



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

GWŶS I GYFARFOD PWYLLGOR

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

Dolen gyswllt: Jess Daniel - Gwasanaethau Democrataidd (07385401877)

Bydd cyfarfod Hybrid o'r **Pwyllgor Cynllunio a Datblygu** yn cael ei gynnal ar **DYDD IAU, 2AIL RHAGFYR, 2021** am **3.00 PM**.

MAE MODD I AELODAU NAD YDYN NHW'N AELODAU O'R PWYLLGOR AC AELODAU O'R CYHOEDD OFYN I ANNERCH Y PWYLLGOR YN YSTOD Y CYFARFOD SY'N YMWNEUD Â'R MATER SYDD WEDI'I NODI. RYDYN NI'N GOFYN EICH BOD CHI'N RHOI GWYBOD AM EICH BWRIAD I SIARAD DRWY E-BOSTIO GWASANAETHAUCYNLLUNIO@RCTCBC.GOV.UK ERBYN 5PM AR DYDD MAWRTH, 30 TACHWEDD 2021, GAN NODI A FYDDWCH CHI'N SIARAD YN GYMRAEG NEU'N SAESNEG.

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

AGENDA

Tudalennau

1. DATGAN BUDDIANT

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

Nodwch:

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

2. DEDDF HAWLIAU DYNOL 1998 A PHENDERFYNIADAU RHEOLI DATBLYGU

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

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

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

4. COFNODION 21.10.21

Cadarnhau'r cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 21 Hydref 2021.

5 - 10

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

5. CAIS RHIF: 20/1381

Trosi'r llawr cyntaf presennol yn chwe fflat gyda chyfleusterau en-suite a chreu manau parcio cysylltiedig. (Derbyniwyd cynlluniau diwygiedig ar 27/03/2021).

Tafarn Tynte Hotel, Yr Heol Fawr, Tyntetown, Abercynon, Aberpennar

11 - 18

6. CAIS RHIF: 21/0798

Bloc llety gwestai deulawr arfaethedig (derbyniwyd cynllun â ffin llinell goch ddiwygiedig 16/09/21)

Tafarn y New Inn, Coedlan Smiths, Rhigos, Aberdâr

19 - 32

7. CAIS RHIF: 21/0805

Amrywio amod 1(c) i ganiatáu blwyddyn arall ar gyfer cyflwyno materion wedi'u cadw'n ôl ac estyn amod 1(d) am gyfnod o flwyddyn er mwyn dechrau'r datblygiad. Newid geiriad Amod 11 i ganiatáu ar gyfer dull graddol o ddatblygu'r safle (Derbyniwyd y disgrifiad diwygiedig ar 17/09/2021)

Stryd Blake, Maerdy, Glynrhedynog

- 33 - 48**
- 8. CAIS RHIF: 21/1165**
Newid defnydd o safle i deithwyr i fan storio carafanau.
Stable View, Heol yr Arhosfa, Rhigos, Aberdâr
- 49 - 58**
- 9. CAIS RHIF: 21/1179**
Dymchwel The Dragon (The Bridge Inn gynt) a Rhif 1 Stryd Saron, a chodi 5 uned bwrpasol i fyfyrwyr (sui generis). Derbyniwyd cynlluniau diwygiedig ar 19/10/21.
The Dragon Inn a Rhif 1 Stryd Saron, Trefforest, Pontypridd
- 59 - 74**
- 10. CAIS RHIF: 21/1308**
Adeiladu uned ddiwydiannol unllawr (at ddefnydd dosbarth B1, B2 neu B8) yn lle hen adeilad wedi'i ddifrodi gan dân
Unedau 1 a 2, Enterprise House, Heol y Gamlas, Cwmbach, Aberdâr
- 75 - 84**

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

- 11. CAIS RHIF: 21/1190**
Newid defnydd hen adeilad swyddfa (Defnydd Dosbarth A2) i 12 fflat (Defnydd Dosbarth C3a) a gweithiau cysylltiedig.
Marchant Harris and Co, Siambrau Biwt, 54-55 Stryd Biwt, Aberdâr
- 85 - 94**

ADRODDIAD ER GWYBODAETH

- 12. GWYBODAETH I AELODAU SY'N YMWNEUD Â'R CAMAU GWEITHREDU WEDI'U CYMRYD O DAN BWERAU DIRPRWYEDIG**
Rhoi gwybod i Aelodau am y canlynol, ar gyfer y cyfnod 15/11/2021 – 19/11/2021.
- Penderfyniadau Cynllunio a Gorfodi – Apeliadau a Dderbyniwyd.
Penderfyniadau Dirprwyedig – Ceisiadau wedi'u cymeradwyo a'u gwrthod gyda rhesymau.
Trosolwg o Achosion Gorfodi.
Penderfyniadau Gorfodi Dirprwyedig.

- 95 - 104**
- 13. MATERION BRYD**
Trafod unrhyw faterion sydd, yn ôl doethineb y Cadeirydd, yn rhai brys yng ngoleuni amgylchiadau arbennig.

Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu

Cylchrediad:-

Aelodau o'r Pwyllgor Cynllunio a Datblygu:

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

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

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

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

Cofnodion o gyfarfod rhithwir y Pwyllgor Cynllunio a Datblygu a gynhaliwyd Dydd Iau, 21 Hydref 2021 am 3.00 pm

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

Y Cyngorydd S Rees (Cadeirydd)

Y Cyngorydd G Caple Y Cyngorydd J Bonetto
Y Cyngorydd P Jarman Y Cyngorydd D Grehan
Y Cyngorydd G Hughes Y Cyngorydd W Lewis
Y Cyngorydd W Owen Y Cyngorydd S Powderhill
Y Cyngorydd J Williams Y Cyngorydd D Williams

Swyddogion oedd yn bresennol

Mr C Jones, Pennaeth Datblygu Mawr a Buddsoddi
Mr J Bailey, Pennaeth Cynllunio
Mr S Humphreys, Pennaeth y Gwasanaethau Cyfreithiol
Mr A Rees, Uwch Beiriannydd

Y Cyngorwyr Bwrdeistref Sirol eraill oedd yn bresennol

Y Cyngorydd S.Evans
Y Cyngorydd M Weaver

Y Cyngorydd L Jones
Y Cyngorydd E Webster

85 DATGAN BUDDIANT

Yn unol â Chod Ymddygiad y Cyngor, ni wnaethpwyd unrhyw ddatganiadau mewn perthynas â'r Agenda.

**86 DEDDF HAWLIAU DYNOL 1998 A PHENDERFYNIADAU RHEOLI
DATBLYGU**

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

87 DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

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

cenedlaethau'r dyfodol i ddiwallu eu hanghenion nhw.

88 COFNODION 02.09.21

PENDERFYNWYD cadarnhau'r cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 2 Medi 2021 yn rhai cywir.

89 NEWID I DREFN YR AGENDA

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

90 CAIS RHIF: 20/0538

Adeiladu tŷ newydd sy'n defnyddio'r trac mynediad presennol ar y safle. (Derbyniwyd Asesiad o'r Effaith Ecolegol diwygiedig ar 16/04/2021) (Derbyniwyd cynllun safle'r lleoliad diwygiedig ar 21/07/2021). TIR AR GLOS TYNYBEDW, TREORCI, CF42 6RN

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

- Mr P Williams (Asiant)
- Ms L Lumby (Gwrthwynebydd)
- Ms B Cennard (Gwrthwynebydd)

Nododd y Pwyllgor nad oedd Mr N Searle (Gwrthwynebydd) a oedd wedi gofyn am gael annerch yr Aelodau ynglŷn â'r cais yn bresennol i wneud hynny.

Bu'r Asiant yn gweithredu'r hawl i ymateb i sylwadau'r gwrthwynebydd

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

Cyflwynodd y Pennaeth Materion Cynllunio y cais i'r Pwyllgor. Ar ôl trafodaeth hir am y cais, **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad Cyfarwyddwr Gwasanaeth Materion Ffyniant a Datblygu, yn amodol ar newid i Amod 8 i gynnwys manylion mynediad newydd i'r bont a'r cwlfer.

(Nodwch: Roedd y Cynghorwr Bwrdeistref Sirol J Williams am gofnodi ei bod hi wedi pleidleisio yn erbyn cymeradwyo'r cais uchod).

(Nodyn: Roedd y cynnig i gynnal ymweliad i'r safle i weld y mynediad i'r priffyrdd yn aflwyddiannus)

91 CAIS RHIF: 21/0591/10

Bloc Stablau a Manège (Tystysgrif Perchenogaeth 'B' diwygiedig wedi dod i law ar 7 Gorffennaf 2021. Cynlluniau diwygiedig â newidiadau i'r safle - ailosod y bloc stablau a lleihau ei faint wedi dod i law ar 31 Awst 2021) Tir

i'r de o 25-4 Stryd Kennard, Tonpentre.

PENDERFYNWYD gohirio'r cais i gynnal Ymweliad Safle gan y Pwyllgor Cynllunio a Datblygu er mwyn trafod effaith posibl cymeradwyo bloc o stablau ger y tai preswyl cyfagos.

Yng ngoleuni'r penderfyniad uchod, dywedodd y Cadeirydd wrth y sawl a oedd yn bresennol er mwyn annerch y Pwyllgor ynglŷn â'r cais yma y byddai raid iddyn nhw wneud cais i annerch y Pwyllgor eto pan fyddai'r mater yn cael ei drafod, pe hoffen nhw wneud hynny.

92 CAIS RHIF: 21/1156

Ffensio'r ardd ac ehangu'r dreif. 14 HEOL-Y-SARN, LLANTRISANT, PONT-Y-CLUN, CF72 8DB

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

- Ms R Newland (Ymgeisydd)
- Ms K Nicholls (Gwrthwynebydd)
- Ms D Nicholls-Davies (Gwrthwynebydd)

Bu'r Ymgeisydd yn gweithredu'r hawl i ymateb i sylwadau'r gwrthwynebydd.

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

93 CAIS RHIF: 21/0864

Amrywio amod 2 (cynlluniau) caniatâd cynllunio 17/0321/10, i leihau uchder canolbwynt a blaen y tyrbin. (Derbyniwyd cynllun diwygiedig gyda'r tyrbin newydd ar 9 Awst 2021). TIR GER SAFLE TIRLENWI NANT-Y-GWYDDON

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

Amlinellodd y Pennaeth Datblygu Mawr a Buddsoddi gynnwys 15 llythyr 'hwyr' a ddaeth i law yn gwrthwynebu'r cais.

