proposed to be widened to 5.5m for a short distance to assist vehicle turning manoeuvres into and out of the access, then continuing at 3.5m in width for the remainder of its length, which is acceptable. The submitted floor plans indicate that primary access to the eleven dwellings would be via a communal entrance directly from School Road, which is considered acceptable.

The submitted plans also indicate that the kerb line on the development side of School Road is to be 'built-out' to improve available vision for vehicles exiting the parking area. Full engineering design and details of the proposed alterations to the kerb line can be secured by the recommended condition.

### Vision splays

In the vicinity of the site School Road has a speed limit of 30Mph. TAN 18 states that a visibility splay of 2.4m x 40m is required, however due to the boundary wall of the adjacent properties the visibility splay is totally obscured to the right.

As noted above, the proposed site plan incorporates a localised narrowing of School Road to 5.5m, which would allow the kerb line on the development side to be 'built-out' to improve the available vision splays. As such, the proposal offers betterment to the existing situation and given that the access is to serve off-street parking only no highway objection is raised.

### Vehicle Parking

The proposal comprises of 10 one-bed and 1 two-bed apartments. The Council's adopted SPG for Access, Circulation and Parking states that 1-2 bedroom dwellings have a maximum off-street parking requirement of 2 spaces per dwelling plus 1 space per 5 dwellings for visitors, which in this case equates to a total maximum requirement 25 spaces (22 for residents and 3 for visitors).

The submitted information indicates that 11 spaces are to be provided, resulting in a shortfall of 12 spaces, which gives cause for concern. However, considering that the majority of the dwellings would be 1 bedroom apartments, which tend to demonstrate lower car ownership rates, the Council's Highways and Transport Section considers that the provision of 11 spaces is, on balance, acceptable in this instance.

## Cycle Parking

The aforementioned SPG identifies that the development would have a cycle parking requirement of 1 stand per 5 bedrooms. There are a total number of 12 bedrooms proposed, equating to a requirement of 3 stands. The submitted information indicates provision of 6 stands. Therefore, the proposal provides acceptable cycle parking provision.

## **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 £85m<sup>2</sup> for residential development (including extensions to dwellings over 100m<sup>2</sup>).

The CIL (including indexation) for this development is expected to be £52,642.56.

However, social housing relief may be claimed on the social housing element of the development.

## **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, on behalf of the Registered Social Landlord Trivallis, would provide 100% affordable housing for social rent.

Therefore, a S106 agreement will be required to ensure that the dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs.

## **Conclusion**

For the reasons given above the proposed conversion of the school for residential use is considered to be acceptable in principle and would be compatible with neighbouring land uses.

Both the design of the scheme and reuse of this vacant building would represent a considerable improvement to the appearance of the site and immediate street scene and would retain key features of the original Victorian building.

Although concerns remain about the limited amenity space that would be afforded to new residents, the acceptability of the scheme in all other planning respects, together with its contribution towards meeting affordable housing needs, weigh more heavily in its favour.

Therefore, subject to the conditions suggested below and the Section 106 agreement to secure the tenure of the scheme, the recommendation to Members is that the proposed development is acceptable.

## **RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW AND A SECTION 106 AGREEMENT:**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans and drawings:
  - A006 Rev E Proposed Site Layout
  - A007 Rev B proposed Ground Floor Plan
  - A008 Rev B Proposed First Floor Plan
  - A009 Rev B Proposed Roof Plan
  - A010 Rev A Proposed Front and Rear Elevations
  - A011 Rev B Proposed Side Elevations
  - A015 Plot 6 – Section and Elevation

and documents received by the Local Planning Authority on 25<sup>th</sup> November 2020 and 10<sup>th</sup> March 2021, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence until full engineering design and details of the proposed alterations to the kerb line on School Road have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior of beneficial occupation of any dwelling.

Reason: To ensure the adequacy of the proposed highway improvement works, 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. No development shall commence, including any works of site clearance or demolition, 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.
  - h) Means of protecting neighbouring properties from dust and debris from demolition and construction activities.

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.

5. 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:
  - (a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
  - (b) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any

contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (a) above.

(c) A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

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

6. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in condition 5) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the LPA. Any validation report shall be carried out by a competent person.

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

7. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the LPA prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

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

8. No infiltration of surface water into the ground is permitted other than with the express written consent of the LPA, 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.

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 development shall commence until details of the external materials and finishes proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.



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

10. The off-street parking area at the rear of the development together with its means of access shall be laid out and constructed on site in permanent materials in accordance with submitted drawing no. A006 Rev E. The parking spaces and access shall remain for their intended purposes 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.

11. Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 7.5 l/s.

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

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## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### PLANNING & DEVELOPMENT COMMITTEE

18<sup>th</sup> May 2021

### SITE MEETING

#### APPLICATION NO. 20/1345/15

Variation of condition 7 (sales of goods) of planning permission 98/4284/15.  
TIRFOUNDER FIELDS, CWMBACH, ABERDARE

And

#### APPLICATION NO. 20/1346/15

Variation of condition 1 approved plans of planning permission 18/0366/39.  
TIRFOUNDER FIELDS, CWMBACH, ABERDARE

### REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION

**Author:** Jessica Daniel, Council Business Unit.

#### **1. PURPOSE OF THE REPORT**

- 1.1 To consider the outcome of the site inspection in respect of the above-mentioned proposals and to determine the application, as outlined in the report of the Director, Prosperity & Development, attached at Appendix 1 and 2.

#### **2. RECOMMENDATION**

It is recommended that Members:

- 2.1 Approve the applications in accordance with the recommendation of the Director, Prosperity & Development.

#### **3. BACKGROUND**

- 3.1 In accordance with Minute No's. 168 and 169 (Planning and Development Committee – 29<sup>th</sup> April 2021) a site inspection was undertaken on Tuesday

- 18th May 2021 to consider the risk and impact of flooding at the proposed site
- 3.2 The meeting was attended by the Planning and Development Committee Members County Borough Councillors S. Rees, G. Caple, D. Grehan, P. Jarman and J. Williams.
  - 3.3 The Local Member, County Borough Councillor J. Elliott was also present at the meeting.
  - 3.4 Apologies for absence were received from Committee Members - County Borough Councillors J. Bonetto, G. Hughes, W. Owen, S. Powderhill, D. Williams and R. Yeo
  - 3.5 Members met at the entrance to the site. The Planning Officer advised that The applications seeks to vary the approved plans condition 1 for the reserved matters approval 98/4647 which was approved pursuant to outline planning permission 98/4284 and vary the terms of condition 7 applied to planning permission 98/4284 relating to the range of goods that can be sold from the Tirfounder fields site.
  - 3.6 Members were reminded of the live permission already granted at the site and showed Members visual representations of the proposed amended layout to the site. The Planning Officer advised Members that there have been no objections received from statutory consultees.
  - 3.7 Members spoke of the concerns regarding the risk of flooding at the site and were advised that the response received from Natural Resources Wales raised no objection or sought further information.
  - 3.8 Members queried the current flood alleviation scheme that is being carried out on land near to the site and requested clarification of the potential future impacts flooding could have at the site on nearby residential properties. Members were informed that a response would be sought from the Flood Risk Management Officer who would be present at the full committee meeting.
  - 3.9 Local Member, County Borough Councillor J.Elliott spoke on the applications and also raised his concerns in respect of the risk of flooding and the resulting impact on residential properties near-by. Concerns were also raised in respect of drainage schemes required as part of the application.
  - 3.10 The Chair thanked the officers for the report and closed the meeting.



## **PLANNING & DEVELOPMENT COMMITTEE**

**29 APRIL 2021**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1345/15 (GD)  
**APPLICANT:** Lidl Great Britain Ltd  
**DEVELOPMENT:** Variation of condition 7 (sales of goods) of planning permission 98/4284/15.  
**LOCATION:** FFORDD TIRWAUN, CWMBACH, ABERDARE  
**DATE REGISTERED:** 09/12/2020  
**ELECTORAL DIVISION:** Cwmbach

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**RECOMMENDATION:** Approve

**REASONS:** The principle of the proposed development is well established in the initial grant of outline planning permission and the subsequent planning applications and approval of reserved matters in relation to the development of this site.

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

- Three or more letters of objection have been received.

#### **APPLICATION DETAILS**

This application seeks to vary the terms of condition 7 applied to planning permission 98/4284 relating to the range of goods that can be sold from the Tirfounder fields site. Condition 7 currently states the following –

*Save with the consent of the Local Planning Authority in writing the following goods only shall be sold from any further retail units to be erected on the retail park subject of this consent: DIY and garden related goods, caravans, boats, tool hire, building goods and products, furniture and furnishings, electrical and gas goods and products, carpets, floor coverings, cars/cycles and their accessories, office goods and equipment, pets and pet supplies. Any application for consent under the terms of this condition shall be accompanied by evidence or justification (including retail impact assessment where necessary) demonstrating the effect on retail trading in Aberdare and Mountain Ash town centres.*

*Reason: To define the extent of the consent granted and to ensure that no adverse impact is generated on the vitality, attractiveness and viability on the nearby town centres of Mountain Ash and Aberdare.*

The applicants aim to have the wording of condition 7 altered to read as follows –

*7. Save with the consent of the LPA in writing, with the exception of the food store unit described in the plans accompanying this application, the following goods shall only be sold from any further retail units to be erected on the retail park subject of this consent: DIY and garden related goods, caravans, boats, tool hire, building goods and products, furniture and furnishings, electrical and gas goods and products, carpets, floor coverings, cars/cycles and their accessories, office goods and equipment, pets and pet supplies. Any application for consent under the terms of this condition shall be accompanied by evidence or justification (including retail impact assessment where necessary) demonstrating the effect on retail trading in Aberdare and Mountain Ash town centres.*

*Reason: To define the extent of the consent granted and to ensure that no adverse impact is generated on the vitality, attractiveness and viability on the nearby town centres of Mountain Ash and Aberdare.*

In essence if Members allow this proposal along with that submitted under application 20/1346 it would result in the construction of a Lidl food store on the southern part of this site and the reconfiguration of the southernmost unit of the formerly approved block B.

The application is accompanied by the following:

- Retail Impact Assessment
- Approved and proposed plans...
- Application forms and certificates
- CIL forms.

## **SITE APPRAISAL**

The application site in this instance comprises the largely undeveloped area of land located between the established retail outlets and the railway line at Cwmbach. The site comprises the vacant land to the east of the Asda store and is the only part of the wider retail site initially granted planning permission in 1989 that is yet to be developed. The site occupies a substantial portion of the valley floor between Aberaman and Cwmbach and lies immediately south of a Persimmon housing development.

## **PLANNING HISTORY**

20/1346	Variation of condition 1 approved plans of NMA 18/0366	Not Yet Determined
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18/0366	NMA to insert a condition into ARM 98/4647 to identify approved plans	Approved 8 <sup>th</sup> May 2018
98/4647	Reserved Matters retail (all except Asda) restaurant and hotel pursuant to 51/87/0244	Approved 17 <sup>th</sup> March 2008
98/4284	Variation of conditions 15 & 16 of planning permission 51/87/0244	Approved 10 <sup>th</sup> December 2007
98/4283	Variation of condition 18 of 51/87/0244 (minimum unit size)	Approved 16 <sup>th</sup> December 1998
98/4223	Variation of condition 17 of 51/87/0244 (maximum retail floorspace)	Approved 16 <sup>th</sup> December 1998
98/4120	Variation of condition 2 of 51/87/0244	Approved 3 <sup>rd</sup> June 1998
97/4289	Vary condition 3 of 51/87/0244 and condition 1 of 51/93/0428	Approved 30 <sup>th</sup> December 1997
51/96/0022	Access reserved matters under 51/87/0244	Approved 18 <sup>th</sup> March 1996
51/93/0428	Reserved matters retail park, hotel and bowls hall	Approved 19 <sup>th</sup> February 1996
51/92/0362	Vary conditions 2 & 3 of 51/87/0244	Approved 23 <sup>rd</sup> September 1992
51/87/0244	Retail park, hotel and bowls hall (outline application)	Approved 18 <sup>th</sup> December 1989

## PUBLICITY

The application has been advertised by means of site notices and neighbour notification letters and four objections have been received raising the following issues

—

- The application is submitted under Section 73 which means that the Local Planning Authority can reconsider whether planning permission should be refused or what conditions should be imposed.
- Concerns over flooding have increased significantly and residential development has been completed nearby, sustainable drainage systems are now a priority to be addressed in development and there is nothing in the current application to suggest the proposals are supported by a Flood Consequences assessment.
- The site does not adjoin the river Cynon but a flood overflow channel that rose significantly during wet periods over the last year. The application does not

appear to acknowledge that a watercourse lies within the site nor does it address the consequences of building over it.

- The plans indicate that the level of the site would be raised which could affect any flood storage capacity that the site currently provides making vulnerable property even more vulnerable.
- The views of NRW should be sought before any decision is made in respect of this application.
- No evidence is available on the public file that indicates the development would not adversely affect the surrounding area.
- The proposals fail to demonstrate compliance with Local Development Plan Policy AW5(6) which requires compliance with national policy in respect of development within flood zone C (TAN 15).
- Policy AW6(16) requires new development to demonstrate good water management and there is nothing in the proposals to indicate this.
- There is nothing in the proposals to indicate that policy AW10(8) - flooding has been addressed.
- The application is not supported by any kind of transport assessment that takes into account traffic movements in the construction or operational phase, compared to the terms of the original consent
- Currently traffic can be queuing on the A4059 past the Asda roundabout and residents of Tirfounder Fields experience difficulty exiting on to the road. The application is not supported by any evidence that the development would not exacerbate this situation. One resident suggest that a traffic light solution is needed
- The Asda roundabout is dangerous as it is not used properly by drivers, accessing the housing development is ignored by drivers using the bypass road leading to near misses. Similarly, illegal parking on the access road is also a problem that causes difficulties and additional development will make this worse.
- Asda lorries park up on the estate road adjacent to the play area making it unsafe for the children of the area to use.
- There is no evidence that LDP policy AW5.2(c) will be complied with or that traffic congestion will not occur or be exacerbated by these proposals.
- The loss of landscaping on the original scheme fronting the highway is opposed there is no softening of the development from public views or a green barrier to separate vehicle fumes in the adjoining car park from pedestrians using the pavement.
- The proposed layout and lack of detail submitted do not demonstrate the development accords with the requirements of LDP policy AW6 (7)
- The developer has not addressed the requirements of the Environment Wales Act 2016 relating to the obligation to maintain and enhance biodiversity in development. The scrubland has recently been obliterated and its biodiversity lost with no ecological studies having been carried out within the last 2 years. Nothing is submitted with the scheme to indicate any compensatory or enhancement measures on site as a consequence of the proposed development.
- LDP policy AW6(14) promotes development that protects and enhances landscape and biodiversity, whilst policy AW8(2) requires development to have



no unacceptable impact on features of importance to landscape or nature conservation and neither requirement appears to have been met.