Parhaodd i gyflwyno'r cais i'r Pwyllgor ac yn dilyn trafodaeth hirfaith, roedd yr Aelodau'n bwriadu gwrthod y cais uchod yn groes i argymhelliad y Cyfarwyddwr Materion Ffyniant a Datblygu. Roedd gan yr Aelodau bryderon ynghylch diogelu'r bilen pe bai'r datblygiad yn mynd rhagddo.

O ganlyniad i hynny, cai'r mater ei ohirio tan y cyfarfod priodol nesaf o'r Pwyllgor Cynllunio a Datblygu fel bod modd derbyn adroddiad gan y Cyfarwyddwr Materion Ffyniant a Datblygu, a gaiff ei lunio drwy ymgynghori â Chyfarwyddwr y

Gwasanaethau Cyfreithiol yn ôl yr angen. Bydd yr adroddiad yn tynnu sylw at y cryfderau a'r gwendidau posibl sydd ynghlwm â gwneud penderfyniad yn groes i argymhelliad swyddog, neu unrhyw reswm arfaethedig neu reswm cynllunio dros wneud penderfyniad o'r fath. Caiff yr adroddiad yma ei ystyried cyn dod i benderfyniad ar y mater.

94 CAIS RHIF: 21/0466

Trosi'r eglwys yn 8 fflat (Ail-gyflwyno cais 19/0829/10). EGLWYS CALFARI, HEOL Y COED, TREFFOREST, PONTYPRIDD

Cyflwynodd y Pennaeth Materion Cynllunio ei gais i'w Pwyllgor ac, yn dilyn trafodaeth, penderfynodd yr Aelodau wrthod y cais uchod, yn groes i argymhelliad y Cyfarwyddwr Materion Ffyniant a Datblygu. Roedd hyn am fod yr Aelodau o'r farn nad oedd safon y llety ddigon da, ac roedd ganddyn nhw bryderon byddai'r safle'n cael ei orddatblygu.

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

95 CAIS RHIF: 21/0661

Codi tyrbin gwynt unigol a'r gwaith seilwaith cysylltiedig. (Derbyniwyd y Datganiad Dull Cludo Ceblau ar 2 Awst 2021) TIR AR FFERM RHIWFELIN FACH, HEOL LLANTRISANT, YNYSMAERDY, LLANTRISANT, PONT-Y-CLUN, CF72 8LQ

Cyflwynodd y Pennaeth Materion Cynllunio y cais i'r Pwyllgor. Ar ôl trafod y cais, **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr Materion Ffyniant a Datblygu, yn amodol ar Gytundeb o dan Adran 106 ar gyfer Cynllun Rheoli Cynefin er mwyn cynnal y gwaith lliniaru a gwaith gwella ecolegol yn Nodyn Ardal Darged 2, fel sydd wedi'i amlinelli yn yr Asesiad Ecolegol.

96 CAIS RHIF: 21/1086

Estyniad arfaethedig, addasiadau mewnol, trawsnewid storfa oer ar wahân yn fragdy meicro ar y safle a gosod paneli solar PV ar y to. TAFARN BUNCH OF GRAPES, 40 HEOL YNYSANGHARAD, PONTYPRIDD, CF37 4DA

Cyflwynodd y Pennaeth Materion Datblygu a Buddsoddi Sylweddol y cais uchod i'r Pwyllgor. Yn dilyn trafodaeth, **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr - Materion Ffyniant a Datblygu.

97 **CAIS RHIF: 21/0687**

2 bâr o dai pâr. Tir i'r de o Deras y Taf, Cwm Clydach, Tonypandy

Darllenodd y Pennaeth Datblygu Mawr a Buddsoddi gynnwys dau lythyr 'hwyr' gan y Cynghorydd Bwrdeistref Sirol R. Norris, nad yw'n aelod o'r pwyllgor,
a swyddog o Adran Eiddo'r Cyngor, Cyngor Rhondda Cynon Taf yn gwrthwynebu'r datblygiad arfaethedig.

Cyflwynodd y Pennaeth Datblygu Mawr a Buddsoddi y cais i'r Pwyllgor. Ar ôl trafod y cynnig, **PENDERFYNWYD** gohirio'r cais er mwyn i'r Pwyllgor Cynllunio a Datblygu gynnal Ymweliad Safle i archwilio'r mater ynghylch yr hawliau tramwy.

98 **CAIS RHIF: 21/1020**

Newid Defnydd Arfaethedig o siop fanwerthu i siop gludfwyd 27 Stryd y Nant, Trewiliam, Tonypandy, CF40 1RB

Amlinellodd y Pennaeth Datblygu Mawr a Buddsoddi gynnwys llythyr 'hwyr' a ddaeth i law gan fusnes gerllaw a oedd yn gwrthwynebu'r cais.

Parhaodd drwy gyflwyno'r cais uchod i'r Pwyllgor. Yn dilyn trafodaeth, **PENDERFYNODD** yr Aelodau gymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr Materion Ffyniant a Datblygu.

99 **CAIS RHIF: 20/0158/10**

Dymchwel 2 adeilad masnachol presennol er mwyn adeiladu adeilad newydd, pwrpasol gyda storfa / ystafell dorri ac ystafell arddangos ynghyd â maes parcio, tirlunio a gwaith ategol. (Derbyniwyd Adroddiad Ystlumod 26/10/20) (Derbyniwyd Dadansoddiad Llwybr i Gerbydau 29/01/21) (Derbyniwyd Cynlluniau Diwygiedig 07/07/21). Leeway Carpets and Flooring, 500-555 Ffordd Llantrisant, Penycoedcae, Pontypridd, CF37 1PL

Cyflwynodd y Pennaeth Materion Datblygu a Buddsoddi Sylweddol y cais uchod i'r Pwyllgor. Yn dilyn trafodaeth, **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr Materion Ffyniant a Datblygu.

100 **CAIS RHIF: 21/1193**

Gwaredu amod 13 (waliau cynnal) o ganiatâd cynllunio cyf: 21/0378/08. Ysgol Gynradd Gymraeg Aberdâr, Rhodfa'r Tresi Aur, Cwm-bach

Cyflwynodd y Pennaeth Materion Datblygu a Buddsoddi Sylweddol y cais uchod i'r Pwyllgor. Yn dilyn trafodaeth, **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr Materion Ffyniant a Datblygu.

101 CAIS RHIF: 21/1088/10

Llwyfan wedi'i godi yng nghefn cartref preswyl 3 llawr i'w ddefnyddio fel dihangfa dân. (Ailgyflwyno cais 21/0442/10). 25 Stryd Thomas, Tonypany.

Cyflwynodd y Pennaeth Materion Cynllunio'r cais i'r Pwyllgor ac, yn dilyn trafodaeth, penderfynodd yr Aelodau gymeradwyo'r cais, yn groes i argymhellion y Cyfarwyddwr Materion Ffyniant a Datblygu. Roedd hyn am eu bod nhw o'r farn na fyddai'r datblygiad arfaethedig yn cael effaith ormesol nac yn arwain at edrych dros eiddo cyfagos. O ganlyniad i hynny, cai'r mater ei ohirio tan y cyfarfod priodol nesaf o'r Pwyllgor Cynllunio a Datblygu fel bod modd derbyn adroddiad gan y Cyfarwyddwr Materion Ffyniant a Datblygu, a gaiff ei lunio drwy ymgynghori â Chyfarwyddwr y Gwasanaethau Cyfreithiol yn ôl yr angen. Bydd yr adroddiad yn tynnu sylw at y cryfderau a'r gwendidau posibl sydd ynghlwm â gwneud penderfyniad yn groes i argymhelliad swyddog, neu unrhyw reswm arfaethedig neu reswm cynllunio dros wneud penderfyniad o'r fath. Caiff yr adroddiad yma ei ystyried cyn dod i benderfyniad ar y mater.

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

PENDERFYNNODD yr Aelodau dderbyn adroddiad y Cyfarwyddwr Gwasanaeth – Materion Cynllunio mewn perthynas â'r Penderfyniadau Apeliadau Cynllunio a Gorfodi a ddaeth i law, Cymeradwyaethau Penderfyniadau a Gwrthodiadau Dirprwyedig gyda rhesymau, Trosolwg o Achosion Gorfodi a Phenderfyniadau Gorfodi Dirprwyedig ar gyfer y cyfnod 27/09/2021 – 08/10/2021.

Daeth y cyfarfod i ben am 5.35 pm

**Y Cyngorydd S Rees
Cadeirydd.**



PLANNING & DEVELOPMENT COMMITTEE

2 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/1381/10 (CA)
APPLICANT: Mr Richards
DEVELOPMENT: Conversion of existing first floor into six bedsits with en-suite facilities and creation of associated car parking area. (Amended site plan received 27/03/2021).
LOCATION: TYNTE HOTEL PUBLIC HOUSE, MAIN ROAD, TYNTETOWN, ABERCYNON, MOUNTAIN ASH, CF45 4YH
DATE REGISTERED: 29/03/2021
ELECTORAL DIVISION: Abercynon

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

REASON: The application is considered to comply with the relevant policies of the Local Development Plan. The principle of the development is supported and the proposal is deemed to have an acceptable impact upon the character and appearance of the area, the residential amenities of neighbouring properties and upon highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to the Planning and Development Committee for final determination as the proposal is not covered by determination powers delegated to the Director of Prosperity and Development.

APPLICATION DETAILS

Full planning permission is sought for the conversion of the first floor of the Tynte Hotel Public House into six bedsits with en-suite facilities.

The bedsits would range in size, from a minimum of approximately 17 square metres to a maximum of approximately 27 square metres. Each bedsit would contain its own kitchen facilities as well as an en-suite bathroom. A separate storage area and communal utility room would also be located within the first floor of the building. In

addition, an external door positioned on the rear of the building would provide access onto a flat roof terrace.

The six bedsits would be accessed via an internal staircase located on the eastern side of the building which has direct access from Main Road to the south and is independent of the main entrance to the building.

In addition to the above conversion and associated works, an area to the west of the application site would be utilised for the parking of vehicles.