- The site is not allocated for retail development in the LDP so presumably the development is being treated as a departure from the Local Development Plan.
- Confusion over approved plans is expressed given the difference between the plans approved under non material amendment 18/0366 and those approved for highways under 98/4647
- Compliance with conditions of 51/87/0244 is also questioned.
- Gardens will be overlooked by delivery vehicles and the proposed buildings. Invading the fundamental human right to privacy and family life and the peaceful enjoyment of possessions.
- The completion of the service road immediately adjacent to properties which has the potential to cause damage to property and outbuildings.
- Delivery vehicles and the proposed buildings will create disruption and pollution having a negative impact on air quality
- The proposals have little or no regard to their potential to cause or worsen flood risk to existing dwellings either through the removal of the natural flood storage pond that has developed adjacent to the housing development or through the lack of details relating to proposals for the drainage infrastructure that ends in the site.
- Residents of Tirfounder Fields pay a maintenance charge to manage the flood relief channel and it is not clear how this would be affected if this site is developed.
- Developing so close to homes on a mass of water opposite where the Council have identified a need for flood prevention works (Canal Road) is not a good idea and would counteract the Council's priorities.
- The play area adjacent to the access road is now operational and the area already suffers with cars parking along the access road to visit the shops the additional access road and more vehicular traffic will have an adverse impact on road safety, making the playground too dangerous to for Children to access. This again conflicts with the Council's priorities for future generations.
- The development will have a negative impact on the value of the homes that sit adjacent to its boundary.
- The long term environmental and climate impacts of the proposed development on future generations needs to be properly considered.
- Further development will result in increased littering.
- Homeowners should have a separate access/egress for the estate.

## **CONSULTATION**

Transportation Section – There would be no objection to the variation of condition 7 subject to the proposed use complying with the Council's SPG Access, Circulation & Parking with no detrimental impact on the public highway.

Natural Resources Wales – Indicate that the consideration of this application lies outside of their remit

## **POLICY CONTEXT**

## **Rhondda Cynon Taf Local Development Plan**

**Policy CS1** – places an emphasis on building strong and sustainable communities in the northern strategy area

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

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW8** – sets out criteria for the protection of the natural environment that new development should meet.

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

### **Supplementary Planning Guidance**

Design and Placemaking

Design in Town Centres

Access Circulation and Parking

Shopfront Design

### **National Guidance**

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

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

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

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

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

- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
- Policy 6 - Town Centre First – commercial/retail/education/health/public services

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;  
 PPW Technical Advice Note 12: Design;  
 PPW Technical Advice Note 15: Development and Flood Risk;  
 PPW Technical Advice Note 18: Transport;  
 PPW Technical Advice Note 23: Economic Development;  
 Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

In this instance, the applicants have submitted an application under s.73 Town and Country Planning Act 1990 to amend condition 7 of Planning Permission 98/4284 (see above) relating to the range of goods that can be sold from the balance of the consented retail development. In such circumstances the Local Planning Authority are required to consider only the conditions subject to which the planning permission should be granted and in doing so the Local Planning Authority must consider whether there has been any change in policy or any other material circumstance that might affect the proposal. If the application is successful, this results in the grant of a new permission.

The Local Planning Authority may grant the permission subject to conditions differing from those to which the previous permission was granted or refuse the application. The Local Planning Authority however do not have the power to impose conditions which could not have been imposed on the original permission nor impose conditions that would result in a fundamental alteration to the development approved by the original application. Whether the application is granted or refused the original grant of planning permission would remain.

The key determinants in the consideration of this application are that the site benefits from an extant planning permission for retail development, albeit that is with a higher degree of restriction in terms of the range of goods that can be sold, the planning policy position, and the impact that proposed changes would have on adjacent town centres. The site benefits from detailed reserved matters consent for retail development initially

approved under application 98/4647 with the approved plans subsequently specified under the non-material amendment 18/0366. The consent remains extant as a result of the partial implementation of the approved service access. In planning policy terms, the site lies within the settlement limits as defined by the Rhondda Cynon Taff Local Development Plan and within the Cynon Valley River Park designation. The site is not allocated for any specific use. The presence of the site within the designation does not prevent its redevelopment but it does place a requirement on the developer to visually enhance the site through the development process, and this the current proposals would achieve. The development would take place within defined settlement limits and it would not, as one objector has suggested, represent a departure from the plan. Because the proposed broadening of the range of goods to be sold could have an adverse impact on the retail centres of Aberdare and Mountain Ash, the applicants have supported the current applications with a retail impact assessment. The assessment has been the subject of independent scrutiny by Lichfields on behalf of the Council and the findings have been found to be robust. The reports establish that the impacts on Aberdare and Mountain Ash will not be sufficiently substantive so as to have an adverse impact.

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

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

In that the Council can approve with or without conditions, it is also appropriate to consider the extent and nature of all the previous conditions attached and if the application is to be granted amend them to reflect current circumstances and requirements

Members will note that the objections raised in respect of the current applications covering a variety of topic areas. Keeping in mind the nature of the current application and the process that has to be followed in its determination as described above, the following comments are offered.

***Planning policy, procedural and legal issues*** – Policy AW5(6) does require compliance with Technical Advice Note 15 Development & Flood Risk and this would have been the case when retail development was proposed and approved for this part of the site.

Policy AW6(16) does require the developer to demonstrate good water management, but it does not oblige them to do so before permission is granted. On this point Members are referred to the comments on drainage below.

With regard to Policy AW10(8) relating to flooding see below.

Policy AW5.2(c) and the impact on congestion – see below.

Policy AW6(7) relates to making landscaping an integral part of the development which in the context of a commercial development the revised proposals achieve – also see below.

Policy AW6(14) aims to protect and enhance landscape and biodiversity and these issues are addressed below. Similarly concerns expressed in respect of policy AW8(2) are noted but objectors have not identified specifically what their concerns are in this regard and these issues are again addressed below

**Highways and transportation issues** – The application is not accompanied by any kind of transport assessment or statement but it does not need to be. Members should note that the Transportation section has not requested one and have raised no objections to the current proposals. Furthermore, the objector has failed to recognise the reduced nature of the development now proposed reflected in the overall reduction in approved floorspace that the new proposals would involve (circa 1280 square metres gross less) or the fact that a food store will drive the number of linked trips.

The accusation that the proposals will increase congestion on the A4059 is not supported with any evidence and reflects an existing problem that there is no evidence the current proposals will make any worse particularly when the fall back of an extant consent that could still be implemented is taken into account.

The behaviour of a small minority of motorists on the Asda roundabout is not a sustainable reason to resist the current proposals and neither is the behaviour of delivery lorries serving the same store nor the illegal parking of motorists on the access road.

The presence of the play area and the parking around it is of little consequence to the current proposals as the foodstore would be accessed from a roundabout located further south

**Amenity issues** – In comparison to the original approved details for the site that could still be implemented there is no loss of landscaping, in fact there is a slight improvement with thicker planting bunds to the fringes of the site. Furthermore, whilst the objectors don't indicate what aspects of the landscape they consider important or worthy of protection historically this part of the valley floor has been considered of low landscape value which is probably a result of the fact that historically it was a tipping site.

**Physical and social infrastructure issues** – On the issue of drainage, Members should note that because of the age of the initial permissions the obligation to pursue a SUDS approach to drainage does not apply and the principles that apply to flooding (including the issues relating to the flood relief channel) and indeed any flood consequences assessment issues would have been dealt with previously and the applicants have every right to rely on their findings.

**Ecology** – the site has a long history of consent for retail development that dates back some 30 years and what objectors describe as scrubland has no recognised ecological value and the owner has every right to undertake clearance and maintenance as they

see fit. This could have been undertaken in any event as a consequence of the extant planning permission. As such the fact they have done so cannot be held against the current proposals. The requirements of the Environment Wales Act 2016 are reflected in Planning Policy Wales 11 as is the obligation to maintain and enhance biodiversity as introduced through the Wellbeing of Future Generations Act but it cannot be applied retrospectively.

**Other issues** – The developer has acknowledged an initial error in that the site does not lie adjacent to the River Cynon but the flood relief channel.

The objector is unclear as to the watercourse within the site referred to in the objection. The initial intention of creating the flood relief channel amongst other things was to allow the replacement of the Cwmbach ditch which previously crossed the site. In any event the development of the site will need to develop a drainage system that is acceptable to Flood Risk Management.

It is well established that for the purposes of TAN 15 Development and Flood Risk the falls within zone C2. However, Members should keep in mind that for the purposes of TAN15 retail development is considered a less vulnerable form of development and that in this case under previous approvals the raising of the site levels to the satisfaction of Natural Resources Wales and their predecessors has been previously agreed, and as part of that the applicants or their predecessor would have demonstrated that there would be no adverse impact on flood storage or adverse impacts elsewhere.

To suggest there is no evidence on file that the proposed development would not adversely affect the surrounding area, ignores the fact that these issues would have been fully addressed in the course of the initial approval for retail development on this site.

The service road already has the benefit of planning permission to run behind the houses to the immediate north of the site and has already been partially implemented. In this case it worth noting that the proposed arrangement has the effect of potentially reducing its impact as the food store if allowed would service from its own car park rather than via the service road. In any event the arrangement has already been deemed acceptable in amenity terms in the earlier grant of reserved matters approval.

A number of residents have made reference to various other bodies of legislation, claiming that allowing the proposals would be contrary to their requirements. The legislation and documents cited are as follows -

- The Human Rights Act 1998
- The Wellbeing of Future Generations (Wales) Act 2015.
- The Environment (Wales) Act 2016.

The planning system by its very nature respects all legislation that influences it and the rights of the individual whilst acting in the interest of the wider community. It is an intrinsic part of the decision-making process for the Council to assess the effects that

a proposal will have on individuals, and weigh these against the wider public interest in determining whether a development should be allowed to proceed. In carrying out this balancing exercise the Council will of course wish to be satisfied that it has acted proportionately. In the present case, as detailed in this report, officers have considered and balanced those material considerations relevant to the application in making the recommendation to Committee.

How the management and maintenance of the flood relief channel happens or who contributes to it has no bearing on the acceptability or otherwise of the current proposals in planning terms.

The impact of the proposed development on house prices is not a material planning consideration and cannot influence the decision to be made in respect of this application.

Whilst home owners on the estate might desire a separate access and as something of itself it might be regarded as an improvement its presence or absence cannot influence a decision in this reserved matters submission.

Members will note the comments from highways and transportation above, and are advised that if they are minded to approve this planning application then in order to secure the required highway arrangements to serve the development the conditions applied to application 20/1346 are also applied here

### **Community Infrastructure Levy (CIL) Liability**

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

The application is for development of a kind that is CIL liable under the CIL Regulations 2010 (as amended).in this instance, due to the nature of the application being a Section 73 application and the proposals involving the creation of less floor space than was previously approved, under Regulation 128A the CIL charge is nil, £0.

### **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan insofar as it relates to the condition that it is proposed to alter. The applicants have supported the proposals with a retail impact assessment that demonstrates that the impact of the proposed development on the nearby town centres are acceptable.

### **RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the following approved plans/drawings/documents --

- P101 Rev B proposed floor plan
- P102 Rev B proposed floor plan areas
- P103 proposed roof plan
- P201 Rev B phase 1 & 2 elevations
- P202 Rev B proposed elevations
- P400 Rev D proposed site plan
- P401 Rev D phase 1 & 2
- P402 Rev B phases elevation plan
- P403 location plan
- LIAS design notes & luminaire schedule DWG00;
- proposed lighting layout DWG 01

unless otherwise to be approved and superseded by details required by any other condition attached to this consent

Reason In order to define the extent by the permission hereby granted and to ensure that the development is carried out in accordance with the approved plans.

3. Save with the written consent of the Local Planning Authority, with the exception of the foodstore unit described in the approved plans, only the following goods shall be sold from any other retail units to be erected on the retail park subject of this consent: DIY and garden related goods, caravans, boats, tool hire, building goods and products, furniture and furnishings, electrical and gas goods and products, carpets, floor coverings, cars/cycles and their accessories, office goods and equipment, pets and pet supplies. Any application for consent under the terms of this condition shall be accompanied by evidence or justification (including retail impact assessment where necessary) demonstrating the effect on retail trading in Aberdare and Mountain Ash town centres.

Reason: To define the extent of the consent granted and to ensure that no adverse impact is generated on the vitality, attractiveness and viability on the nearby town centres of Mountain Ash and Aberdare.

4. No development shall take place until the drainage arrangements to serve that phase of development have been submitted to and approved in writing by the Local Planning Authority.



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

5. No retail unit shall be occupied until the drainage works to serve that phase of development have been completed in accordance with the approved plans.

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

6. The gross retail floorspace for the scale of electrical goods in phase 2 of the revised layout shall not exceed 1673 square metres (18000 sq ft) and for furniture and carpets shall not exceed 5576 square metres (60000 sq ft).