The existing first floor of the building currently contains a function room, lounge, bathroom and kitchen/diner along with five bedrooms.

SITE APPRAISAL

The application site consists of the Tynte Hotel Public House and parcel of vacant land to the west.

The public house is a substantial, two storey building of traditional style and design, which directly fronts Main Road. The building has been extended to the rear with a modern flat roof addition and beyond this, a large, enclosed beer garden is located.

To the immediate west of the building is lane which provides access to Nos. 1 and 2 Wood Villas (to the north), as well to the rear of properties along Main Road. Further west, a vacant parcel of land is located.

The land is sloping and rises from north to south and the immediate area is residential in character.

PLANNING HISTORY

None.

PUBLICITY

The application was advertised by direct notification letter to neighbouring properties and a site notice was displayed. One letter of objection was received, which raises the following concerns:

- The Applicant does not reside at the address submitted.
- The proposed car parking area may impact upon access to the adjoining land – it is the intention of a nearby land owner to build garages on the adjoining land in the future.
- Customers of the Tynte Hotel Public House regularly cause traffic congestion in the local area, including within the adjoining street, Milbourne Street.
- Concerns regarding the future occupiers of the bedsits.

CONSULTATION

Highways and Transportation – No objections, subject to conditions.

Public Health and Protection – No objections, conditions recommended.

Flood Risk Management – No objections and no conditions recommended.

Regeneration – No comments received.

Ecology – No objections.

Dwr Cymru Welsh Water – No objections, standard conditions recommended.

South Wales Fire Service – No objections.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan:

The application site lies within the defined limits of development and is unallocated.

Policy CS 1 – Development in the North: Places an emphasis on building strong, sustainable communities.

Policy AW 1 – Supply of New Housing: Provides criteria against which applications for new housing will be considered.

Policy AW 2 – Sustainable Locations: Provides criteria to determine whether a site is located in a sustainable location.

Policy AW 4 – Community Infrastructure and Planning Obligations: This policy provides support to secure planning obligations and contributions.

Policy AW 5 – New Development: This policy sets out criteria for new development in relation to amenity and accessibility.

Policy AW 6 – Design and Placemaking: This policy requires development to involve a high quality design and to make a positive contribution to place making.

Policy AW 10 – Environmental Protection and Public Health: Prohibits development proposals that would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy NSA 12 – Housing Development Within and Adjacent to Settlement Boundaries: Development within the Northern Strategy Area will be permitted within the defined settlement boundaries subject to a number of criteria.

Supplementary Planning Guidance:

Design and Placemaking

Access, Circulation and Parking

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), 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.

Other policy guidance considered:

PPW Technical Advice Note (TAN) 12 – Design

PPW TAN 18 – Transport

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 unallocated, situated inside of the defined settlement limits and within an established residential area.

Based on the above, it is considered that the general principle of the proposal is acceptable, subject to the following material considerations.

Impact on the character and appearance of the area:

The immediate area is predominantly characterised by residential dwellings positioned on either side of, and directly fronting Pentwyn Avenue and Main Road, Tyntetown. The Tynte Hotel Public House is highly visible from the immediate surrounds, due to its large scale and prominent siting. It is of traditional design, with its front façade considered fairly attractive in appearance.

The majority of the works proposed to the public house itself would take place internally within the building. As such, the proposed works to convert the building are considered to preserve the character and appearance of the local area.

The proposal also incorporates the use of the vacant land to the west of the site as an area of car parking associated with the bedsits. The land would be re-graded and space would be laid out for the parking of six cars, with access provided via the adjacent lane. Due to the sloping nature of the land, this aspect of the proposal would not be highly visible from the road front. Furthermore the land in question is poorly maintained and appears to have been utilised as a unofficial area for the storage of waste materials. As such, the use of this parcel of land is likely to provide for its maintenance, to the benefit of the visual amenity of the area.

Overall, the proposals are not considered to adversely impact upon the character and appearance of the application site or surrounding area.

Impact on residential amenity and privacy:

The property is located within an established residential area and it is therefore important that the privacy and amenity of existing neighbouring residents is safeguarded.

Any impact upon residential amenity would likely be greatest upon the nearby properties known as 1 Pentwyn Avenue to the immediate west and Nos. 1 and 2 Wood Villas to the immediate north. It is noted that there is existing accommodation contained within the first floor of the building in the form of hotel rooms. As this accommodation is unlikely to be occupied on a permanent basis, the proposed use is regarded as an intensification of the number of occupiers within the building at any one time. Notwithstanding this, the site is located in a residential location, of which the proposed use would relate well to. Furthermore, the conversion would take place within the existing fabric of the building without the requirement to physically extend. As such, it is not considered that the proposal would be overbearing to nearby occupiers or result in any loss of light.

In terms of privacy, it is considered that there are established levels of mutual overlooking between dwellings within the locality, particularly given their high density. It is noted that the bedsits would utilise existing window openings and it is not considered that views from these windows would further exacerbate overlooking within the vicinity. There is some concern that the flat roof extension would be enclosed with a guard rail, as this may encourage occupiers of the bedsits to utilise this space as an outdoor amenity area for sitting. When considering the siting of the substantial beer garden to the immediate north of the building, as well as the distance of the flat roof extension from nearby properties and orientation of Nos. 1 and 2 Wood Villas, this aspect of the proposal is not considered so severe as to warrant the refusal of the application.

In terms of the car parking area, the ground works proposed are minor in nature and are not considered to result in harmful impacts upon neighbours.

It is also important to ensure the standard of residential amenity is acceptable for future occupiers of the bedsits. There is no doubt that the proposed accommodation would

be of a modest scale. However, the Council's planning policy does not stipulate a minimum floor space requirement for each bedsit. As a point of reference, the Council's 'A Landlords Guide to Standards in HMOs' has been reviewed which indicates that for single person bedsits where one room is provided, each unit should be a minimum of 13 square metres with kitchen facilities. The bedsits proposed are in excess of 13 square metres and each contains kitchen facilities as well as a separate shower room. Each space could comfortably contain a bed, area for eating and there is also adequate wall space in each unit for a wardrobe. It is also noted that a shared storage area and utility room would be provided for occupiers of the bedsits. As such, it is considered that the scheme proposed would provide sufficient living space for potential occupiers to undertake typical day to day tasks whilst also contributing to the range and choice of living accommodation within the area. Furthermore, each bedsit would be served by at least one window that would provide acceptable levels of outlook and natural light. In addition, the same openings would also provide for sufficient levels of ventilation.

There are some concerns that the outdoor amenity space associated with the bedsits would be limited, however given that planning policy does not stipulate a minimum outdoor amenity space requirement and it is not uncommon for this type of accommodation to be provided without outdoor amenity space, this factor would not warrant the application's refusal. Furthermore, given the nature of the accommodation, the bedsits are highly unlikely to be occupied by families with children. In addition, the plans do not provide a dedicated refuse storage area and it is recommended that these details be secured by way of condition.

Overall, the proposal is considered to have an acceptable impact upon the residential amenities of neighbouring properties and that of future occupiers.

Impact on highway safety:

The application has been referred to the Council's Highways and Transportation Department.

The application site is located on Main Road, Tyntetown which has a carriageway width of 7.8 metres and footways measuring 2 metres in width. There are restrictions in place along the road for the existing bus stops. It is considered that Main Road allows for safe vehicular and pedestrian access to the proposed development. To the side of the site, an un-named lane which measures 7.2 metres at the junction and narrows to 5.0 metres is located.

In terms of car parking, the existing first floor 5-bedroom hotel requires up-to a maximum of 5 spaces for the bedrooms and 1 space for staff taking the total to 6 spaces with none provided. The proposed change of use of the first floor into 6 bedsits requires up-to a maximum of 1 space per unit, which equates to 6 spaces. The Applicant has submitted amended plans indicating 6 off-street car parking spaces served off the adjacent lane access in land under their control which is acceptable and accords with the Council's SPG.

It is noted that there are a number of local facilities within easy walking distance of the proposed with bus stops located to the front of the proposed on Main Road which is acceptable.

Based on the above, it is considered that the proposal has an acceptable impact upon highway safety.

Other Matters:

Public Health and Protection: No objections have been received from the Council's Public Health and Protection Division following consultation, although several conditions have been recommended should planning permission be granted. The conditions relate to construction noise, waste and dust. It is considered that matters relating to these issues can be more efficiently controlled by other legislation.

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. In addition, as the proposed development involves the change of use of the existing building the amount due in this case is £0.

Conclusion:

Having taken account of all of the issues outlined above, the proposal is considered acceptable and in accordance with the development plan. Therefore, the application is recommended for approval subject to conditions.

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:

- Location Plan dated 29/03/2021;
- Proposed General Arrangement and Section, dated 09/03/2021;
- Proposed Ground Floor Plan, dated 04/12/2020;
- Proposed First Floor Plan, dated 04/12/2020;
- Proposed Rear Elevation, dated 04/12/2020;
- Proposed South Facing Elevation, dated 04/12/2020

and documents received by the Local Planning Authority (LPA) on 04/12/2020, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Before the development is brought into use the means of access, together with the parking facilities for 6 vehicles, shall be laid out in accordance with the submitted site plan and approved by the Local Planning Authority. The car parking shall remain for the use of the bedsits thereafter.

Reason: 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.

4. Prior to works commencing on site design and detail of the car parking area's tie in with the metalled un-named lane shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the bedsits.

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

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

Reason: In the interests of highway and pedestrian safety and to prevent overcapacity of the existing highway drainage system, in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the details on the approved plans, details of facilities for the storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to the beneficial use of the development and shall thereafter be retained and not used for any other purpose.

Reason: In the interests of residential amenity, in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.



PLANNING & DEVELOPMENT COMMITTEE

2 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0798/10 (KN)
APPLICANT: Mr Common
DEVELOPMENT: Proposed two storey detached guest accommodation block (amended red line boundary plan received 16/09/21).
LOCATION: THE NEW INN PUBLIC HOUSE, SMITHS AVENUE, RHIGOS, ABERDARE, CF44 9YU
DATE REGISTERED: 16/09/2021
ELECTORAL DIVISION: Rhigos

RECOMMENDATION: Approve

REASONS: The proposal would provide much-needed overnight accommodation for a growing tourist economy in the upper Cynon Valley area. It would enable the expansion of an existing business and would provide employment opportunities for the area. It would also further help to encourage tourists to the area.