Reason: Any further change to a more comprehensive form of retailing would result in a larger unacceptable volume of trade being drawn away from the town centres of Aberdare and Mountain Ash.

7. Save with the consent of the Local Planning Authority, the size of any individual retail unit shall not be less than 929 square metres (gross). Any application for consent under the terms of this condition shall be accompanied by evidence or justification (including retail impact assessment where necessary) demonstrating that the effect on retailing in Aberdare and Mountain Ash town centres respectively.

Reason: Any further change to more comprehensive form of retailing would result in a larger and unacceptable volume of trade being drawn away from the town centres of Aberdare and Mountain Ash.

8. The threshold levels of all new proposed buildings shall be set a minimum of 600mm above the Q100 level for the site as agreed with Natural Resources Wales.

Reason: The site is liable to flooding during extreme weather conditions and to ensure that the risk and consequences of flooding have been fully taken into account.

9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order (as amended), or any order revoking or re-enacting that order, no unit within the development hereby approved shall be provided with a mezzanine level to increase the net sales area of the unit.

Reason: To protect the vitality, viability and attractiveness of the town centres at Aberdare and Mountain Ash.

10. Before the development is brought into beneficial use the means of access together with the parking and turning facilities shall be laid out in accordance with the submitted Corun amended access plan Drawing no: 20-00724 03

received 3<sup>rd</sup> January 2021. The approved details shall be implemented prior to the first occupation of the approved food store unit.

Reason: In the interests of highway safety.

11. Notwithstanding the submitted plans, no works whatsoever, other than site clearance, remediation and preparation works, shall commence on site until full engineering design and details of the new road layout, sept path analysis, footpath links, street signage, removal of existing signage, street lighting, surface water drainage and highway structures, including longitudinal and cross sections have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved details prior to the first occupation of the food store hereby approved.

Reason: To ensure the adequacy of the proposed development in the interests of highway safety.

12. Prior to the substantive completion of the food store hereby approved a delivery management plan for the servicing of the proposed store has been submitted to and approved in writing by the Local Planning Authority. The approved details shall remain in operation thereafter.

Reason: In the interests of highway safety to ensure the adequacy of the proposed access and circulation.

13. The vehicular access to the site shall be laid out constructed and retained thereafter with 2.4m x 40m vision splays.

Reason: To ensure that adequate visibility is provided in the interests of highway safety.

14. Surface water run off from the proposed development shall not discharge on to the public highway or be connected to any highway drainage system unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to prevent over capacity of the existing highway drainage system and potential flooding.

15. 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 unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of safety and the free flow of traffic.

16. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

17. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order) no extensions or alterations which increase gross floor space shall be erected or carried out.

Reason: To restrict the usable floor space of the premises in accordance with policy CS1 of the Rhondda Cynon Taf Local Development Plan.

18. Building operations shall not be commenced until samples of the external finishes 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 sample(s) 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.

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**PLANNING & DEVELOPMENT COMMITTEE**

**18<sup>th</sup> May 2021**

**SITE MEETING**

**APPLICATION NO. 20/1345/15**

**Variation of condition 7 (sales of goods) of planning permission 98/4284/15.**  
**TIRFOUNDER FIELDS, CWMBACH, ABERDARE**

**And**

**APPLICATION NO. 20/1346/15**

**Variation of condition 1 approved plans of planning permission 18/0366/39.**  
**TIRFOUNDER FIELDS, CWMBACH, ABERDARE**

**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION**

**Author:** Jessica Daniel, Council Business Unit.

**1. PURPOSE OF THE REPORT**

- 1.1 To consider the outcome of the site inspection in respect of the above-mentioned proposals and to determine the application, as outlined in the report of the Director, Prosperity & Development, attached at Appendix 1 and 2.

**2. RECOMMENDATION**

It is recommended that Members:

- 2.1 Approve the applications in accordance with the recommendation of the Director, Prosperity & Development.

**3. BACKGROUND**

- 3.1 In accordance with Minute No's. 168 and 169 (Planning and Development Committee – 29<sup>th</sup> April 2021) a site inspection was undertaken on Tuesday

- 18th May 2021 to consider the risk and impact of flooding at the proposed site
- 3.2 The meeting was attended by the Planning and Development Committee Members County Borough Councillors S. Rees, G. Caple, D. Grehan, P. Jarman and J. Williams.
  - 3.3 The Local Member, County Borough Councillor J. Elliott was also present at the meeting.
  - 3.4 Apologies for absence were received from Committee Members - County Borough Councillors J. Bonetto, G. Hughes, W. Owen, S. Powderhill, D. Williams and R. Yeo
  - 3.5 Members met at the entrance to the site. The Planning Officer advised that The applications seeks to vary the approved plans condition 1 for the reserved matters approval 98/4647 which was approved pursuant to outline planning permission 98/4284 and vary the terms of condition 7 applied to planning permission 98/4284 relating to the range of goods that can be sold from the Tirfounder fields site.
  - 3.6 Members were reminded of the live permission already granted at the site and showed Members visual representations of the proposed amended layout to the site. The Planning Officer advised Members that there have been no objections received from statutory consultees.
  - 3.7 Members spoke of the concerns regarding the risk of flooding at the site and were advised that the response received from Natural Resources Wales raised no objection or sought further information.
  - 3.8 Members queried the current flood alleviation scheme that is being carried out on land near to the site and requested clarification of the potential future impacts flooding could have at the site on nearby residential properties. Members were informed that a response would be sought from the Flood Risk Management Officer who would be present at the full committee meeting.
  - 3.9 Local Member, County Borough Councillor J.Elliott spoke on the applications and also raised his concerns in respect of the risk of flooding and the resulting impact on residential properties near-by. Concerns were also raised in respect of drainage schemes required as part of the application.
  - 3.10 The Chair thanked the officers for the report and closed the meeting.



## **PLANNING & DEVELOPMENT COMMITTEE**

**29 APRIL 2021**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1346/15 (GD)  
**APPLICANT:** Lidl Great Britain Ltd  
**DEVELOPMENT:** Variation of condition 1 approved plans of planning permission 18/0366/39.  
**LOCATION:** TIRFOUNDER FIELDS, CWMBACH  
**DATE REGISTERED:** 09/12/2020  
**ELECTORAL DIVISION:** Cwmbach

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**RECOMMENDATION: Approve**

**REASONS:** The principle of the proposed development is well established in the initial grant of outline planning permission and the subsequent planning applications and approval of reserved matters in relation to the development of this site.

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

- Three or more letters of objection have been received.

#### **APPLICATION DETAILS**

The application seeks to vary the approved plans condition for the reserved matters approval 98/4647 which was approved pursuant to outline planning permission 98/4284. The approved plans condition was inserted into the reserved matters consent under non material amendment 18/0366. All associated pre commencement conditions have been discharged and the previously approved details commenced on site in the partial construction of the site service road. The approved plans condition is as follows –

- 1 The consent hereby granted relates to the following plans -
  - Location Plan (Ref: AL8282(S)1(2500)
  - Layout Plan (Ref: AL8282(S)500)1G)

- Elevations (Ref: AL8282(D200)1A)
- Landscape Layout Plan (Ref: AL8282(L)5A)
- Lighting Layout (Ref: AL8282(L)11)

Reason: For the avoidance of doubt as to the approved plans.

The applicants aim is to have the wording of the approved plans condition altered to read as follows –

1. The consent hereby granted relates to the following plans -
  - P101 Rev B proposed floor plan.
  - P102 Rev B proposed floor plan areas
  - P103 proposed roof plans
  - P201 Rev B phase 1 & 2 elevations
  - P202 Rev B proposed elevations
  - P400 Rev D proposed site plan
  - P401 Rev D phase 1 & 2
  - P402 Rev B phase elevation plan
  - P403 location plan
  - Proposed lighting layout DWG01

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

In essence, if Members allow this proposal along with that submitted under application 20/1345 it would result in the construction of a Lidl food store on the southern part of this site and the reconfiguration of the southernmost unit of the formerly approved block B.

The application is accompanied by the following:

- Retail Impact Assessment
- Approved and proposed plans...
- Application forms and certificates
- CIL forms.

## **SITE APPRAISAL**

The application site in this instance comprises the largely undeveloped area of land located between the established retail outlets and the railway line at Cwmbach. The site comprises the vacant land to the east of the Asda store and is the only part of the wider retail site initially granted planning permission in 1989 that is yet to be developed. The site occupies a substantial portion of the valley floor between Aberaman and Cwmbach and lies immediately south of a Persimmon housing development.

## **PLANNING HISTORY**



20/1345	Variation of condition 7 (sales of goods) of planning permission 98/4284	Not Yet Determined
18/0366	NMA to insert a condition into ARM 98/4647 to identify approved plans	Approved 8 <sup>th</sup> May 2018
98/4647	Reserved Matters retail (all except Asda) restaurant and hotel pursuant to 51/87/0244	Approved 17 <sup>th</sup> March 2008
98/4284	Variation of conditions 15 & 16 of planning permission 51/87/0244	Approved 10 <sup>th</sup> December 2007
98/4283	Variation of condition 18 of 51/87/0244 (minimum unit size)	Approved 16 <sup>th</sup> December 1998
98/4223	Variation of condition 17 of 51/87/0244 (maximum retail floorspace)	Approved 16 <sup>th</sup> December 1998
98/4120	Variation of condition 2 of 51/87/0244	Approved 3 <sup>rd</sup> June 1998
97/4289	Vary condition 3 of 51/87/0244 and condition 1 of 51/93/0428	Approved 30 <sup>th</sup> December 1997
51/96/0022	Access reserved matters under 51/87/0244	Approved 18 <sup>th</sup> March 1996
51/93/0428	Reserved matters retail park, hotel and bowls hall	Approved 19 <sup>th</sup> February 1996
51/92/0362	Vary conditions 2 & 3 of 51/87/0244	Approved 23 <sup>rd</sup> September 1992
51/87/0244	Retail park, hotel and bowls hall (outline application)	Approved 18 <sup>th</sup> December 1989

**PUBLICITY**

The application has been advertised by means of site notices and neighbour notification letters and four objections have been received raising the following issues

—

- The application is submitted under Section 73 which means that the Local Planning Authority can reconsider whether planning permission should be refused or what conditions should be imposed.
- Concerns over flooding have increased significantly and residential development has been completed nearby, sustainable drainage systems are now a priority to be addressed in development and there is nothing in the current application to suggest the proposals are supported by a Flood Consequences Assessment.
- The site does not adjoin the river Cynon but a flood overflow channel that rose significantly during wet periods over the last year. The application does not appear to acknowledge that a watercourse lies within the site nor does it address the consequences of building over it.
- The plans indicate that the level of the site would be raised which could affect any flood storage capacity that the site currently provides making vulnerable property even more vulnerable.
- The views of NRW should be sought before any decision is made in respect of this application.
- No evidence is available on the public file that indicates the development would not adversely affect the surrounding area.
- The proposals fail to demonstrate compliance with Local Development Plan Policy AW5(6) which requires compliance with national policy in respect of development within flood zone C (TAN 15).
- Policy AW6(16) requires new development to demonstrate good water management and there is nothing in the proposals to indicate this.
- There is nothing in the proposals to indicate that policy AW10(8) - flooding has been addressed.
- The application is not supported by any kind of transport assessment that takes into account traffic movements in the construction or operational phase, compared to the terms of the original consent
- Currently traffic can be queuing on the A4059 past the Asda roundabout and residents of Tirfounder Fields experience difficulty exiting on to the road. The application is not supported by any evidence that the development would not exacerbate this situation. One resident suggest that a traffic light solution is needed
- The Asda roundabout is dangerous as it is not used properly by drivers, accessing the housing development is ignored by drivers using the bypass road leading to near misses. Similarly, illegal parking on the access road is also a problem that causes difficulties and additional development will make this worse.
- Asda lorries park up on the estate road adjacent to the play area making it unsafe for the children of the area to use.
- There is no evidence that LDP policy AW5.2(c) will be complied with or that traffic congestion will not occur or be exacerbated by these proposals.
- The loss of landscaping on the original scheme fronting the highway is opposed there is no softening of the development from public views or a green barrier to

separate vehicle fumes in the adjoining car park from pedestrians using the pavement.

- The proposed layout and lack of detail submitted do not demonstrate the development accords with the requirements of LDP policy AW6(7)
- The developer has not addressed the requirements of the Environment Wales Act 2016 relating to the obligation to maintain and enhance biodiversity in development. The scrubland has recently been obliterated and its biodiversity lost with no ecological studies having been carried out within the last 2 years. Nothing is submitted with the scheme to indicate any compensatory or enhancement measures on site as a consequence of the proposed development.
- LDP policy AW6(14) promotes development that protects and enhances landscape and biodiversity, whilst policy AW8(2) requires development to have no unacceptable impact on features of importance to landscape or nature conservation and neither requirement appears to have been met.
- The site is not allocated for retail development in the LDP so presumably the development is being treated as a departure from the Local Development Plan.
- Confusion over approved plans is expressed given the difference between the plans approved under non material amendment 18/0366 and those approved for highways under 98/4647.
- Compliance with conditions of 51/87/0244 is also questioned.
- Gardens will be overlooked by delivery vehicles and the proposed buildings. Invading the fundamental human right to privacy and family life and the peaceful enjoyment of possessions.
- The completion of the service road immediately adjacent to properties which has the potential to cause damage to property and outbuildings.
- Delivery vehicles and the proposed buildings will create disruption and pollution having a negative impact on air quality
- The proposals have little or no regard to their potential to cause or worsen flood risk to existing dwellings either through the removal of the natural flood storage pond that has developed adjacent to the housing development or through the lack of details relating to proposals for the drainage infrastructure that ends in the site.
- Residents of Tirfounder Fields pay a maintenance charge to manage the flood relief channel and it is not clear how this would be affected if this site is developed.
- Developing so close to homes on a mass of water opposite where the Council have identified a need for flood prevention works (Canal Road) is not a good idea and would counteract the Council's priorities.
- The play area adjacent to the access road is now operational and the area already suffers with cars parking along the access road to visit the shops the additional access road and more vehicular traffic will have an adverse impact on road safety, making the playground too dangerous for Children to access. This again conflicts with the Council's priorities for future generations.
- The development will have a negative impact on the value of the homes that sit adjacent to its boundary.