The proposed building is acceptable in terms of its siting, scale and design and it is not considered that it would have an adverse impact upon the character and appearance of the surrounding rural area or upon the amenity of surrounding properties.

Furthermore, no objection has been received from the Council's Highways and Transportation team in relation to the impact of the proposal upon highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the construction of a two-storey guest accommodation block on land within the curtilage of an existing public house known as The New Inn, Rhigos.

The proposed building would be constructed to the south of the existing public house and adjacent to the southern boundary of the site. It would measure 17 metres in width by 5.4 metres in depth with a pitched roof design that would measure 7.4 metres in height to the ridge and 5.7 metres in height to the eaves. An entrance porch would be situated within the centre of the front elevation, measuring 3 metres in width by 2 metres in depth with a maximum height of 3.5 metres. External materials would consist of painted render, Eternit-type cement slate roof tiles and PVC double glazed windows and doors.

The accommodation provided within the building would be arranged over two floors with 3 guest bedrooms (with en-suite shower/WC), a cleaner store room and a plant room at ground floor and 3 guest bedrooms (with en-suite shower/WC) and a store at first floor.

SITE APPRAISAL

The application site relates to an irregular shaped parcel of land which is located on the outskirts of the village of Rhigos. It has an area of approximately 0.27 hectares and is relatively flat in ground profile. Access to the site is off Smiths Avenue to the east.

The site is currently occupied by the existing public house building which is situated towards the northern end of the site with a frontage that faces an easterly direction towards the highway at Smiths Avenue which bounds the north-eastern boundary of the site. An associated car park and amenity area is situated to the southern side and western rear elevations of the building with a further amenity area being situated to the front.

The surrounding area is predominantly residential in character with properties varying in terms of their age, scale, design and overall finish. A small cul-de-sac of 4 detached dwellings (nos. 1-4 Orchard Grove) is situated to the south-eastern boundary of the site whilst a row of detached and semi-detached properties is located to the north-western boundary, with no. 16 Smiths Avenue being the closest. The rear of the site is bound by open countryside.

PLANNING HISTORY

The following planning applications are on record for this site:

06/1214	The New Inn, Smiths Avenue, Rhigos	Extension to public house	Granted 10/08/06
03/1149	The New Inn, Smiths Avenue, Rhigos	Four 3 bed detached dwellings (outline)	Granted 19/12/03

PUBLICITY

The application has been advertised by means of direct neighbour notification letters, the erection of site notices in the vicinity of the site and the publication of a press notice in a local newspaper. A total of 4 letters of objection have been received however, it must be noted that 2 of these letters were submitted by the same person. The objections and concerns raised are summarised as follows:

Amenity and Privacy

- The entrance door and fire exit door will have an adverse impact on the privacy of neighbouring properties.

Highways

- There is inadequate parking at the New Inn Pub, which is situated on a nasty corner on a busy road.
- The car park is often congested and further development would necessitate cars being parked on the road.
- The car park is full every weekend and cars park along the road, on corners and across the entrance.
- The other parking area for the pub has already been developed on and is now Orchard Grove.
- Car parking is limited in Orchard Grove.
- If the application is granted, it is not giving proper regard to the adequacy and sufficiency of car parking in a busy pub.
- There is limited space for vehicles to turn.
- Delivery lorries park outside the pub on a bend to deliver goods.
- The application would result in the number of car parking spaces being reduced.
- The proposal would result in increased road access which impinges on highway safety.
- The speed limit towards the hamlet is 50mph in both directions which then reduces to 40mph. This is too fast and the signs and road markings are not having any effect on slowing drivers down.
- More traffic calming measures are needed along with more parking spaces in the pub car park.
- It is suggested that double yellow lines are placed on the bend, along with vehicle bollards entering from Aberdare and Glynneath would make a big difference.

Public Right of Way

- A Public Right of Way runs through the site which needs to be preserved and carefully taken into account.
- The objector claims the Public Right of Way has been repositioned in the car park and moved their right of way into the New Inn Field.

- The objector claims that the applicant keeps moving the gate to the adjacent field (next to no. 1 Orchard Grove) further into the field and thus unlawfully attempts to acquire land.
- The objector claims that their right of way is obstructed by car parking spaces. The spaces should not be there.
- The objector claims that a gate has been removed to prevent access to the land behind Smiths Avenue and Mount Road.
- A new parking area has been created for rally cars.

Ecology

- The applicant has chopped down very old and established trees and hedgerow on our land to the detriment of nature, wildlife and environment without our consent.

Noise Pollution

- Concern is raised with the noise levels that will come with the project (i.e. building works, deliveries).
- Noise pollution will have an effect on the guests and surrounding businesses.
- There should be mitigation put in place to reduce noise before 9am and after 5pm and on a Saturday morning.

Land Ownership

- The application site includes land that is not owned by the applicant.
- The boundary fences have been moved to increase the footprint of the applicant's land to enable the development proposed in this application.
- The attempt to unlawfully acquire the land through trespass and nuisance was in breach of the strictest Covid restrictions which applied at the time.
- The objector indicates that legal advice has been sought and reasonable requests have been made for the applicant to reinstate the boundary fences to their original position. These requests have been ignored.
- The objector indicates that they will be taking legal action to protect their interests in the land.
- The objector believes that no planning permission should be granted for this development as it is an attempt to unlawfully acquire land which is in their ownership and which is the subject of a legal dispute.
- The objector claims to have supporting evidence which will be presented to the Court at any forthcoming court proceedings.
- It is also suggested that photographic evidence has been obtained to demonstrate that heavy plant and machinery was used during the strictest covid restrictions to remove trees, hedgerows and boundary fences.
- The objector claims that significant development work to restructure the land so as to encroach on their land.
- Numerous plant machinery including diggers and tractors have been used.
- The objector indicates that they will not agree to their land being acquired by the applicant for it to be subject to planning consent and developed.

- The objector suggests that granting planning permission in such unacceptable and unreasonable circumstances would be an error of law.

Other

- Car parking takes away from the exterior of the property on arrival.
- Queries whether mitigation for dust and privacy will be in place.
- Queries whether the project will be time limited to finish so that the development does not go on for years.
- Queries whether residents will get updates on the project.
- Queries whether there will be provision in the business plan for local people to be employed in the business.
- Consideration needs to be given to residents and other business owners, of what is a small hamlet, in order that their daily lives and businesses are unaffected as much as possible by noise pollution and with traffic control.
- The residents of Pen y Banc pay council tax with little to show for it.

An amended red line boundary plan was submitted by the applicant on 16th September 2021 following the concerns raised by the objector in relation to landownership. A further consultation exercise was undertaken where three further letters of objection were received from the same objector who raised concerns with regards to landownership. The letters reiterate all of the objections and concerns raised in the author's previous letter of objection.

** It must be noted that the objector has been requested to provide the evidence of their ownership of the land that they claim to have on three separate occasions however, this has not been forthcoming. The applicant has confirmed that the most recent amended red line boundary plan provided (rec. 16th September 2021) correctly shows the extent of land within his ownership and has forwarded an email from Land Registry which outlines the same area of land and confirms it as reflecting the general boundaries of the site. Consultation has been undertaken with the Council's Legal section in this regard and it has been confirmed that the applicant has provided sufficient evidence for the application to proceed. In any case, issues of landownership are not material planning considerations and would not prevent a decision from being made provided that the correct landownership certificates have been completed by the applicant. In the absence of any evidence to suggest otherwise, it is believed that the correct landownership certificates have been completed.

CONSULTATION

Countryside, Ecology and Landscape: No objection as the site area consists of mown grass and there would therefore not be any significant ecological impacts. However, it is recommended that a condition be added to ensure enhancement for birds (i.e. a bird brick built into the building).

Flood Risk Management: No objection subject to condition and advisory notes in relation to SuDs.

Highways and Transportation: No objection subject to conditions.

Legal: The applicant has submitted sufficient evidence to demonstrate that they own and control the land outlined in the red line boundary and the application can proceed.

Natural Resources Wales: No objection. The response received notes that the site is within 800m of Coedydd Nedd a Mellte Special Area of Conservation (SAC) and Dyffrynoedd Nedd a Mellte a Moel Penderyn Site of Scientific Interest (SSSI) however, the proposal is not likely to have a significant effect on either designation.

Public Right of Way Officer: The site is crossed by Footpath 22 Rhigos and it is recommended that a condition be imposed on any grant of planning consent for a method statement to be submitted prior to development commencing to ensure that the public right of way is protected.

Welsh Water: No objection however a condition is recommended to ensure that no surface water and/or land drainage is connected directly or indirectly with the public sewerage network. It is also noted that the site is crossed by a public sewer.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located outside of the defined settlement boundary and it is not allocated for any specific purpose. It is crossed by a Public Right of Way (RHI/22/1), but it is not subject to any other constraint. The following policies are considered to be relevant in the determination of this application:

Policy CS1 – Development in the North: emphasis is on building strong, sustainable communities by encouraging strong, diverse economy which supports traditional employment and promotes new forms of employment in the leisure and tourism sectors.

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

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

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

Policy AW7 – Protection and Enhancement of the Built environment: states that development proposals that affect public rights of way will only be supported where there is a surplus of such facilities in the locality, the loss can be replaced with an equivalent or greater provision in the immediate locality, the development enhances the existing facility.

Policy AW10 – Environmental Protection and Public Health: 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

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 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), 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.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 13: Tourism;
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 proposal relates to the construction of a purpose-built two-storey building that would provide guest accommodation in connection with an existing public house known as The New Inn, which is located on Smiths Avenue, Rhigos. The site is located outside of the defined settlement boundary and so the key consideration will be the acceptability of this type of proposal in this location in planning policy terms.