- The long term environmental and climate impacts of the proposed development on future generations needs to be properly considered.
- Further development will result in increased littering.
- Homeowners should have a separate access/egress for the estate.

## **CONSULTATION**

Transportation Section – No objections subject to conditions

Natural Resources Wales – raise no objection to the current proposal and advise that previous advice relating to the finished floor levels for the site and the need to maintain access to the flood relief channel for maintenance purposes be carried forward.

Aberdare Chamber of Trade - No response received

Mountain Ash & Penrhiwceiber Chamber of Trade – No response received

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

**Policy CS1** – places an emphasis on building strong and sustainable communities in the northern strategy area

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

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW8** – sets out criteria for the protection of the natural environment that new development should meet.

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

### **Supplementary Planning Guidance**

Design and Placemaking

Design in Town Centres

Access Circulation and Parking

Shopfront Design

### **National Guidance**

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

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

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

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

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
- Policy 6 - Town Centre First – commercial/retail/education/health/public services

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 15: Development and Flood Risk;  
PPW Technical Advice Note 18: Transport;  
PPW Technical Advice Note 23: Economic Development;  
Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

In this instance the applicants are submitting an application under Section 73 of the Town & Country Planning Act 1990 to vary the approved plans condition introduced into reserved matters approval 98/4647 by the Non Material Amendment 18/0386. In such circumstances the Local Planning Authority are required to consider only the conditions subject to which the planning permission should be granted and in doing so the Local Planning Authority must consider whether there has been any change in policy or any other material circumstance that might affect the proposal. If the application is successful, this results in the grant of a new permission.

The Local Planning Authority may grant the permission subject to conditions differing from those to which the previous permission was granted or refuse the application. The Local Planning Authority however do not have the power to impose conditions which could not have been imposed on the original permission nor impose conditions that would result in a fundamental alteration to the development approved by the original application. Whether the application is granted or refused the original grant of planning permission would remain.

The key determinants in the consideration of this application are that the site benefits from an extant planning permission for retail development, albeit that is with a higher degree of restriction in terms of the range of goods that can be sold, the planning policy position, and the impact that proposed changes would have on adjacent town centres. The site benefits from consent for retail development initially approved under reserved matters 98/4647 with the approved plans subsequently specified under the non-material amendment 18/0366. The consent remains extant as a result of the partial implementation of the approved service access. In planning policy terms, the site lies within the settlement limits as defined by the Rhondda Cynon Taff Local Development Plan and within the Cynon Valley River Park designation. The site is not allocated for any specific use. The presence of the site within the designation does not prevent its redevelopment but it does place a requirement on the developer to visually enhance the site through the development process, and this the current proposals would achieve. The development would take place within defined settlement limits and it would not, as one objector has suggested, represent a departure from the plan.

Because the proposed broadening of the range of goods to be sold could have an adverse impact on the retail centres of Aberdare and Mountain Ash, the applicants have supported the current applications with a retail impact assessment. The assessment has been the subject of independent scrutiny by Lichfields on behalf of the Council and the findings have been found to be robust. The reports establish that the impacts on Aberdare and Mountain Ash will not be sufficiently substantive so as to have an adverse impact.

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

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

In that the Council can approve with or without conditions, it is also appropriate to consider the extent and nature of all the previous conditions attached and if the application is to be granted amend them to reflect current circumstances and requirements

Members will note that the objections raised in respect of the current applications covering a variety of topic areas. Keeping in mind the nature of the current application and the process that has to be followed in its determination as described above, the following comments are offered.

**Planning policy, procedural and legal issues** – Policy AW5(6) does require compliance with Technical Advice Note 15 Development & Flood Risk and this would have been the case when retail development was proposed and approved for this part of the site.

Policy AW6(16) does require the developer to demonstrate good water management, but it does not oblige them to do so before permission is granted. On this point Members are referred to the comments on drainage below.

With regard to Policy AW10(8) relating to flooding see below.

Policy AW5.2(c) and the impact on congestion – see below.

Policy AW6(7) relates to making landscaping an integral part of the development which in the context of a commercial development the revised proposals achieve – also see below.

Policy AW6(14) aims to protect and enhance landscape and biodiversity and these issues are addressed below. Similarly concerns expressed in respect of policy AW8(2) are noted but objectors have not identified specifically what their concerns are in this regard and these issues are again addressed below

Compliance with conditions of the original planning permission 51/87/0244 is questioned. This is misplaced as the granting of application 98/4284 effectively makes that the outline planning permission the balance of the development of the site has to respond to.

The approval of the non-material amendment defining the approved plans supersedes previous approvals. In any event this is something of a moot point as details of the

proposed means of access will have to be updated and referenced should Members choose to support the current proposals.

**Highways and transportation issues** – The application is not accompanied by any kind of transport assessment or statement but it does not need to be. Members should note that the Transportation section has not requested one and have raised no objections to the current proposals. Furthermore, the objector has failed to recognise the reduced nature of the development now proposed reflected in the overall reduction in approved floorspace that the new proposals would involve (circa 1280 square metres gross less) or the fact that a food store will drive up the number of linked trips.

The accusation that the proposals will increase congestion on the A4059 is not supported with any evidence and reflects an existing problem that there is no evidence the current proposals will make any worse particularly when the fall back of an extant consent that could still be implemented is taken into account.

The behaviour of a small minority of motorists on the Asda roundabout is not a sustainable reason to resist the current proposals and neither is the behaviour of delivery lorries serving the Asda store nor the illegal parking of motorists on the access road.

The presence of the play area and the parking around it is of little consequence to the current proposals as the foodstore would be accessed from a roundabout further south

**Amenity issues** – In comparison to the original approved details for the site that could still be implemented there is no loss of landscaping, in fact there is a slight improvement with thicker planting bunds to the fringes of the site. Furthermore, whilst the objectors don't indicate what aspects of the landscape they consider important or worthy of protection historically this part of the valley floor has been considered of low landscape value which is probably a result of the fact that historically it was a tipping site

**Physical and social infrastructure issues** – On the issue of drainage, Members should note that because of the age of the initial permissions the obligation to pursue a SUDS approach to drainage does not apply and the principles that apply to flooding (including the flood relief channel) and indeed any flood consequences assessment issues, would have been dealt with previously and the applicants have every right to rely on their findings.

**Ecology** – the site has a long history of consent for retail development that dates back some 30+ years and what objectors describe as scrubland has no recognised ecological value and the owner has every right to undertake clearance and maintenance as they see fit. This could have been undertaken in any event as a consequence of the extant planning permission. As such the fact they have done so cannot be held against the current proposals. The requirements of the Environment Wales Act 2016 are reflected in Planning Policy Wales 11 as is the obligation to



maintain and enhance biodiversity as introduced through the Wellbeing of Future Generations Act but it cannot be applied retrospectively.

**Other issues** - The developer has acknowledged an initial error in that the site does not lie adjacent to the River Cynon but the flood relief channel.

The objector is unclear as to the watercourse within the site referred to in the objection. The initial intention of creating the flood relief channel amongst other things was to allow the replacement of the Cwmbach ditch which previously crossed the site. In any event the development of the site will need to develop a drainage system that is acceptable to Flood Risk Management.

It is well established that for the purposes of TAN 15 Development and Flood Risk the site falls within zone C2. However, Members should keep in mind that for the purposes of TAN15 retail development is considered a less vulnerable form of development and that in this case under previous approvals the raising of the site levels to the satisfaction of Natural Resources Wales and their predecessors has been previously agreed, and as part of that the applicants or their predecessor would have demonstrated that there would be no adverse impact on flood storage or adverse consequences elsewhere.

To suggest there is no evidence on file that the proposed development would not adversely affect the surrounding area, ignores the fact that these issues would have been fully addressed in the course of the initial approval for retail development on this site.

The service road already has the benefit of planning permission to run behind the houses to the immediate north of the site and has already been partially implemented. In this case it is worth noting that the proposed arrangement has the effect of potentially reducing its impact as the food store if allowed would service from its own car park rather than via the service road. In any event the arrangement has already been deemed acceptable in amenity terms in the earlier grant of reserved matters approval.

A number of residents have made reference to various other bodies of legislation, claiming that allowing the proposals would be contrary to their requirements. The legislation and documents cited are as follows -

- The Human Rights Act 1998
- The Wellbeing of Future Generations (Wales) Act 2015.
- The Environment (Wales) Act 2016.

The planning system by its very nature respects all legislation that influences it and the rights of the individual whilst acting in the interest of the wider community. It is an intrinsic part of the decision-making process for the Council to assess the effects that a proposal will have on individuals, and weigh these against the wider public interest in determining whether a development should be allowed to proceed. In carrying out this balancing exercise the Council will of course wish to be satisfied that it has acted proportionately. In the present case, as detailed in this report, officers have considered and balanced those material considerations relevant to the application in making the recommendation to Committee.

How the management and maintenance of the flood relief channel happens or who contributes to it has no bearing on the acceptability or otherwise of the current proposals in planning terms.

The impact of the proposed development on house prices is not a material planning consideration and cannot influence the decision to be made in respect of this application.

Whilst home owners on the estate might desire a separate access and as something of itself it might be regarded as an improvement its presence or absence cannot influence a decision in this submission.

### **Community Infrastructure Levy (CIL) Liability**

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

The application is for development of a kind that is CIL liable under the CIL Regulations 2010 (as amended). In this instance, due to the nature of the application being a Section 73 application and the proposals involving the creation of less floor space than was previously approved, under Regulation 128A the CIL charge is nil, £0.

### **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the variation of conditions sought. The differences between the previously approved layout and that currently proposed with the variation of conditions though substantial remain acceptable. The proposed food store is a typical Lidl custom build and the balance of retail units meet all previously stated conditional requirements and in terms of appearance and finishes are the same.

### **RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the following approved plans/drawings/documents --

- P101 Rev B proposed floor plan
- P102 Rev B proposed floor plan areas
- P103 proposed roof plan
- P201 Rev B phase 1 & 2 elevations
- P202 Rev B proposed elevations
- P400 Rev D proposed site plan
- P401 Rev D phase 1 & 2
- P402 Rev B phases elevation plan
- P403 location plan
- LIAS design notes & luminaire schedule DWG00;
- proposed lighting layout DWG 01

unless otherwise to be approved and superseded by details required by any other condition attached to this consent

Reason In order to define the extent by the permission hereby granted and to ensure that the development is carried out in accordance with the approved

3. Save with the written consent of the Local Planning Authority, with the exception of the food store unit described in the approved plans, only the following goods shall be sold from any other retail units to be erected on the retail park subject of this consent: DIY and garden related goods, caravans, boats, tool hire, building goods and products, furniture and furnishings, electrical and gas goods and products, carpets, floor coverings, cars/cycles and their accessories, office goods and equipment, pets and pet supplies. Any application for consent under the terms of this condition shall be accompanied by evidence or justification (including retail impact assessment where necessary) demonstrating the effect on retail trading in Aberdare and Mountain Ash town centres.

Reason: To define the extent of the consent granted and to ensure that no adverse impact is generated on the vitality, attractiveness and viability on the nearby town centres of Mountain Ash and Aberdare.

4. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner,

and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that order) no unit within the development hereby approved shall be provided with a mezzanine level to increase the net sales, storage or office area of the unit.

Reason: In order to protect the vitality, attractiveness and viability of nearby town centres.

6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order) no extensions or alterations which increase gross floorspace shall be erected or carried out.

Reason: to restrict the usable floorspace of the premises in accordance with policy CS1 of the Rhondda Cynon Taf Local Development Plan

7. Building operations shall not be commenced until samples of the external finishes 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 sample(s) 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.

8. The application for approval of reserved matters shall include plans at the scale of 1:200 showing the existing contours of the land and any existing physical features (buildings, structures, etc) and existing natural features (trees, hedges, streams, etc) and indicating which features are to be retained together with their relationship to the proposed development.

Reason : To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

9. No unit shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

10. Before the development is brought into beneficial use the means of access together with the parking and turning facilities shall be laid out in accordance with the submitted Corun amended access plan Drawing no: 20-00724 03 received 3<sup>rd</sup> January 2021 The approved details shall be implemented prior to the first occupation of the approved food store unit.

Reason: In the interests of highway safety

11. Notwithstanding the submitted plans, no works whatsoever, other than site clearance, remediation and preparation works, shall commence on site until full engineering design and details of the new road layout, sept path analysis, footpath links, street signage, removal of existing signage, street lighting, surface water drainage and highway structures, including longitudinal and cross sections have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved details prior to the first occupation of the food store hereby approved.

Reason: To ensure the adequacy of the proposed development in the interests of highway safety.

12. Prior to the substantive completion of the food store hereby approved a delivery management plan for the servicing of the proposed store has been submitted to and approved in writing by the Local Planning Authority. The approved details shall remain in operation thereafter.

Reason: In the interests of highway safety to ensure the adequacy of the proposed access and circulation.

13. The vehicular access to the site shall be laid out constructed and retained thereafter with 2.4m x 40m vision splays.

Reason: To ensure that adequate visibility is provided in the interests of highway safety.

14. Surface water run off from the proposed development shall not discharge on to the public highway or be connected to any highway drainage system unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to prevent over capacity of the existing highway drainage system and potential flooding.

15. 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 unless agreed otherwise in writing by the Local Planning Authority.

Reason: in the interests of safety and the free flow of traffic.