Policies CS2, AW2 and NSA12 of the Rhondda Cynon Taff Local Development Plan all seek to ensure that developments are located within defined settlement boundaries with Policy AW2 further setting out requirements to ensure that developments are situated in sustainable locations. Whilst the application site is not situated within the defined settlement boundary and fails to comply with some of the sustainability objectives of Policy AW2 (it is not served by a range of sustainable transport options and does not have access to key services), national planning policy does not hold this as a barrier to tourism-related developments in rural locations. Planning Policy Wales generally supports tourism-related development in such locations as it is considered an essential element in providing for a healthy and diverse economy however, it does caution that development should be sympathetic in nature and scale to the local environment (these issues discussed in greater detail in the *Character and Appearance* section below). Whilst it notes that much of the existing provision of facilities and accommodation for tourism typically occurs in urban locations, it recommends a positive approach to proposals which utilise previously developed or disused land for tourism uses. It further supports the expansion of existing businesses located in the open countryside, provided that there are no unacceptable impacts, stating that the absence of allocated employment sites should not prevent proposals for appropriate small-scale enterprises in or adjoining rural settlements.

As indicated previously, the proposed guest accommodation block would be constructed within the grounds of an existing public house and would be operated in an ancillary capacity, therefore resulting in the expansion of an existing business. It is considered that the development would diversify the existing use of the public house and provide much-needed overnight accommodation for a growing tourist economy in the Rhigos/Hirwaun/Aberdare Area whilst also contributing to the local rural economy. The proposed use would relate well to the existing business and would provide an opportunity for employment and prosperity within the local community. It is also not considered that the proposed use would unacceptably conflict with uses in the surrounding area, which is predominantly residential in character.

Taking both national and local planning policies into account, whilst the site is located outside of the defined settlement boundary, the proposal would relate to an existing business and would provide an opportunity to improve the facilities on offer as well as providing some much-needed overnight accommodation for tourists visiting the area. As such, the principle of the proposed development is considered to be acceptable, subject to an assessment of the following material planning considerations:

Character and Appearance

The proposed building would be constructed to the south of the existing public house building and its associated car park and whilst it would inevitably form a visible addition to the site, it would be of a subservient scale and sympathetic design to that of the main public house. It would incorporate a traditional design with a rectangular shaped footprint and pitched roof with an off-centre entrance porch that would effectively mirror the design of the front elevation of the main building. Furthermore, materials of painted render, concrete roof tiles and upvc windows and doors would ensure that it would be in-keeping with the site and the surrounding area and it is not considered that the proposal would form an overly prominent addition.

It is therefore considered that the proposal would have an acceptable impact upon the character and appearance of the site and the surrounding area and the application would comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential Amenity and Privacy

The proposed building would be sited adjacent to the southern boundary of the site with the nearest neighbouring property being no. 1 Orchard Grove, approximately 16.5 metres to the north-east. Given the position of the proposed building to the south-east of the neighbouring property, it is not considered that it would give rise to any significant levels of overshadowing, nor would it result in any unacceptable loss of outlook or privacy.

Whilst one letter of objection raises concerns in relation to privacy, no windows are proposed within the side elevation of the building that would face towards the nearest property. It is noted that there is a door within that elevation however, the door would serve a plant room and would not result in any significant levels of overlooking. Whilst it is noted that the door will inevitably be used for maintenance purposes, it is anticipated that the comings and goings in this location will be limited and so the level of noise and disturbance in this respect will be low.

The main entrance to the building would be from the north-facing front elevation via a single storey entrance porch. It is noted that the doorway to the porch is located in its side elevation facing towards no. 1 Orchard Grove however, with a distance of approximately 21 metres and the location of an existing garden fence around the perimeter of the neighbouring property, it is not considered that the level of overlooking would be unacceptable. Furthermore, it is considered that the level of overlooking would be notably reduced given that the area upon which the building is proposed to be constructed currently appears to be a children's play area.

It is also noted that the use of the building for overnight accommodation will intensify the current use of the public house and could result in some degree of noise and disturbance to existing residents. However, the building would be of a limited scale with just 6 guest bedrooms and it is not likely that the level of noise and disturbance generated by the use would be significantly greater than that of the existing public house.

Whilst it is inevitable that the construction phase of the development is likely to result in some degree of noise and disturbance, this would be for a limited time period only. Noise attributed to construction is not a material planning consideration and it is not considered necessary to impose time limits for construction when these issues are more appropriately dealt with by other environmental health legislation.

As such, it is considered that the development would have an acceptable impact upon the amenity and privacy of surrounding residential properties and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Access and Highway Safety

A number of objections have been received from local residents that raise concern with regards to the impact of the proposal on highway safety and parking issues at and in the vicinity of the site. Whilst these concerns are acknowledged, the proposal has been assessed by the Council's Highways and Transportation section and no objection has been raised, subject to a number of conditions being added to any grant of planning consent. The comments received are summarised as follows:

Access

The application site is served via the existing public house car park and there is some concern that there are no segregated footway facilities leading to the proposed building with guests walking through the car park in the location of reversing motor vehicles. However, taking into account the low speeds of vehicles using the car park, the proposal is considered to be acceptable.

Parking

The Gross Floor Area (GFA) of the existing Public House is split into a restaurant and a bar area which together require a total 27 off-street car parking spaces with up-to 6 members of staff requiring an additional 2 spaces. The parking requirement for the existing facility is therefore 29 spaces with 33 spaces provided within the existing car park.

The proposed guest accommodation would have 6 no. bedrooms which would require 1 off-street car parking space per bedroom, in accordance with the SPG Access, Circulation & Parking 2011. As such, the proposal, in addition to the existing use, requires up-to a maximum of 35 spaces. No additional parking is proposed within the application and so there would be a shortfall of 2 spaces. However, taking into account that the requirements are maximum standards and that the car parking would most likely be cross-linked with the use of the Public House and outside peak trading times, on balance, the proposal is considered to be acceptable.

Public Right of Way

It is noted that there is a Public Right of Way running through the site and this must be maintained at all times.

Taking into account the comments received from the Highways and Transportation section, the proposal is considered to be acceptable in terms of its impact upon highway safety in the vicinity of the site. The application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

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

Public Right of Way

It is noted that Public Right of Way RHI//22/1 crosses through site from the access off Rhigos Road/Smiths Avenue, through the car park towards the most western boundary. The building would be constructed approximately 15 metres to the south of the registered path and would not result in the path being distinguished or obstructed. However, the Council's Public Rights of Way Officer has requested that a condition be added to any grant of planning consent to ensure that a method statement is submitted prior to commencement of development to demonstrate how the public right of way will remain open, accessible and unobstructed during construction.

Ecology

The proposal would result in the construction of a new building within the grounds of an existing public house. No works are proposed to the existing building and the Council's Ecologist has not raised any concerns or requested any ecological surveys be carried out. It is noted that the proposed building would be sited adjacent to some trees which are situated on the other side of the fence however, the Ecologist considers that they are scrubby grey/goat willows which are likely to withstand the development.

Drainage

The proposal has been assessed by the Council's Flood Risk Management team and the response received does not raise any significant concerns. A condition is, however, recommended to ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site or adjoining properties, land and infrastructure.

Public Sewers

Welsh Water have indicated that the application site is crossed by a public sewer however it is noted that the location shown on the plan provided is approximate. Whilst it would appear that the proposed building would not impact upon the sewer, it is the responsibility of the applicant to ensure that this has been accurately marked out prior to commencement.

Special Area of Conservation and Site of Special Scientific Interest

The application site is located within 800m of both Coedydd Nedd a Mellte Special Area of Conservation (SAC) and Dyffrynoedd Nedd a Mellte a Moel Penderyn Site of Special Scientific Interest (SSSI). Consultation with Natural Resources Wales has not resulted in any adverse comments being received. It is commented that the proposal is not likely to have a significant effect on the SAC or SSSI. As such, the proposal is considered to be acceptable in this regard.

Other issues raised by objectors

As indicated previously in this report, there have been several claims made by one objector that the land within the red line boundary is not within the ownership of the applicant and that the application is an attempt to illegally acquire land. It is also suggested that boundary fences and gates have been moved to facilitate this. Whilst issues of landownership are not material planning considerations, it is necessary to ensure that the correct landownership certificates have been completed prior to determination. In this case, no evidence has been provided by the objector to suggest that the evidence provided by the applicant is incorrect, despite being requested to do so numerous times. It is considered that the applicant has provided sufficient evidence to demonstrate ownership of the land and it is therefore reasonable to assume that the correct ownership certificates have been completed. Furthermore, having looked at aerial photographs of the site in 2006, 2009, 2014 & 2017, there appears to have been no notable changes made to the fences/gates surrounding the site and their locations appear to be the same as currently viewed on site. There also appears to have been no changes made to the layout of the car park since the earliest aerial image in 2006.

A number of objections have been received in relation to noise and disturbance during construction as well as for dust etc. These issues are all inevitable during the construction of any development however, there is separate legislation in place that would deal with these issues. They are not material planning considerations and it would be unnecessary and unreasonable to impose conditions in these regards. Furthermore, time limits cannot be imposed for the completion of the development however, there are powers available to the Council should a development take an unnecessary time to complete. The Council will not be involved in the construction of the development and so will not be able to provide residents with updates on the project. The Council can also not insist that local people are employed in the business.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

Whilst the application site is located outside of the defined settlement boundary, it would provide much-needed tourist accommodation within a rural setting which is not discouraged by Planning Policy Wales. The site is currently occupied by an existing

business and the proposal would inevitably enable the expansion and diversification of an existing rural business. Furthermore, the development is considered to be acceptable in terms of its impact upon the character and appearance of the site, its impact upon the amenity and privacy of surrounding residential properties and upon highway safety in the vicinity of the site.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority on 4th June 2021 and 16th September 2021 unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. 01-001 Rev. PL-A: Site Location Plan
- Drawing No. 01-003 Rev. PL: Proposed Site Layout Plan
- Drawing No. 01-005 Rev. PL: Proposed Elevations and Section
- Drawing No. 01-004 Rev. PL: Proposed Ground and First Floor Plans

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

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

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

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

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

4. No development works shall commence on site until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The building hereby approved shall not be brought into beneficial use 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.

5. No development works shall commence, including any works of site clearance, until a method statement has been submitted to and approved in writing by the Local Planning Authority to demonstrate how the public right of way shall remain open, accessible and unobstructed during construction together with a schedule of the measures which will be employed to ensure that the public right of way is not damaged by construction. The works shall be carried out in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the Public Right of Way, in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.