16. The gross retail floor space for the scale of electrical goods in phase 2 of the revised layout shall not exceed 1673 square metres (18000 sq. ft.) and for furniture and carpets shall not exceed 5576 square metres (60000 sq. ft.).

Reason: Any further change to a more comprehensive form of retailing would result in a larger unacceptable volume of trade being drawn away from the town centres of Aberdare and Mountain Ash.

17. Save with the consent of the Local Planning Authority, the size of any individual retail unit shall not be less than 929 square metres (gross). Any application for consent under the terms of this condition shall be accompanied by evidence or justification (including retail impact assessment where necessary) demonstrating that the effect on retailing in Aberdare and Mountain Ash town centres respectively.

Reason: Any further change to more comprehensive form of retailing would result in a larger and unacceptable volume of trade being drawn away from the town centres of Aberdare and Mountain Ash.

18. The threshold levels of all new proposed buildings shall be set a minimum of 600mm above the Q100 level for the site as agreed with Natural Resources Wales.

Reason: The site is liable to flooding during extreme weather conditions and to ensure that the risk and consequences of flooding have been fully taken into account.

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## PLANNING & DEVELOPMENT COMMITTEE

24 JUNE 2021

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

**Application No:** 20/1171/10 – Construction of 4no. terraced houses with associated curtilage car parking off rear access at Land adjacent to 186 East Road, Tylorstown

#### 1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

#### 2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

#### 3. BACKGROUND

This application was originally reported to the Planning and Development Committee meeting of 25<sup>th</sup> February 2021. A copy of the original report is attached as Appendix A.

During that meeting Members resolved to undertake a site visit following a request from the two ward Members for Tylorstown. A copy of the minutes of the site meeting are included as Appendix B.

At the subsequent Committee meeting of 20<sup>th</sup> May 2021 Members resolved that they were minded to refuse the application, contrary to the recommendation of the Director for Prosperity and Development, due to concerns of overdevelopment and that parking and access arrangements were not acceptable.

As a consequence, it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

#### 4. PLANNING ASSESSMENT

Whilst the views of Members are acknowledged, it is considered that the proposed residential development is acceptable in principle, being located within the

settlement boundary and in a sustainable location close to public transport and some local services.

In this case, the site already benefits from a live outline planning consent for four terraced houses with parking to the rear (16/0391/13), which was granted on 7<sup>th</sup> June 2016. No objections were recorded from either statutory consultees or members of the public to this application.

The means of access and the site layout were approved at outline stage, with only scale, appearance and landscaping left as reserved matters. The approved layout of the extant consent for the four plots, with vehicular access and the parking area gained from the shared lane, is the same as that proposed by the current application. Furthermore, the form and density of the development directly reflects that of the adjacent properties to the south.

As the report presented to Members on 25<sup>th</sup> February notes, the extant consent is considered to carry significant material weight. Taking both this and the comments of the Highways and Transportation Section into account, there is a concern that a reason for refusal on these grounds would be unsustainable and difficult to justify at any subsequent appeal.

Nonetheless, Members concerns about the site layout and access are also noted and in respect of the latter, it is clear that the rear lane is narrow, which would make vehicle access very tight.

The awkwardness of this access means that there is a genuine concern about whether it would be convenient and practical for future residents to use the lane and allocated parking spaces and, if not, that it would result in parking on East Road or Edmondes Street where there is already an excess of demand.

Another concern relates to antisocial behaviour and whether future residents would consider it safe to leave vehicles parked off the rear lane. Although there may be a degree of natural surveillance from the new houses, the adopted lane does not benefit from street lighting and is set away from the well-trafficked part of the highway network.

Lastly, the acceptability of the development density was highlighted by Members, and although the surrounding development is of a similar layout and density, this was not the case for the application site, which once accommodated a former Chapel.

Historic maps demonstrate that the Chapel was set back from the highway by a small forecourt and occupied around 2/3rds of the plot width, providing variety and a break from the continuous elevations to either side. Therefore, the impact on the street scene in respect of East Road, was one of less massing compared with that which would be created by the proposed dwellings.

If, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reason for refusal would be appropriate:

By virtue of their design and layout, the proposed dwellings would provide inappropriate and inadequate off-street parking facilities and would create on-street parking in the vicinity to the detriment of highway safety. Furthermore, the density and massing of the dwellings would be excessive, resulting in overdevelopment of the site and therefore harmful to the appearance of the street scene. The development would therefore be contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the Council's SPG for Access, Circulation and Parking Requirements.

**PLANNING & DEVELOPMENT COMMITTEE**

**25 FEBRUARY 2021**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1171/10 (GH)  
**APPLICANT:** Mr Allyjaun  
**DEVELOPMENT:** Construction of 4no. terraced houses with associated curtilage car parking off rear access.  
**LOCATION:** LAND ADJACENT TO 186 EAST ROAD, TYLORSTOWN, CF43 3BY (FORMER BAPTIST CHAPEL SITE)  
**DATE REGISTERED:** 26/10/2020  
**ELECTORAL DIVISION:** Tylorstown

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**RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:**

**REASONS:**

The proposal is considered to be an appropriate scale and form of infill development that would be in keeping with the character and appearance of the area and would make a productive use of the site. Furthermore, it is considered that the new dwelling would not cause undue harm to the amenity and privacy of the neighbouring residential properties or be detrimental to highway safety.

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**REASON APPLICATION REPORTED TO COMMITTEE**

A request has been received from Councillor Robert Bevan, and supported by Councillor Mark Adams, for the matter to come to Committee due to concerns about the ability to achieve the proposed off-street parking to the rear, and whether the proposal would represent overdevelopment.

**APPLICATION DETAILS**

Full planning consent is sought to construct four terraced dwellings on a parcel of previously developed land between no's 186 and 187 East Road, Tylorstown.

The properties would be constructed between the two extant dwellings and on their southern side would adjoin the side elevation of no. 187 so that the terrace would partly be continuous.

Like their immediate neighbours the new dwellings would have a two-storey principal elevation facing East Road, but a three-storey rear elevation due to the topography of the location. A rear parking area, comprising two spaces per dwelling, would be accessed from the existing adopted back lane.

The accommodation would comprise a kitchen/diner to the lower ground floor; single bedroom, WC and living room to the ground, with two double bedrooms and a bathroom to the first. In addition, each dwelling would be provided with an enclosed garden and patio, together with a balcony, essentially the roof of the kitchen/diner below, leading from the living room.

The application is accompanied by a Design and Access Statement (DAS). The DAS states that the development would accord with national planning policy objectives and those within the Local Development Plan.

## **SITE APPRAISAL**

The application site is an irregular-shaped parcel of land, of approximately 0.05 hectares, which is located between 186 and 187 East Road, and is both within Tylorstown and the defined settlement boundary.

Historic mapping shows that the site previously accommodated a Baptist Chapel as a continuation of the west-facing terrace fronting East Road, albeit that this building was demolished at least twelve years ago.

The site is level with East Road but falls significantly towards the east, at which point the site boundary meets an adopted rear lane. This access is shared both with the neighbouring properties on East Road and those at Edmondes Street, the gardens of which back onto it.

The majority of the surrounding development dates from the Victorian era and most, if not all, accommodates residential land uses.

## **PLANNING HISTORY**

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

**16/0391/13:** 4 new terraced houses with rear parking (outline). Decision: 07/06/2016, Grant.

## **PUBLICITY**

The application has been advertised by direct notification to fourteen neighbouring properties and notices were erected on site.

One letter of objection was received from a resident of Edmondes Street raising concerns in respect of the reduction in sunlight to the rear of their property, and therefore being of less appeal to future buyers.

It was also stated that the rear access to the new properties through the lane could lead to general disturbance, and that anti-social behaviour already occurs.

## **CONSULTATION**

### Transportation Section

No objection subject to conditions in respect of access, parking and timing of HGV deliveries.

### Dwr Cymru Welsh Water

DCWW notes and accepts the intention is to drain foul water to the mains sewer and surface water to a sustainable drainage system. DCWW has also acknowledged that the proposed site plan drawing no. 2018.PL01 suggests that the SuDs percolation zone will be located within the easement of a public sewer; no operational development shall be carried out, or SuDs feature located within 3 metres either side of the centreline of the public sewer.

### Public Health

Conditions are requested in respect of demolition, hours of operation, noise, dust and waste.

However, these matters are proposed to be incorporated within an informative note, since they can be controlled within the scope of existing environmental health legislation.

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

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary for Tylorstown.

**Policy AW1** - identifies how new housing will be supplied.

**Policy AW2** - directs development towards sustainable locations.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW10** - supports development proposals which are not detrimental to public health or the environment.

**Policy NSA12** - supports development within the settlement boundary

## **Supplementary Planning Guidance**

Design and Placemaking  
Access, Circulation and Parking

## **National Guidance**

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

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

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;

Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

## **Main Issues:**

### **Principle of the proposed development**

The application site is within the defined settlement boundary and fulfils the requirements of LDP Policy NSA12 and most of the relevant criteria of Policy AW2; the latter identifying that the location would be considered to be a sustainable one. Consequently, the LDP establishes that there would be a presumption in favour of the principle of residential development.

In addition, the site's planning history demonstrates that the construction of four dwellings, with rear parking, was previously considered to be an appropriate development, having gained outline consent by virtue of planning application 16/0391/13.

That decision was taken within the context of the current Local Development Plan and the circumstances of the site have not changed materially since then. Therefore, the previous consent is considered to carry significant weight in favour of the proposed development.

Nonetheless, whilst the principle of residential infill development is supported by Local Development Plan policy, the details of the application are subject to consideration of the relevant matters outlined below.

### **Impact on the character and appearance of the area**

The site was formerly occupied by the Libanus Methodist Chapel, which was constructed in 1885 and closed in 1982. In the intervening period, the Chapel has been demolished and the site mostly left as maintained grass or scrub.

Whilst the Chapel was a large and prominent structure, the construction of four dwellings would still represent a substantial change to the appearance of the street scene, because the site had been vacant for a long period.

Nonetheless, since the scale and form of the new dwellings would be sympathetic to the surrounding residential properties, which are predominantly characterised by terraced dwellings with the occasional larger detached and semi-detached house, the development would not be considered detrimental to the appearance of the site.

The submitted plans demonstrate that the principal elevation of the new terrace would be directly adjacent to East Road, as is the case with the houses to either side, and whilst the ridge line would be slightly higher, this would not cause an unacceptable divergence from the pattern of development in the area, where some variation can already be found.

To the rear, the proportions of the development would mirror those of the neighbouring dwellings to the south, being comparable both in terms of depth, height and massing, and where the lower ground level is apparent due to the steep drop in level. Conversely, the



four neighbouring properties to the north have a much greater mass to the rear, since three of these benefit from very large three storey off-shots.

In respect of design, as stated above, the scale and form of the development would respect the existing built environment; however rather than try to create 'new' Victorian houses, the elevations would be of a contemporary style, being finished in render and without the kind of fenestration detail found on the older properties.

Consequently, the proposed development is considered to be acceptable in terms of the design, siting, massing, scale, materials and overall visual appearance.

### **Impact on neighbouring occupiers**

The public consultation only resulted in one objection, which was from a resident of Edmondes Street, and raised concerns about the impact on daylight, the appeal to potential buyers, and possible disruption from use of the lane and anti-social behaviour.

Although the 'right to light' is a civil matter with any options for recourse based on the provisions of the Prescription Act of 1832, it is still relevant to planning where the proximity or layout of a development can cause overshadowing.

Generally, for overshadowing to be unacceptable in planning terms, a development would have to be very much closer than that which is proposed. As an example, the distance between the rear elevation of the new dwellings and those on Edmondes Street varies within the region of 25m to 31m. Given the density and pattern of the settlement, this is considered ample, to maintain outlook, privacy and prevent overshadowing.

It is also appreciated that there are four or five properties on the western side of East Road, which currently benefit from views though the gap towards the opposing side of the valley, which was created when the Chapel was demolished.

Whilst the loss of a view is not a material consideration, the development would undoubtedly change the outlook from those dwellings. However, with a gap of 13m between opposing elevations, which would be in common with the relationship between other properties up and down East Road, this would not be considered sufficient a reason to withhold planning permission.

Lastly, the location and level of the proposed ground floor balcony/deck and lower ground level garden were considered, as to whether these would enable intrusive views towards other dwellings and their habitable rooms. Notwithstanding the high degree of overlooking that already exists between neighbouring houses, the balcony and garden would not exacerbate this.

Therefore, having regard to the layout and design of the properties, it is considered that the arrangement of the proposal, both in respect of topographical changes and the

distance between the development and existing properties, would not cause a harmful impact to the amenity or privacy of neighbouring occupiers.

### **Highways and accessibility**

Primary access is from East Road (A4233) which is a principle route and carries a substantial amount of vehicular traffic. The carriageway is 7.3m in width and has double yellow lines on both sides of the carriageway, with continuous 1.5m-1.6m wide footways. This is considered acceptable for safe vehicular and pedestrian movement.

To the rear is an adopted lane which varies in width between 3.6m – 4m and is proposed to be used to access off-street car parking. There is some concern that the visibility at each end of the lane is sub-standard (2.6 x 6m to the left and right at the northern end; and 2.4m x 3m to the right and 2.4m x 5m to the left at the southern end).

However, the Council's Highways and Transportation Section has advised that taking into account the lane would be used for secondary access and for off-street car parking, which generate limited vehicular movement, the proposal is, on balance, acceptable in this respect.

In accordance with the SPG for Access, Circulation & Parking, the proposed 3 bedroom houses would each require a maximum of 3 off-street car parking spaces with 2 per dwelling provided. However, since the site is in a sustainable location close to a number of local facilities and public transport links, the 2 spaces per dwelling provided is considered acceptable.

Furthermore, 4 secure cycle stands have been proposed to mitigate the impact of the development, for the purposes of promoting sustainable modes of travel, with less reliance placed on the private motor vehicle, which accords with the aims of the Welsh Government.