PLANNING & DEVELOPMENT COMMITTEE

2 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0805/16 (GD)
APPLICANT: Warton & Evans
DEVELOPMENT: Variation of condition 1(c) to allow a further year for the submission of reserved matters and extension of condition 1(d) by one year for the commencement of development. Condition 11 to be reworded to allow for a phased approach to the development of the site (Amended description received 17/09/2021).
LOCATION: BLAKE STREET, MAERDY, FERNDALE
DATE REGISTERED: 17/09/2021
ELECTORAL DIVISION: Maerdy

RECOMMENDATION: Approve subject to conditions and a deed of variation to the original Section 106 agreement.

REASONS: The principle of the proposed development was established as acceptable in the grant of outline planning permission at appeal in early 2019. Whilst there have been shifts in planning policy since then with the introduction of Planning Policy Wales 11, Future Wales 2040 and the removal of Technical Advice Note 1 Joint Housing Land Availability Studies, these are not considered to sufficiently impact the initial approval of development on this site to the extent that would warrant refusal of this application.

APPLICATION DETAILS

This application seeks permission to vary condition 1(C) of planning permission 18/0018 to allow a further year for the submission of reserved matters for consideration, effectively seeking permission to allow the submission of detailed designs until January 2023 as opposed to January 2022 which the current permission allows. Similarly, altering condition 1(d) in the manner proposed would allow up until January 2024 for the commencement of works.

Condition 11 currently reads as follows: -

“11. Prior to the commencement of development, a report detailing a methodology for undertaking a conditions survey of Blake Street and the Junction with Maerdy Road, both immediately prior to and following the construction period, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include: the timescales for undertaking the surveys; method(s) of reporting the findings to the Local Planning Authority, including via comprehensive photographs, and potential compensation arrangements. The development shall not be brought into use until final survey, following the completion of the development, has been submitted to and approved in writing by the Local Planning Authority.

Reason: in the interests of highway safety and public safety.”

It is proposed the condition be reworded to allow a phased approach as follows: -

“11. Prior to the commencement of the development, a report detailing a methodology for undertaking a condition survey of Blake Street and the junction with Maerdy Road, both immediately prior to and following the construction period, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include: the timescales for undertaking the surveys; method(s) of reporting the findings to the Local Planning Authority, including via comprehensive photographs; and potential compensation arrangements. The timescales for undertaking the surveys to be phased on the completion of every 25% of dwellings erected, with such dwellings not being brought into beneficial use until the phased survey has been submitted to and approved in writing by the Local Planning Authority. By agreement between the LPA and the applicant, the agreed costs and/or restorative works required at each phased stage of the survey can be rolled forward if it is considered expedient to do so. The consent of the LPA at the phased and final stage of survey is not to be unreasonably withheld and if necessary any dispute is to be determined by ‘expert determination’ by a RICS valuer agreed by both parties.

Reason: in the interests of highway safety and public safety.”

The design parameters set out in the original application are unaltered.

SITE APPRAISAL

The application site comprises a roughly rectangular shaped, undeveloped parcel of land, with an area of approximately 1.5ha. The site was previously the subject of a land reclamation scheme. The boundaries are defined by post and wire and post and rail fencing with a semi mature shelter belt of trees planted on three sides of the site. The central part of the site comprises areas of marshy, scrub land with small areas of standing water.

The site is positioned to the south-east of Blake Street; the north-east of a rear lane that serves the residential properties in Richard Street and the rear of The Royal British Legion and Maerdy Conservative Club. To the north east of the site, the landscape

slopes steeply down to the Afon Rhondda Fach river. Ferndale Community School playing field lies adjacent to the south-eastern boundary. A well-worn path provides access through the site from Blake Street to the school.

The area as a whole is located on a slope falling from south to north. As a result, the site sits slightly below the residential properties in Blake Street and significantly below the ground floor level of the residential properties in Richard Street.

PLANNING HISTORY

18/0018	Residential development of up to 29 dwellings	Refused 03/08/18 Allowed at Appeal 30/01/19
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PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour notification letters. To date two letters of objection have been submitted on behalf of local residents both with 73 signatures attached representing the views of the residents of Blake Street. The issues raised can be summarised as follows –

- Citing paragraphs 32 and 33 from the original appeal decision the Inspector noted the Councils suggested conditions and adjusted where appropriate to better align with the advice of Welsh Government Circular 016/2014. At the hearing the Inspector discussed whether the standard time limit conditions should be varied to ensure that the units are brought forward as soon as possible, but concluded not to adjust the approval and commencement timescales, as it would have a negligible effect on completion timescales.
- Condition 1 is set out in four parts and it is condition 1(c) which requires the submission of reserved matters within 3 years of the date of the permission which the applicant wants to extend to 4 years. Condition 1(d) requires a commencement within 5 years of the date of the permission and there is concern that should the first requirement be effectively pushed back a year then extending the time for commencement to 6 years. The Inspector set out the rigour for his reasons in not acceding to varying the standard time limit conditions and deemed it unnecessary to adjust the approval and commencement timescales for the reasons set out in paragraphs 32 & 33 of his decision and this application should be refused for the very same reasons.
- It is queried whether the appointed inspector, Mr Paul Selby, would be consulted in respect of the current planning application.
- Choosing to broaden the scope of the current application represents self-inflicted delay on the part of the applicant.
- Planning permission was granted on 30/01/19 and the applicants have had almost three years to submit reserved matters, even allowing for Covid over the last 18 months does not explain why they have not dealt with other conditions of consent like the requirement for a traffic regulation order, given their pre commencement requirements.
- The reason for the inclusion of condition 11 in its original form was in the interests of highway and public safety and nothing should compromise that

reason as it is the residents whose safety will be compromised in taking such a piecemeal approach.

- The original condition is also consistent with the originally recommended condition 16 of the planning officer report which required it on the basis of ensuring that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety in accordance with policy. It cannot be acceptable for this condition to now be varied as requested by the applicant.
- In paragraph 21 of his report the Inspector said *“for the reasons given above I find that that the proposed off site highway measures are necessary to mitigate the harm to the safety of highway users, and those mitigation measures would not harm the living conditions of residents or conflict the wellbeing goals set out in the WBFG Act, or the Welsh Ministers wellbeing objective of supporting safe cohesive and resilient communities, subject to conditions to secure the necessary mitigation prior to the commencement of any work. I conclude that the proposals would accord with LDP Policy AW5 which amongst other things aims to ensure that developments have safe access to the highway network and do not cause or exacerbate traffic congestion.”* To allow condition 11 to be varied would fail this objective.
- The Inspector at paragraph’s 25 through 27 addressed the housing land supply issue and how the development would provide much needed housing in an area that has had limited provision in recent years. In paragraph 28 the Inspector goes on to attach considerable weight to the benefits of the proposal in improving housing land supply and ends paragraph 29 with the words *“in my view the proposal would meet an overriding need and its benefits combine to outweigh the conflict with national and local policies identified.”* Nowhere does the Inspector indicate that anything other than the full development of the site was in his mind when he attached condition 11 if the Inspector anticipated a phased approach condition 11 would have reflected that.
- The applicant still has until the end of January to submit details for approval and a further 2 years to commence development and it is respectfully suggested that those target dates are met and the variation of all three conditions rejected.

CONSULTATION

Transportation Section – there are no highway safety concerns subject to the re-imposition of previous highway related conditions with condition 11 varied as suggested.

Flood Risk Management – no objections.

Public Health & Protection – have no observations in respect of the proposed extension of time.

Natural Resources Wales – have no objections to the proposed development as submitted.

Dwr Cymru Welsh Water – no objection to an extension of time.

Wales & West Utilities – only advise to contact them should the developer be undertaking works in the vicinity of their apparatus.

Western Power Distribution – advise that any new connection or diversion will require their further consent.

Countryside – continue to require that the development of the site be supported through the implementation of a habitat management plan, details of which should be applied through the course of development.

Parks & Leisure – no observations received.

South Wales Fire & Rescue Service – raise no objections to the proposed development advising that the developer should consider the need for adequate water supplies on site for firefighting purposes and the provision of appropriate access for emergency firefighting appliances.

Housing Strategy – indicate that they remain content with the provision to be secured through the original Section 106 agreement.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is located outside but immediately adjoining the defined settlement boundary of Maerdy.

The principal policies in the consideration of this application are as follows:

Policy CS1 Emphasises the promotion of residential development in locations which support and reinforce the Principal Towns and Key Settlements.

Policy CS4 Identifies the housing requirement figure for the plan period.

Policy CS5 Requires the provision of affordable housing.

Policy AW1 Identifies how the housing requirement figure will be met including through the allocations in the Local Development Plan.

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

Policy AW4 Identifies that the Council may seek Planning Contributions on development proposals.

Policy AW5 Sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 Gives design and placemaking criteria for new development.

Policy AW8 Sets out policy for the protection and enhancement of the natural environment, including that proposals should not result in harm to sites with recognised nature conservation interest or have an unacceptable impact on features of importance to landscape or nature conservation.

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

Policy NSA10 Sets a minimum density of 30 dph and gives criteria for the consideration of lower densities.

Policy NSA11 Seeks 10% affordable housing provision on sites of 10 units or more.

Policy NSA12 Gives criteria for housing development within settlement boundaries. Identifies that proposals outside but adjoining the settlement boundary will be permitted subject to specified restrictions.

The following Supplementary Planning Guidance documents are also relevant-

- Design and Placemaking.
- Delivering Design and Placemaking - Access Circulation and Parking Requirements.
- Planning Obligations.
- Nature Conservation.
- Affordable Housing, and
- Employment and Skills.

National Guidance

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

Planning Policy Wales Edition 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), 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 Future Wales 2040 (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 7 - Delivering Affordable Homes – SDP/LDP/allocations and innovative approaches.

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 2: Planning and Affordable Housing;
PPW Technical Advice Note 4: Retailing and Town Centres;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23 Economic Development, and
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

In this instance, the applicants have submitted an application under s.73 Town and Country Planning Act 1990 to amend conditions 1(c) 1(d) and 11 of Planning Permission 18/0018 (see above) to extend the period of time within which reserved matters can be submitted, works commenced and restructuring a highway repair and maintenance schedule. 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.

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.

A key consideration in the determination of this application are the updates in planning policy brought in since the approval of this development in early 2019, specifically the introduction of Planning Policy Wales 11 alongside Future Wales 2040. Additionally, since the initial grant of consent Technical Advice Note 1 Joint Housing Land Availability Studies has been withdrawn. The consequences of these changes are discussed below.

Planning Policy Wales 11 has a primary objective of ensuring the planning system delivers sustainable development which improves the social, economic, environmental and cultural well being of Wales as required under the Planning Wales Act 2015 and the Wellbeing of Future Generations (Wales) Act 2015. On this point it is worth noting the comments of the appointed inspector in his consideration of the appeal. Notwithstanding the fact that at that time and now, the proposed development conflicts with Local Development Plan policies, the Inspector concluded that the proposals satisfy the objectives of PPW10 (the relevant national policy document in force at the time), of securing sustainable development by ensuring that local communities have sufficient housing and affordable housing for their needs and directing development to sustainable locations concluding *“I consider that it would also be consistent with the goals of the Wellbeing of Future Generations Act, in particular the Welsh Ministers’ well being objective of supporting safe, cohesive and resilient communities.”* Though Planning Policy Wales has been updated since the Inspector arrived at this conclusion, there is nothing in the latest iteration of Planning Policy Wales that would or could direct an alternative conclusion.

Future Wales: The National Plan 2040 (which is sometimes referred to as the National Development Framework or NDF for Wales) was published alongside Planning Policy Wales 11 and sets out the direction for development in Wales up to 2040. It is a development framework with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems and improving the health and wellbeing of our communities. Members will note from the details above that Policy 33 identifies Cardiff, Newport and the Valleys as a key growth area, and as such an area where sustainable development can and should be encouraged.

Technical Advice Note (TAN) 1 Joint housing Land Availability Studies was at the time of the appeal modified to the effect that Local Planning Authorities could ascribe what weight they chose to the housing land supply situation. The requirement was that all Local Planning Authorities were required to maintain a five-year bank of housing land and at that time the supply figure in Rhondda Cynon Taf stood at only 1.4 years. The TAN has since been fully withdrawn. The Inspector ascribed considerable weight to this issue in allowing the development of the site at appeal and to the fact it would also provide a limited number of affordable homes for Maerdy. He also attached moderate weight to the proposal’s contribution to economic activity in the locality. Whilst there is no longer an obligation to address the housing land supply shortage, Members should

keep in mind that the need to provide housing remains and that sites allocated in the area have failed to come forward for development and indeed that the prospect of residential development on the former Chubb factory site is no longer available.

Whilst the above deals with issues around condition 1, condition 11 is focussed on the more practical aspects of developing the site. Condition 11 as originally worded would have required that the whole residential development be built and not brought into use until the relevant survey work has been undertaken. The proposed change offers an approach to dealing with this issue in a manner better suited to the applicants needs given that their approach to developing the site will be to provide 5-6 houses in any given phase. The final outcome would ultimately be the same and the reworded condition enables any necessary remedial work through the course of development.

Other Issues:

In the original decision notice the inspector included condition 3 requiring the submission and agreement of foul and surface water drainage details and their implementation prior to first occupation of the development. AS both matters are now governed by other legislation with the introduction of SuDS along with the requirements of water industries legislation, there is no longer a need for such a condition and Members are advised that it be omitted from any future grant of planning permission.

The objectors raise the point that the Inspector chose not to deviate from the standard wording of the timing conditions unconvinced that it would not deliver the completion of the development any more quickly and argue that should remain the case. In this instance it is open to the decision makers to follow the same line of reasoning. However, given the events of the last eighteen months such a stance might be viewed as unreasonable with the effect that the Covid 19 pandemic in particular has had on the building and building supply industries. Furthermore, all that the applicants are applying for in this instance is a further year to submit reserved matters and commence the development, and deliver highway maintenance in an appropriate manner.

The objectors also query whether the views of the original inspector, Mr Paul Selby, would have been sought with regard to the current proposals. This cannot happen as it would not be appropriate to seek the views of a planning inspector on an issue that might come before Planning & Environment Decisions Wales (PEDW – the successor determining body to the Planning Inspectorate in Wales) under any potential future appeal and this has been explained to the objector.

The objectors indicate that the submission of this application reflects self-inflicted delay on the part of the applicants. Notwithstanding whether or not that is the case, it can form no basis for the refusal of this submission which has to be considered on its planning merit.

It is suggested by the objectors that varying condition 11 would comprise highway safety and they reference both the comments of the Inspector at the earlier appeal and the original report to Members in respect of this matter. Firstly, Members should note that the Transportation Section have raised no objections to the revised wording

of condition 11. Secondly condition 11 is not the only planning condition that addresses highway safety, e.g. there are also conditions requiring the agreement of a Traffic Regulation Order, requirement for engineering details, tie in with Blake Street etc. The key issue in considering the suggested alteration to condition 11 is will allowing the change compromise highway safety in the locality of the site? The reality is that it will not, it just allows a wider accommodation in maintaining the highway through the course of development in a manner that better facilitates the developer's intentions in developing the site.

The objectors also reference the issue of housing land supply as a matter discussed by the Inspector in dealing with application 18/0018, suggesting that in his deliberations the Inspector did not anticipate a phased approach to the development of the site, (this in essence is what the alterations to conditions and particularly condition 11 would facilitate). The issue though is not what the Inspector may or may not have had in mind in January 2019, but whether or not such an approach is acceptable moving forward. Given the planning policy position outlined above and the absence of any objections in highway terms or any factual evidence to the contrary, such an approach is considered acceptable.

Community Infrastructure Levy (CIL) Liability

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications. In this instance though the site lies in a £nil charging area.

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 developer will be required to enter into a deed of variation to the original Section 106 agreement to maintain the following provisions:

- 10% affordable housing contribution;
- Details, provision and delivery of a long term Biodiversity Management Plan and Post Construction Tree Monitoring and Management Plan;
- A commuted sum contribution towards off site play provision and maintenance costs commensurate with the current Planning Obligations Supplementary Planning Guidance; and
- Provision of an employment and skills plan.

It is considered that these requirements continue to meet all of the above tests and are compliant with relevant legislation.

Conclusion

The application relates to proposals to alter the lifespan of the permission by allowing a further year for the submission of reserved matters and commencement of development and for highway requirements to better align with the developer's approach and objectives. Whilst planning policy has been updated since the initial decision and the requirement to maintain a five-year land bank for housing development has been removed, this of itself is not substantive enough of a reason not to allow the current planning permission to be amended, particularly so as application is still technically live and that since the decision the Covid 19 pandemic has had a substantial adverse impact on the building industry. There are no other material considerations in respect of the current proposal that could lead to an alternative recommendation

RECOMMENDATION: Approve subject to conditions and the applicants entering in to a Section 106 agreement in the terms described above.

1. (a) Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter referred to as "the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Applications for the approval of reserved matters shall be made before the expiration of 4 years from 30th January 2019.

(d)The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of six years from 30th January 2019 or (ii) the expiration of 2 years of the final approval of reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

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

2. The development shall be carried out in accordance with the following approved documents:

- 13/2017/PL/239A 'proposed OS plan; 13/2017/PL/239E' 'proposed site plan (indicative); 13/2017/PL/242 'proposed streetscape'

Reason: To define the approved plans and in the interests of proper planning.

3. No development shall take place until a species and habitat protection plan for construction has been submitted to and approved in writing by the Local Planning Authority. The protection plan shall include:

- i) A plan clearly identifying protection zones where construction activities are restrictive and where protective measures will be installed and implemented.
- ii) Details of phasing of construction to avoid periods of the year when sensitive wildlife and species could be harmed.
- iii) Details of protective measures (both physical measures and protective working practices) to avoid impacts during construction, including
 - mitigation measures for specific habitats and species as identified in the submitted ecological assessment entitled "Land off Blake Street, Maerdy" dated august 2017
 - water pollution control
 - invasive plant control; and
- iv) A scheme of reporting during the construction programme identifying the persons responsible for compliance with legal consents, compliance with planning conditions (ecological clerk of works), the installation and maintenance of physical mitigation measures, and the provision of training and information to construction personnel.

The protection plan shall then be implemented in accordance with the timings approved by the Local Planning Authority.

Reason: In the interests of ecology and to comply with the requirements of Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place nor any demolition works or site clearance until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of trees during construction in accordance with the submitted arboricultural report and Tree Constraints Plan dated July 2017. The scheme shall be carried out as approved.

Reason: In the interests of ecology and the area's character and appearance in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. Notwithstanding the submitted plans, no works other than site clearance and preparation works shall commence on site until full engineering design and details of the tie in with Blake Street, including footpath links and crossovers, 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.

Reason: In the interests of highway safety and drainage, in accordance with Policies AW5 and AW 10 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the submitted plans, no works other than site clearance, and preparation works shall commence on site until full engineering design and details of the junction build out on Maerdy Road, including surface water drainage details, 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.

Reason: In the interests of highway safety and drainage in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. The development shall not be commenced until a Traffic Regulation Order (TRO) for Maerdy Road and Blake Street has been implemented in accordance with submitted plan ref: 13/2017/PL/242 entitled "Proposed Streetscape".

Reason: In the interest of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. Off street parking shall be provided within the site in compliance with the Council's Supplementary Planning Guidance on delivering design and Placemaking: Access Circulation and Parking Requirements or its successor.

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

9. No works on site shall commence until a condition survey of the culverted watercourse, including a structural assessment and any mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be implemented in accordance with the approved details prior to construction works commencing.

Reason: In the interests of highway safety and public safety in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to the commencement of the development, a report detailing a methodology for undertaking a condition survey of Blake Street and the junction with Maerdy Road, both immediately prior to and following the construction period, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include: the timescales for undertaking the surveys; method(s) of reporting the findings to the Local Planning Authority, including via comprehensive photographs; and potential compensation arrangements. The timescales for undertaking the surveys to be phased on the completion of every 25% of dwellings erected, with such dwellings not being brought into beneficial use until the phased survey has been submitted to and approved in writing by the Local Planning Authority. By agreement between the LPA and the applicant, the agreed costs and/or restorative works required at each phased stage of the survey can be rolled forward if it is considered expedient to do so. The consent of the LPA at the phased and final stage of survey is not to be unreasonably withheld and if necessary any dispute is to be determined by 'expert determination' by a RICS valuer agreed by both parties.