The applicant has set the rear site boundary back to accommodate the off-street car parking and therefore details of the proposed tie-in with the adopted lane and surface water drainage details have been conditioned.

### **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.

### **Conclusion**

It is considered the proposal would not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. Furthermore, the development would benefit from acceptable highway and parking access. The application is therefore considered to comply with Policies AW1, AW2, AW5, AW6, AW10 and NSA12 of the Local Development Plan.

**RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:**

**CONDITIONS**

1. 1A2 Time limit
2. 1A5 Plan numbers

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

- 2018.PL01 (dated 09/10/20)
- 2018.PL02 (dated 09/10/20)
- 2018.PL03 (dated 09/10/20)
- 2018.PL04 (dated 09/10/20)

and details and documents received on 22<sup>nd</sup> and 27<sup>th</sup> October 2020.

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

3. UNQ Highways parking area

No works shall commence on site until design and detail of the parking area and its tie in with the adopted lane have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation of the first unit.

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

4. UNQ Highways access

Before the first unit is brought into beneficial occupation the means of access, together with the parking facilities, shall be laid out in accordance with the submitted plan 2018.PL01 and approved by the Local Planning Authority. The car parking spaces shall remain thereafter for the parking of vehicles in association with the proposed development.

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

5. UNQ Highways HGV deliveries

HGVs used as part of the development shall be restricted to 09:00am to 16:30pm weekdays, 09:30am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

**APPENDIX B**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**PLANNING & DEVELOPMENT COMMITTEE**

**5th May 2021**

**SITE MEETING**

**APPLICATION NO. 20/1171 – CONSTRUCTION OF 4 NO. TERRACED  
HOUSES WITH ASSOCIATED CURTILAGE CAR PARKING OFF REAR  
ACCESS. LAND ADJACENT TO 186 EAST ROAD, TYLORSTOWN,  
CF43 3BY (FORMER BAPTIST CHAPEL SITE)**

**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES &  
COMMUNICATION**

**Author:** Jessica Daniel, Council Business Unit.

**1. PURPOSE OF THE REPORT**

1.1 To consider the outcome of the site inspection in respect of the abovementioned proposal and to determine the application, as outlined in the report of the Director, Prosperity & Development, attached at Appendix 1.

**2. RECOMMENDATION**

It is recommended that Members:

2.1 Approve the application in accordance with the recommendation of the Director, Prosperity & Development.

### **3. BACKGROUND**

- 3.1 In accordance with Minute No 110 (Planning and Development Committee – 25th February 2021) a site inspection was undertaken on Wednesday 5<sup>th</sup> May 2021 to consider highways safety and access to the proposed parking location on the site.
- 3.2 The meeting was attended by the Planning and Development Committee Members County Borough Councillors S. Rees, G. Caple, D. Grehan, S. Powderhill and J. Williams.
- 3.3 Local Member, County Borough Councillor R Bevan was also present at the meeting.
- 3.4 Apologies for absence were received from Committee Members – County Borough Councillors J. Bonetto, G. Hughes, P. Jarman, W. Owen, D. Williams and R. Yeo
- 3.5 Members met at the proposed front entrance to the site on East Street and walked around the rear of the site to view the proposed rear access and parking site. The Planning Officer in attendance informed members that planning permission is sought to construct four terraced dwellings on a parcel of previously developed land between no's 186 and 187 East Road, Tylorstown. The properties would be constructed between the two extant dwellings and on their southern side would adjoin the side elevation of no. 187 so that the terrace would partly be continuous.
- 3.6 The Planning Officer advised that the new dwellings would have a twostorey principal elevation facing East Road, but a three-storey rear elevation due to the topography of the location. A rear parking area, comprising two spaces per dwelling, would be accessed from the existing adopted back lane.
- 3.7 The Highways Officer present advised Members that the primary access to the site would be at the front of the proposed development with the rear area being retained for off street parking solely.
- 3.8 Members noted the number of parking spaces provided within the application as 2 per dwelling being below the maximum required in accordance with the SPG for Access, Circulation & Parking. The Highways Officer advised Members that due to the sustainable location of the site close to a number of local facilities and public transport links, the 2 spaces per dwelling provided is considered acceptable.
- 3.9 Members questioned the safety of utilising an unadopted lane as highways access to the rear of the proposed development. The Highways Officer informed Members that the proposal included a 6m curtilage set back from the lane at the rear to allow movement of vehicles and given that the lane would be used for secondary access and for off-street car parking, which generate limited vehicular movement, the proposal is, on balance, acceptable in this respect.

- 3.10 Members questioned the possibility of ensuring that the parking access be completed prior to the start of the development on the residential dwellings and were informed by the Planning Officer that Condition 4 of the original report outlines that prior to the first unit being brought into beneficial occupation the means of access, together with the parking facilities, shall be laid out in accordance with the submitted plan 2018.PL01 and approved by the Local Planning Authority. The car parking spaces shall remain thereafter for the parking of vehicles in association with the proposed development. Furthermore, Members were advised that condition 3 sought the submission engineering design and details for the parking area and its tie-in with the adopted lane, prior to the commencement of development.
- 3.11 Non-Committee Member/ Local Member, County Borough Councillor R. Bevan expressed his concerns in respect of the proposed development and in particular, to the potential for increased issue of parking on East Street and the lack of safety for vehicles parking at the rear of the proposed site. He also raised the concern of overdevelopment of the site resulting in too many vehicles potentially utilising the confined rear parking. Finally, he also questioned the suitability of the unadopted lane being used and highlighted the limited vehicle movement currently in the lane.
- 3.12 The Chair thanked the officers for the report and closed the meeting.

By virtue of paragraph(s) 12 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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By virtue of paragraph(s) 12 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## APPEALS RECEIVED

**APPLICATION NO:** 20/1100  
**APPEAL REF:** A/21/3269758  
**APPLICANT:** Mr G Pacitti  
**DEVELOPMENT:** Proposed detached two bed dwelling (re-submission).  
**LOCATION:** 1 KINGSBURY COURT, LLWYDCOED, ABERDARE, CF44 0YN  
**APPEAL RECEIVED:** 18/05/2021  
**APPEAL START DATE:** 18/05/2021

**APPLICATION NO:** 20/1343  
**APPEAL REF:** A/21/3276768  
**APPLICANT:** Mr A Evans  
**DEVELOPMENT:** Conversion of basement to a self contained studio flat.  
**LOCATION:** 2 SCRANTON VILLAS, HIGH STREET, CYMMER, PORTH, CF39 9EU  
**APPEAL RECEIVED:** 09/06/2021  
**APPEAL START DATE:** 11/06/2021

**APPLICATION NO:** 20/1448  
**APPEAL REF:** D/21/3274619  
**APPLICANT:** Mr N Marchant  
**DEVELOPMENT:** Proposed single storey front extension and off road parking including new vehicle access.  
**LOCATION:** 3 BRONHAUL, TALBOT GREEN, PONTYCLUN, CF72 8HW  
**APPEAL RECEIVED:** 10/05/2021  
**APPEAL START DATE:** 10/05/2021

**APPLICATION NO:** 21/0243  
**APPEAL REF:** D/21/3275087  
**APPLICANT:** Mr P John  
**DEVELOPMENT:** Provide additional bedrooms and a bathroom in loft by raising height of the roof.  
**LOCATION:** 8 BLUEBELL DRIVE, LLANHARAN, PONTYCLUN, CF72 9UN  
**APPEAL RECEIVED:** 15/05/2021

**APPEAL START DATE: 18/05/2021**

**APPEAL DECISIONS RECEIVED**

**APPLICATION NO: 20/0518**  
**APPEAL REF: A/20/3266126**  
**APPLICANT: Mr M Bailey**  
**DEVELOPMENT: Replace an unsafe wall with a new gabion basket wall, infilling of land (retrospective).**  
**LOCATION: LAND AT AEL-Y-BRYN, TREHAFOD, PONTYPRIDD, CF37 2PB**  
**DECIDED: 02/10/2020**  
**DECISION: Refused**  
**APPEAL RECEIVED: 29/12/2020**  
**APPEAL DECIDED: 20/05/2021**  
**APPEAL DECISION: Dismissed**

**APPLICATION NO: 20/0717**  
**APPEAL REF: A/21/3266838**  
**APPLICANT: Mrs D Edwicker**  
**DEVELOPMENT: Three bedroom dormer bungalow.**  
**LOCATION: LAND REAR OF NO'S 11 TO 14 CORNWALL ROAD, WILLIAMSTOWN, TONYPANDY, CF40 1PR**  
**DECIDED: 04/11/2020**  
**DECISION: Refused**  
**APPEAL RECEIVED: 13/01/2021**  
**APPEAL DECIDED: 18/05/2021**  
**APPEAL DECISION: Dismissed**

**APPLICATION NO: 21/0098**  
**APPEAL REF: D/21/3271563**  
**APPLICANT: Mr K Stewart**  
**DEVELOPMENT: Proposed rear dormers, loft conversion, balcony & new windows.**  
**LOCATION: 20 SION STREET, PONTYPRIDD, CF37 4SD**  
**DECIDED: 11/03/2021**  
**DECISION: Refused**  
**APPEAL RECEIVED: 25/03/2021**  
**APPEAL DECIDED: 18/05/2021**  
**APPEAL DECISION: Part Allowed Part Dismissed**

**APPLICATION NO:** 21/0102  
**APPEAL REF:** D/21/3272736  
**APPLICANT:** Mrs S Morrissey  
**DEVELOPMENT:** Raised decking area (Retrospective).  
**LOCATION:** 6 PERGWM STREET, TREALAW, TONYPANDY, CF40  
2UP  
**DECIDED:** 15/03/2021  
**DECISION:** Refused  
**APPEAL RECEIVED:** 08/04/2021  
**APPEAL DECIDED:** 01/06/2021  
**APPEAL DECISION:** Allowed with Conditions

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**Report for Development Control Planning Committee**

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**Hirwaun**

**21/0403/10** Decision Date: 11/05/2021  
**Proposal:** Proposed extension.  
**Location:** 52 LLYS CYNON, HIRWAUN, ABERDARE, CF44 9PR

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**21/0439/10** Decision Date: 08/06/2021  
**Proposal:** Single storey side extension.  
**Location:** 1 MEADOW CLOSE, HIRWAUN, ABERDARE, CF44 9QX

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**21/0528/10** Decision Date: 08/06/2021  
**Proposal:** First floor extension.  
**Location:** 75 MAESCYNON, HIRWAUN, ABERDARE, CF44 9PH

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**Penywaun**

**21/0003/10** Decision Date: 19/05/2021  
**Proposal:** Extension to existing garage.  
**Location:** 18 PENTWYN COURT, PENYWAUN, HIRWAUN, ABERDARE, CF44 9ET

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**Aberdare West/Llwydcoed**

**21/0289/10** Decision Date: 11/05/2021  
**Proposal:** First floor extension.  
**Location:** 17 TAN Y BRYN GARDENS, LLWYDCOED, ABERDARE, CF44 0TQ

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**21/0396/10** Decision Date: 12/05/2021  
**Proposal:** First floor extension (Amended plans received 14/04/2021).  
**Location:** 1 TYR HEOL, LLWYDCOED, ABERDARE, CF44 0TW

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**21/0447/10** Decision Date: 04/06/2021  
**Proposal:** Extension and dormer extension, creation of off-street parking provision (amended plan received 13/05/2021) (amended description 26/05/2021).  
**Location:** THE LODGE, MERTHYR ROAD, LLWYDCOED, ABERDARE, CF44 0YF

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**21/0670/10** Decision Date: 09/06/2021  
**Proposal:** Two storey rear extension.  
**Location:** 32 BRYN TERRACE, CWMDARE ROAD, CWMDARE, ABERDARE, CF44 8RA

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**Report for Development Control Planning Committee**

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**Aberdare East**

**21/0340/10** Decision Date: 09/06/2021  
**Proposal:** Two storey extension - Amended plans received 27/04/21  
**Location:** 46 OXFORD STREET, GADLYS, ABERDARE, CF44 8BE

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**21/0424/10** Decision Date: 14/05/2021  
**Proposal:** Proposed extension at first floor level & lean to ground floor extension.  
**Location:** 22 THE GROVE, ABERDARE, CF44 7NA

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**21/0496/10** Decision Date: 26/05/2021  
**Proposal:** Two storey side extension.  
**Location:** 21 THE WALK, ABER-NANT, ABERDARE, CF44 0RQ

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**Cwmbach**

**21/0440/10** Decision Date: 18/05/2021  
**Proposal:** Two storey front extension and internal alterations.  
**Location:** 4 RHODFA'R DERW, CWM-BACH, ABERDARE, CF44 0BZ

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**21/0460/10** Decision Date: 20/05/2021  
**Proposal:** First storey side extension, single storey rear extension.  
**Location:** 40 CENARTH DRIVE, CWM-BACH, ABERDARE, CF44 0NH

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**Mountain Ash East**

**20/0961/10** Decision Date: 01/06/2021  
**Proposal:** Balcony to side of property.  
**Location:** 9 TREM Y DYFFRYN, MOUNTAIN ASH, CF45 4AQ

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**21/0169/10** Decision Date: 10/05/2021  
**Proposal:** Raised decking to join to an existing decked area (retrospective).  
**Location:** 27 ARNOLD STREET, MOUNTAIN ASH, CF45 4LF

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**Report for Development Control Planning Committee**

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**Mountain Ash West**

**21/0433/10** Decision Date: 18/05/2021  
**Proposal:** Single storey extension, installation of ramps and external lift.  
**Location:** 251 FERNHILL, MOUNTAIN ASH, CF45 3EL

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**21/0461/10** Decision Date: 20/05/2021  
**Proposal:** Side extension.  
**Location:** PEN Y GRAIG VILLA, CADWALADR STREET, MOUNTAIN ASH, CF45 3RD

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**Penrhiwceiber**

**21/0181/10** Decision Date: 12/05/2021  
**Proposal:** Two storey extension (Amended plans received 10/05/2021).  
**Location:** 8A RHEOLA STREET, PENRHIWCEIBER, MOUNTAIN ASH, CF45 3TA

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**Abercynon**

**21/0332/10** Decision Date: 18/05/2021  
**Proposal:** First floor rear extension, Single storey rear extension and rear dormer.  
**Location:** 187 ABERCYNON ROAD, ABERCYNON, MOUNTAIN ASH, CF45 4LU

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**Aberaman North**

**21/0100/01** Decision Date: 08/06/2021  
**Proposal:** Advertisement illuminated sign.  
**Location:** THE CASTLE CARE HOME, 162 CARDIFF ROAD, ABERAMAN, ABERDARE, CF44 6UY

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**21/0390/10** Decision Date: 12/05/2021  
**Proposal:** Demolition, reconstruction and change of use of extension to A3 use.  
**Location:** THE S BEND, 1A WAYNE COTTGES, JUBILEE ROAD, ABERAMAN, ABERDARE, CF44 6ER

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**21/0409/10** Decision Date: 19/05/2021  
**Proposal:** Construction of single garage.  
**Location:** 31 PLEASANT VIEW STREET, GODREAMAN, ABERDARE, CF44 6ED

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**Report for Development Control Planning Committee**

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**Aberaman South**

**20/0834/10** Decision Date: 13/05/2021

**Proposal:** Two storey rear extension.

**Location:** 39 KINGSBURY PLACE, CWMAMAN, ABERDARE, CF44 6LH

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**21/0306/10** Decision Date: 27/05/2021

**Proposal:** Single-storey rear extension and extension to garage to form a granny flat.

**Location:** 155 BRYNMAIR ROAD, CWMAMAN, ABERDARE, CF44 6LT

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**21/0311/10** Decision Date: 25/05/2021

**Proposal:** Change of use of land at rear of 128 Glanaman Road to garden curtilage (retrospective).

**Location:** 128 GLANAMAN ROAD, CWMAMAN, ABERDARE, CF44 6HY

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**21/0366/10** Decision Date: 20/05/2021

**Proposal:** Proposed two storey extension.

**Location:** 29 GLANAMAN ROAD, CWMAMAN, ABERDARE, CF44 6LA

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**21/0469/10** Decision Date: 24/05/2021

**Proposal:** Rear two storey extension and garage.

**Location:** 18 GLANRHYD STREET, CWMAMAN, ABERDAR, CF44 6LB

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**Report for Development Control Planning Committee**

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**Treherbert**

**21/0498/10** Decision Date: 26/05/2021  
**Proposal:** Single story rear extension.  
**Location:** 9 NINIAN STREET, TREHERBERT, TREORCHY, CF42 5RD

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**21/0549/10** Decision Date: 25/05/2021  
**Proposal:** Single storey side extension to the existing factory unit.  
**Location:** CELTIC COFFINS, OAK STREET, TREHERBERT, CF42 5AB

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**Treorchy**

**20/0650/10** Decision Date: 03/06/2021  
**Proposal:** Change of use to hand car wash and siting of one canopy for car valet and two steel storage containers.  
**Location:** MARKET PLACE, STATION ROAD, TREORCHY, CF42 6UB

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**21/0419/10** Decision Date: 25/05/2021  
**Proposal:** Garden room.  
**Location:** 57 VICARAGE TERRACE, CWM-PARC, TREORCHY, CF42 6NA

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**21/0443/10** Decision Date: 07/06/2021  
**Proposal:** Proposed two-storey rear extension.  
**Location:** 11 PAINTER'S ROW, YNYS-WEN, TREHERBERT, TREORCHY, CF42 5AU

---

**Pentre**

**21/0223/10** Decision Date: 12/05/2021  
**Proposal:** Pergola at the rear of Queens Hotel beer garden.  
**Location:** THE QUEENS HOTEL PUBLIC HOUSE, 102 LLEWELLYN STREET, PENTRE, CF41 7BU

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**21/0241/10** Decision Date: 11/05/2021  
**Proposal:** Retrospective application for the construction of a sprinkler house.  
**Location:** 1 - 6 LLEWELLYN PLACE, LLEWELLYN STREET, PENTRE, CF41 7BP

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**21/0459/10** Decision Date: 26/05/2021  
**Proposal:** Two-storey rear extension.  
**Location:** 11 CANNING STREET, TON PENTRE, PENTRE, CF41 7HF

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**21/0510/10** Decision Date: 02/06/2021  
**Proposal:** Garage.  
**Location:** LAND OPPOSITE NO 8 GRIFFITH STREET, PENTRE, CF41 7JF

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**Report for Development Control Planning Committee**

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**Trealaw**

**21/0444/10** Decision Date: 09/06/2021  
**Proposal:** Rebuild of garden terraces following land slide. (Retrospective).  
**Location:** ROSE COTTAGE, STATION ROAD, TREALAW, TONYPANDY, CF40 2PL

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**Penygraig**

**21/0546/10** Decision Date: 08/06/2021  
**Proposal:** Demolition of existing kitchen extension and construction of two storey extension.  
**Location:** 41 PENMAESGLAS TERRACE, PEN-Y-GRAIG, TONYPANDY, CF40 1EB

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**Porth**

**21/0392/15** Decision Date: 28/05/2021  
**Proposal:** Variation of condition 2 (plans) of planning permission for (ref 18/0436/10) .  
**Location:** HSBC, 78 HANNAH STREET, PORTH, CF39 9RE

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**Cymmer**

**20/0343/15** Decision Date: 07/06/2021  
**Proposal:** Variation of condition 2 (plans) revised site levels of previous planning permission for 2 semi-detached dwellings (Ref: 18/0307/10).  
**Location:** LAND BETWEEN 227 HIGH STREET & RHONDDA HOTEL, CYMMER, PORTH, CF39 9AD

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**21/0236/10** Decision Date: 12/05/2021  
**Proposal:** Change of use of existing derelict warehouse into a single house with curtilage parking and walled garden (Re-submission of 20/1002/10).  
**Location:** DYLLAS GARAGE, 250 DYLLAS ROAD, GLYNFACH, PORTH, CF39 9LP

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**Tylorstown**

**21/0445/10** Decision Date: 20/05/2021  
**Proposal:** Proposed extension at first floor over existing rear annexe.  
**Location:** 10 MADELINE STREET, PONT-Y-GWAITH, FERNDAL, CF43 3NA

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**Report for Development Control Planning Committee**

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**Maerdy**

- 21/0399/10** Decision Date: 10/05/2021  
**Proposal:** Proposed change of use from takeaway to residential apartment.  
**Location:** SHOP AND PREMISES, 15 CERIDWEN STREET, MAERDY, FERNDALE, CF43 4DA
- 

- 21/0501/10** Decision Date: 08/06/2021  
**Proposal:** Demolition of existing extension and construction of single storey rear extension.  
**Location:** 39 PENTRE ROAD, MAERDY, FERNDALE, CF43 4DP
- 

**Glyncoch**

- 21/0261/10** Decision Date: 10/05/2021  
**Proposal:** Single storey rear extension.  
**Location:** CEFN COURT, DARREN-DDU ROAD, GLYNCOCH, PONTYPRIDD, CF37 3HE
- 

- 21/0389/10** Decision Date: 10/05/2021  
**Proposal:** Two storey rear extension.  
**Location:** 35 GARDNER CLOSE, GLYNCOCH, PONTYPRIDD, CF37 3AY
- 

**Town (Pontypridd)**

- 21/0123/10** Decision Date: 10/05/2021  
**Proposal:** Replacement dwelling and outbuilding.  
**Location:** 10 NUNS CRESCENT, GRAIGWEN, PONTYPRIDD, CF37 2EW
- 

- 21/0276/19** Decision Date: 11/05/2021  
**Proposal:** 30% crown reduction to one Ash tree and one Alder tree and removal of overhanging branches.  
**Location:** REDCROFT, 53 LANPARK ROAD, PONTYPRIDD, CF37 2DL
- 

- 21/0353/10** Decision Date: 20/05/2021  
**Proposal:** Two storey extension.  
**Location:** 6 MAES-Y-DERI, GRAIG-WEN, PONTYPRIDD, CF37 2JA
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- 21/0387/10** Decision Date: 03/06/2021  
**Proposal:** Change of use from office (B1) to Osteopathic clinic (D1).  
**Location:** 6 GELLIWASTAD ROAD, PONTYPRIDD, CF37 2BP
- 

- 21/0505/10** Decision Date: 20/05/2021  
**Proposal:** Addition of two conservation roof lights on north east elevation of coach house.  
**Location:** 14 TYFICA ROAD, PONTYPRIDD, CF37 2DA
-

**Report for Development Control Planning Committee**

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**Rhondda**

**21/0363/10** Decision Date: 03/06/2021  
**Proposal:** Semi-independent supported annexe that remains directly associated with main care facility.  
**Location:** MAES Y RHYDDID, HAFOD LANE, PANT-Y-GRAIG-WEN, PONTYPRIDD, CF37 2PF

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**21/0364/10** Decision Date: 03/06/2021  
**Proposal:** Semi independent supported annexe that remains directly associated with main Care Facility.  
**Location:** MAES Y RHYDDID, HAFOD LANE, PANT-Y-GRAIG-WEN, PONTYPRIDD, CF37 2PF

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**21/0384/10** Decision Date: 03/06/2021  
**Proposal:** Driveway to front with a dropped kerb.  
**Location:** 49 TREHAFOD ROAD, TREHAFOD, PONTYPRIDD, CF37 2LR

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**21/0420/10** Decision Date: 17/05/2021  
**Proposal:** Construction of full width single storey extension.  
**Location:** 5 PLYMOUTH ROAD, HOPKINSTOWN, PONTYPRIDD, CF37 2RH

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**21/0488/01** Decision Date: 01/06/2021  
**Proposal:** External signage  
**Location:** TRAVIS PERKINS, GYFEILLION ROAD, HOPKINSTOWN, PONTYPRIDD, CF37 2PP

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**Graig**

**21/0474/10** Decision Date: 20/05/2021  
**Proposal:** Two storey extension to rear.  
**Location:** 1 BIRDSFIELD COTTAGES, GRAIG, PONTYPRIDD, CF37 1LE

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**Treforest**

**21/0162/10** Decision Date: 21/05/2021  
**Proposal:** Two storey side extension. (Amended plans received 19/04/21)  
**Location:** 7 CWRT Y FFOUNDRI, JAMES STREET, TREForest, PONTYPRIDD, CF37 1BF

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**21/0388/10** Decision Date: 18/05/2021  
**Proposal:** Change of use from a six bedroom HMO to 2 x one bedroom and 1 x two bedroom flats.  
**Location:** 35 BROADWAY, TREForest, PONTYPRIDD, CF37 1BD

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**Report for Development Control Planning Committee**

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**Rhydyfelin Central**

**21/0506/10** Decision Date: 28/05/2021

**Proposal:** First floor rear extension.

**Location:** 7 ILAN AVENUE, RHYDYFELIN, PONTYPRIDD, CF37 5PN

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**21/0561/10** Decision Date: 09/06/2021

**Proposal:** Ground floor extension.

**Location:** 77 OAK STREET, RHYDYFELIN, PONTYPRIDD, CF37 5SD

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**Hawthorn**

**21/0413/10** Decision Date: 28/05/2021

**Proposal:** Change the use from B1 to D2 for leisure use for a gymnastics club.

**Location:** UNIT 30 JR BUSINESS CENTRE, MAIN AVENUE, TREFOREST INDUSTRIAL ESTATE, NANTGARW, CF37 5ST

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**Ffynon Taf**

**21/0205/10** Decision Date: 26/05/2021

**Proposal:** Change of use to mixed use development consisting of barbers (Class A1) hairdressing salon (Class A1) beauty salon (sui generis) tanning salon (sui generis) and coffee shop (Class A3) - Additional information

**Location:** RIVERSIDE GARAGE, CARDIFF ROAD, TAFF'S WELL, CARDIFF, CF15 7RF

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**21/0418/10** Decision Date: 21/05/2021

**Proposal:** Proposed front, side & rear extensions.

**Location:** 186 RHIW'R DDAR, TAFF'S WELL, CARDIFF, CF15 7ND

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**21/0504/10** Decision Date: 02/06/2021

**Proposal:** Garden Studio.

**Location:** 1 SYCAMORE STREET, TAFF'S WELL, CARDIFF, CF15 7PU

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**Report for Development Control Planning Committee**

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**Llantwit Fardre**

**21/0175/10** Decision Date: 21/05/2021  
**Proposal:** Domestic garage and workshop. (Amended Plans received 22/04/2021)  
**Location:** 43 HEOL BRYN HEULOG, LLANTWIT FARDRE, PONTYPRIDD, CF38 2EJ

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**21/0377/10** Decision Date: 07/06/2021  
**Proposal:** Single storey rear extension, rear dormer extension and loft conversion. (Amended Plans received 18/05/2021)  
**Location:** 17 FFORDD GLAS Y DORLAN, LLANTWIT FARDRE, PONTYPRIDD, CF38 2BZ

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**21/0401/10** Decision Date: 25/05/2021  
**Proposal:** Rear 'lean to' extension with rooflights.  
**Location:** 5 FFORDD GWYNNO, LLANTWIT FARDRE, PONTYPRIDD, CF38 2TR

---

**21/0438/10** Decision Date: 24/05/2021  
**Proposal:** Replace existing driveway and pave over small grassed area to front of house.  
**Location:** 30 LLANERCH GOED, LLANTWIT FARDRE, PONTYPRIDD, CF38 2TB

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**Church Village**

**21/0036/10** Decision Date: 19/05/2021  
**Proposal:** Proposed vehicular crossover.  
**Location:** 14 ST ILLTYDS ROAD, CHURCH VILLAGE, PONTYPRIDD, CF38 1DA

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**21/0476/10** Decision Date: 26/05/2021  
**Proposal:** Single storey rear extension.  
**Location:** 25 LON Y CADNO, CHURCH VILLAGE, PONTYPRIDD, CF38 2BQ

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**21/0529/09** Decision Date: 08/06/2021  
**Proposal:** Single storey extension.  
**Location:** 39 LLANERCH GOED, LLANTWIT FARDRE, PONTYPRIDD, CF38 2TB

---

**Tonteg**

**21/0416/10** Decision Date: 14/05/2021  
**Proposal:** Demolition of conservatory and construction of a new single storey extension.  
**Location:** 2 FAIRHILL DRIVE, TON-TEG, PONTYPRIDD, CF38 1NF

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**21/0489/10** Decision Date: 28/05/2021  
**Proposal:** Single storey side extension.  
**Location:** 5 HOLYWELL ROAD, TONTEG, PONTYPRIDD, CF38 1NA

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**Report for Development Control Planning Committee**

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**Tonyrefail West**

- 21/0448/15** Decision Date: 08/06/2021  
**Proposal:** Condition 2, extend time period for submission of reserved matters for 3 years. Condition 3, extend time period for the implementation of the consent for 3 years. (15/0112/13).  
**Location:** RHONDDA BOWL SKITTLE ALLEY, WAUNRHYDD ROAD, TONYREFAIL, PORTH, CF39 8EW
- 

**Tonyrefail East**

- 20/1362/10** Decision Date: 11/05/2021  
**Proposal:** Two-storey rear extension. (Amended plan received 19/04/2021)  
**Location:** 54 PRICHARD STREET, TONYREFAIL, PORTH, CF39 8PA
- 

- 21/0451/10** Decision Date: 11/06/2021  
**Proposal:** Ground floor front extension.  
**Location:** 39 HIGH STREET, TONYREFAIL, PORTH, CF39 8PH
- 

- 21/0465/10** Decision Date: 13/05/2021  
**Proposal:** Single storey extension to rear.  
**Location:** 3 GARTH STREET, COED-ELY, TONYREFAIL, PORTH, CF39 8BG
- 

**Beddau**

- 21/0462/10** Decision Date: 01/06/2021  
**Proposal:** Single storey rear extension.  
**Location:** WINDRUSH, BRYNTEG LANE, BRYNTEG, BEDDAU, PONTYCLUN, CF72 8LS
- 

- 21/0464/10** Decision Date: 09/06/2021  
**Proposal:** Two storey rear extension.  
**Location:** 27 LLANTRISANT ROAD, BEDDAU, PONTYPRIDD, CF38 2BD
- 

- 21/0481/10** Decision Date: 26/05/2021  
**Proposal:** Two storey side and single storey rear extension.  
**Location:** AVALLON, 65 LLANTRISANT ROAD, BEDDAU, PONTYPRIDD, CF38 2BD
- 

**Ty'n y Nant**

- 21/0525/10** Decision Date: 03/06/2021  
**Proposal:** Construction of single storey wrap around side and front extension and creation of 3no. off road parking spaces.  
**Location:** 13 CALDERTON ROAD, BEDDAU, PONTYPRIDD, CF38 2LL
-

**Report for Development Control Planning Committee**

**Town (Llantrisant)**

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**20/1032/10** Decision Date: 13/05/2021  
**Proposal:** Pitched roof above porch, wooden balustrading instead of glass on rear balcony, and creation of hardstand for off-street parking (Partly Retrospective).  
**Location:** TY CLYCHAU'R GOG, 3 YR ALLT, LLANTRISANT, PONTYCLUN, CF72 8EF

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**21/0294/10** Decision Date: 09/06/2021  
**Proposal:** Renovate existing cottage and add a single storey side extension.  
**Location:** 4 HIGH STREET, LLANTRISANT, PONTYCLUN, CF72 8BS

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**21/0295/12** Decision Date: 09/06/2021  
**Proposal:** Renovate existing cottage and single storey side extension.  
**Location:** 4 HIGH STREET, LLANTRISANT, PONTYCLUN, CF72 8BS

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**21/0298/08** Decision Date: 13/05/2021  
**Proposal:** Roundabout advertising signage at exits.  
**Location:** ROUNDABOUT ALONG THE A4119, ELY VALLEY ROAD, YNYSMAERDY, LLANTRISANT

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**21/0302/10** Decision Date: 12/05/2021  
**Proposal:** Proposed use as an ultrasound clinic.  
**Location:** 14 THE COURTYARD, PARC BUSNES EDWARDS, LLANTRISANT

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**21/0478/10** Decision Date: 19/05/2021  
**Proposal:** Single storey building to provide additional care home accommodation.  
**Location:** EAST CAERLAN FARM, NEWBRIDGE ROAD, LLANTRISANT, PONTYCLUN, CF72 8EX

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**21/0582/09** Decision Date: 26/05/2021  
**Proposal:** Replacement of garage door, door frame, glazed screen & internal modifications.  
**Location:** EDWINS FORD, HEOL STICIL-Y-BEDDAU, LLANTRISANT, PONTYCLUN, CF72 8ER

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Report for Development Control Planning Committee

**Talbot Green**

**21/0296/08** Decision Date: 13/05/2021  
**Proposal:** Advertising signage at roundabout exits.  
**Location:** ROUNDABOUT, NEWPARK DISTRICT SHOPPING CENTRE, TALBOT GREEN, PONTYCLUN, CF72 8RB

**21/0349/10** Decision Date: 26/05/2021  
**Proposal:** First floor side extension.  
**Location:** 7 WOODFIELD ROAD, TALBOT GREEN, PONTYCLUN, CF72 8JF

**21/0386/10** Decision Date: 21/05/2021  
**Proposal:** All weather canopy.  
**Location:** 39 TALBOT ROAD, TALBOT GREEN, PONTYCLUN, CF72 8AD

**Pontyclun**

**21/0220/19** Decision Date: 07/06/2021  
**Proposal:** Tree pruning.  
**Location:** LAND ADJACENT TO TALYGARN PAVILION, COWBRIDGE ROAD, TALYGARN, PONTYCLUN, CF72 9JU

**21/0380/09** Decision Date: 13/05/2021  
**Proposal:** Single storey rear extension.  
**Location:** 2 CRYSTAL WOOD DRIVE, MISKIN, PONTYCLUN, CF72 8TH

**21/0434/10** Decision Date: 25/05/2021  
**Proposal:** Demolishing of single skin converted garage and construct new single storey, pitch roof extension.  
**Location:** 26 MANOR HILL, MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 8JP

**21/0497/09** Decision Date: 01/06/2021  
**Proposal:** Proposed single storey rear extension.  
**Location:** 38 CLOS YNYSDDU, PONT-Y-CLUN, CF72 9WQ

**21/0536/10** Decision Date: 07/06/2021  
**Proposal:** Single storey rear extension.  
**Location:** HILBRE, 8 TALYGARN DRIVE, BRYNSADLER, PONTYCLUN, CF72 9BY

**21/0573/12** Decision Date: 10/06/2021  
**Proposal:** Alterations to phone box to house a Defibrillator  
**Location:** MISKIN PHONE BOX, HENSOL ROAD, MISKIN.

**Report for Development Control Planning Committee**

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**Llanharry**

**21/0367/10** Decision Date: 26/05/2021

**Proposal:** Single storey rear extension.

**Location:** MANOR HOUSE, LLANHARRY ROAD, LLANHARAN, PONTYCLUN, CF72 9LZ

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**21/0455/10** Decision Date: 09/06/2021

**Proposal:** Single storey side extension.

**Location:** 19 TYLACOCH, LLANHARRY, PONTYCLUN, CF72 9LR

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**21/0472/10** Decision Date: 24/05/2021

**Proposal:** Proposed garden room.

**Location:** 29 TYLACOCH, LLANHARRY, PONTYCLUN, CF72 9LR

---

**21/0581/10** Decision Date: 10/06/2021

**Proposal:** Two storey side extension with front porch.

**Location:** 34 FFOREST ROAD, LLANHARRY, PONTYCLUN, CF72 9JF

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**Llanharan**

**21/0427/18** Decision Date: 21/05/2021

**Proposal:** To fell a damaged Beech tree in south east corner of field opposite Llanharan Petrol Station.

**Location:** LLANHARAN HOUSE, PONTYCLUN, CF72 9NR.

---

**21/0441/10** Decision Date: 20/05/2021

**Proposal:** Proposed single storey extension to rear of semi detached property with raised decking area. Proposed steps leading down to existing car port and additional steps to lower garden area.

**Location:** 14 ST PETERS CLOSE, LLANHARAN, PONTYCLUN, CF72 9SD

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**Brynna**

**20/1393/13** Decision Date: 12/05/2021

**Proposal:** Four self build houses. Revised site layout plan (to introduce wildlife buffer) received 30th April 2021

**Location:** LAND ADJ TO HENDREWEN, BRYNNA ROAD, BRYNNA, CF72 9QE

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**21/0218/10** Decision Date: 26/05/2021

**Proposal:** First floor side extension and detached outbuilding (Amended Plans and Description received 31/03/21)

**Location:** 6 HEATHFIELD CRESCENT, LLANHARAN, PONTYCLUN, CF72 9RU

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**21/0339/10** Decision Date: 20/05/2021

**Proposal:** Single storey side extension.

**Location:** 1 THE ELDERS, BRYNNA ROAD, BRYNNA, BRIDGEND, CF35 6PG

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

**10/05/2021 and 11/06/2021**

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Total Number of Delegated decisions is 107

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Report for Development Control Planning Committee

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Ferndale

20/1409/10 Decision Date: 11/05/2021

**Proposal:** Single domestic garage (Amended plan received 16/04/21).

**Location:** LAND OFF 38 DARRAN TERRACE, FERNDALE, CF43 4LG

**Reason: 1** The proposal by virtue of its design, siting, scale and height would introduce an unsympathetic dominant development which would be out of keeping with the character and appearance of the surrounding locality. As such, the proposal is contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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Llanharry

20/1254/10 Decision Date: 02/06/2021

**Proposal:** Barn for winter feed & agricultural vehicles.

**Location:** LAND ADJ TO DELFRYN, DEGAR ROAD, LLANHARRY, PONTYCLUN, CF72 9JX

**Reason: 1** The site is located outside the defined settlement boundary of the Rhondda Cynon Taf Local Development Plan and the proposed development has not been justified as an exception. As such the proposal conflicts with Policies CS 2 and AW 2 of the Rhondda Cynon Taf Local Development Plan and it would amount to unjustified and unsustainable development into the countryside.

**Reason: 2** The development would result in an unwarranted encroachment of development into the countryside and would result in a detrimental visual impact on the rural character of the site and wider area. As such the development would be contrary to Policies AW 5 and AW 6 of the Rhondda Cynon Taf Local Development Plan.

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21/0324/10 Decision Date: 01/06/2021

**Proposal:** Two storey rear extension.

**Location:** 59 BIRCH GROVE, LLANHARRY, PONTYCLUN, CF72 9HZ

**Reason: 1** The proposed extension, by virtue of its siting and overall visual appearance, would form a discordant and incongruous feature which would have a detrimental impact on the character and appearance of the existing dwelling and wider area. It would create a harmful level of overlooking and have an overbearing impact on surrounding properties contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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Report for Development Control Planning Committee

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Llanharry

21/0347/10

Decision Date: 28/05/2021

**Proposal:** Change of use from stables to 2 bed living accommodation (Affecting Public Right of Way RRY/18/1).

**Location:** THE CEDARS, FFOREST ROAD, LLANHARRY, PONTYCLUN, CF72 9JW

**Reason: 1** The proposal would not represent sustainable development given its location outside the settlement boundary with poor connectivity and accessibility to services and facilities using sustainable transport options. Furthermore it has not been demonstrated that there are any viable alternative uses and there is no overriding architectural or historic merit that would warrant the buildings retention. As such the proposal conflicts with Policies AW 1, AW 2 and AW 9 of the Rhondda Cynon Taf Local Development Plan and it would amount to unjustifiable residential development into the countryside.

**Reason: 2** The access leading to the proposed is sub-standard in terms of width for safe two-way vehicular movement visibility with Fforest Road, sub-standard forward vision, lack of segregated footway facilities, sub-standard surface water drainage, no street lighting, no formal turning area to serve the increase in vehicular and pedestrian traffic generated by the proposed development. As such the development would be contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

**Reason: 3** In the absence of turning facilities the proposed will result in increased reversing movements for considerable distance along the sub-standard highway by all types of vehicles including service and delivery vehicles creating hazards to the detriment of safety of all highway users and free flow of traffic. As such the development would be contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

**Reason: 4** The applicant has no control over land required to provide a safe and satisfactory access to the proposed development site and therefore the existing access cannot be improved to provide a safe and satisfactory access. As such the development would be contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

**Reason: 5** In the absence of adequate pedestrian connectivity that relates to adjacent residential development, the proposed development would be contrary to national advice and policy on transport in terms of sustainable development and reliance on private cars as primary modes of transport. As such the development would be contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

**Reason: 6** Insufficient information has been submitted to enable a full assessment of the impact of the proposal on protected species. As such the development would be contrary to Policy AW 8 of the Rhondda Cynon Taf Local Development Plan.

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Report for Development Control Planning Committee

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Llanharan

21/0365/10

Decision Date: 01/06/2021

**Proposal:** Extension of builders yard, regularise external storage heights, modification to parking arrangements and the installation of a tool hire compound.

**Location:** TRAVIS PERKINS, COEDCAE LANE INDUSTRIAL ESTATE, TALBOT GREEN

**Reason: 1** The proposed development would result in the loss of 19 shared car parking spaces resulting in on-street car parking, increasing hazards and restricting road width to the detriment of safety of all highway users and free flow of traffic. As such the development is contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

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Total Number of Delegated decisions is 5

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