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

11. No development shall commence, including any works of site clearance, until a Construction Method Statement, has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) The means of access into the site for all construction traffic,
- ii) The parking of vehicles of site operatives and visitors,
- iii) The management of vehicular and pedestrian traffic,
- iv) Loading and unloading of plant and materials,
- v) Storage of plant and materials used in constructing the development,
- vi) Wheel washing facilities,

- vii) Measures to control the emission of dust and dirt during demolition and construction including the sheeting of lorries leaving the site.

Reason: In the interests of the living conditions of residents and highway safety in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 12. HGV's used as part of the construction of the development shall not access or egress the site via Blake Street outside the hours of 0900 to 1630 Mondays to Fridays and 0900 to 1300 on Saturdays and at no time on Sundays or Public holidays.

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

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

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

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PLANNING & DEVELOPMENT COMMITTEE

2 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1165/10 (KL)
APPLICANT: Mr K Buckley
DEVELOPMENT: Change of use from travellers site to caravan storage.
LOCATION: STABLE VIEW. HALT ROAD, RHIGOS, ABERDARE
DATE REGISTERED: 19/08/2021
ELECTORAL DIVISION: Rhigos

RECOMMENDATION: Approve, subject to conditions

REASONS: Whilst the site is located outside of the defined settlement boundary, it is located in some proximity to Hirwaun Industrial Estate (also outside of the defined settlement boundary) in which there are a number of existing industrial and commercial uses. It is therefore not considered that the proposed use would unacceptably conflict with surrounding land uses, or with the adjacent waste allocation site (CS9). The site is considered to be an area of previously developed land with an existing access point and access track which would lend itself to some form of development. The Council's Highways and Transportation section have not raised any objection in relation to the access to the site.

Furthermore, the site is largely screened from view and it is not considered that the siting of caravans at the site would have an adverse impact upon the character and appearance of the surrounding area or upon the amenity and privacy of surrounding properties.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the change of use of land from a Traveller site to caravan storage.

The plans submitted with the application indicate that the site would hold up to 72 caravans with each space measuring 3 metres in width by 6 metres in depth. The site would be accessed from the existing access point off Halt Road with a new security gate being erected at the end of the existing access road. A security fence which would measure 2.5 metres in height would be erected around the perimeter of the site.

Details provided by the applicant indicate that the site would be operated on an appointment basis only whereby customers wishing to store their caravans would arrive at the site at a pre-arranged time to meet the site manager. The appointments would take place between the hours of 08:30 and 17:30 only.

SITE APPRAISAL

The application site relates to an irregular shaped parcel of land which is located approximately 2.5km to the west of the village of Hirwaun. It is situated between Halt Road (to the north) and the A465 trunk road (to the south) with an existing stable block (in the applicant's ownership) and Fifth Avenue Guest House being located to the east.

The site measures approximately 0.36 hectares and consists of a hardcore area that is set above Halt Road. Access to the site is via existing gates off Halt Road to the north-west with an existing access road leading to a hardcore area. The northern boundary of the site adjacent to Halt Road is defined by a number of mature trees which would be retained as part of the proposal.

It is understood that the site was previously occupied by a Traveller family with two mobile homes, two touring caravans and a small wash house/utility building being located within the site. The site has, however, been vacant since 2014.

The site is located outside of the defined settlement boundary however, Hirwaun Industrial Estate is located approximately 320m to the south (also outside the defined settlement boundary) and, as such, there are a number of commercial and industrial uses in the vicinity of the site. However, it is also noted that there are also a number of residential properties as well as an existing guest house along Halt Road/Fifth Avenue.

PLANNING HISTORY

The following applications are on record for this site:

08/1569	Stable View, Halt Road, Hirwaun	Change of use of land from agricultural to a one- family Traveller site, including stationing of 2 mobile homes, 2 touring caravans, parking and small wash house/utility building.	Granted 06/04/09
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97/4275	Stable View, Halt Road, Hirwaun	Retention of mobile home	Refused 12/09/97
			Allowed on appeal: 30/01/99
96/4089	Stable View, Halt Road, Hirwaun	Retention of storage containers	Withdrawn 11/09/97
95/0148	Stable View, Halt Road, Hirwaun	Retention of grading and tipping of hardcore material and erection of stables	Granted 23/06/95
84/0233	Stable View, Halt Road, Hirwaun	Erection of mobile homes	Refused 18/07/84

PUBLICITY

The application has been advertised by means of direct neighbour notification, the erection of two site notices in the vicinity of the site and the publication of a press notice in a local newspaper.

No letters of objection or representation have been received.

CONSULTATION

Countryside, Landscape, Ecology: No objection is raised, or condition suggested.

Flood Risk Management: No objection is raised, or condition suggested.

Highways and Transportation: No objection, subject to conditions

Natural Resources Wales: The response received indicates that they do not have any comments to make on the proposed development.

Public Health and Protection: No objection is raised, or condition suggested.

Welsh Water: No objection is raised, or condition suggested.

No other responses have been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS1 – Development in the North: Emphasis is on building strong, sustainable communities by ensuring the removal and remediation of dereliction by promoting the re-use of under used and previously developed land and buildings.

Policy CS9 – Waste Management: Allocates land at Hirwaun Industrial Estate for waste management, including recycling and composting.

Policy AW2 – Sustainable Locations: Advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 – New Development: Sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – Design and Placemaking: Requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 – Environmental Protection and Public Health: 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
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 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), 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.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other relevant 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 located outside of the defined settlement boundary where development would not ordinarily be supported. However, it is located in close proximity to Hirwaun Industrial Estate (also outside of the defined settlement boundary) and immediately adjacent to an allocated site for waste development (Policy CS9). Hirwaun Industrial Estate, by its very nature, is characterised by a vast number of commercial and industrial uses and it is not considered that the proposed use of the site for the storage of caravans would unacceptably conflict with surrounding land uses or indeed the CS9 Waste Allocation. Furthermore, given that the proposal seeks permission for the storage of caravans, the site does not necessarily need to be accessible by a range of sustainable transport options or by foot or bicycle as the caravans would be brought to and taken from the site by car/van.

Furthermore, it is considered that the site meets the definition of previously developed land, as set out in Planning Policy Wales (Edition 11). Whilst the site is currently vacant, it was most recently occupied by a single Traveller family and their mobile homes as approved by planning permission ref. 08/1569 (for the siting of 2 no. mobile homes, 2 no. touring caravans and a small wash house/utility building). The mobile homes and wash house building are no longer at the site, however, the area of hardcore on which the caravans and mobile homes were sited (hardcore area previously approved by planning permission ref. 95/0148), the site access and access track are all still in place and it is therefore considered that the site would lend itself to some form of development. Furthermore, the Council's Highways and Transportation section have not raised any objection to the proposal in terms of the potential impact upon highways safety in the vicinity of the site (discussed in greater detail in *Highway Safety* section below).

In light of the above, whilst the site is located outside of the defined settlement boundary, the principle of the proposal to provide a caravan storage facility at the site

is considered to be acceptable, subject to an assessment of other material planning consideration, as discussed in subsequent sections of this report.

Impact on the character and appearance of the area

The application site forms a relatively flat plateau of land which is raised above the road at Fifth Avenue however, the site is not particularly visible from the surrounding area due to a large number of trees that surround the site. The plans indicate that trees are to be retained and it is therefore not considered that the caravans that would be stored at the site would appear overly prominent within the landscape.

It is noted that there may be views of the site from the Brecon Beacons National Park however, given that the site is located in some proximity to Hirwaun Industrial Estate, it is considered that it would be viewed in context with the numerous other industrial uses and structures to the south. No response has been received from Brecon Beacons National Park following the consultation exercise.

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 area and in terms of the Brecon Beacons National Park 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

The application site is located in an area of Hirwaun that is predominantly characterised by industrial and commercial properties, although it is noted that there are a number of residential properties located in the vicinity as well. The nearest properties are located to the east of the site which forms Fifth Avenue Guest House (approximately 50m away) and an associated residential bungalow (approximately 90m away). Whilst the use has the potential to result in some level of noise and disturbance from the comings and goings of customers, the applicant has confirmed that activity would be limited to daytime hours (08:30-17:30) with customers being met at the site by the site manager. It is considered that the operational hours of the use are acceptable and that the amenity of any neighbouring property would not be unduly compromised. Furthermore, the very nature of the proposed use would not give rise to any significant overbearing, overshadowing or overlooking impacts and this is particularly the case due to the siting of an existing stable block between the site and the guest house (both of which are understood to be within the applicant's ownership).

The use of the site for storage purposes would also not unacceptably conflict with other industrial or commercial uses in the area.

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

Access and highway safety

The proposal has been assessed by the Council's Highways and Transportation section with no objection being raised in relation to the impact of the proposal upon highway safety in the vicinity of the application site. The comments note that the application site is served off Fifth Avenue with an existing access point and a gate set back 10 metres from the edge of the carriageway. The access track beyond the gate onto the proposed storage area narrows to single width and concern is raised that this could result in potential reversing manoeuvres out onto Fifth Avenue, should a vehicle and caravan be leaving the site with one trying to enter. However, the applicant has provided additional information relating to the control of the access with caravans entering and leaving the site on an appointment basis only and therefore, the likelihood of two opposing vehicle movements would be minimal.

It is also noted that the speed limit on Fifth Avenue is 30Mph which requires a vision splay of 2.4m x 40m, in accordance with Technical Advice Note 18: Transport. Concern was initially raised that the access was sub-standard in this regard due to the location of an adjacent fence however, the applicant provided amended plans indicating the boundary fence set back to provide the required vision splay, which is considered to be acceptable. A condition is recommended to ensure that the site access is laid out in accordance with the required vision splays prior to the development being brought into beneficial use.

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

Other Issues:

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

Land Drainage

The proposal does not include any increase to the impermeable surfaces at the site and the Council's Flood Risk Management team have not raised any objection or recommended any drainage conditions.

Ecology

The proposal would not result in any site clearance with the caravans being stored upon the existing area of hardcore. The Council's Ecologist has therefore not raised any objection to the proposal or requested that ecological surveys be undertaken.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

Whilst the site is located outside of the defined settlement boundary, it is located in some proximity to Hirwaun Industrial Estate (also outside of the defined settlement boundary) in which there are a number of existing industrial and commercial uses which would not be compromised by the proposed storage use. Furthermore, the site is considered to be an area of previously developed land with an existing access point and access track which would lend itself to some form of development. The Council's Highways and Transportation section have not raised any objection in relation to the access to the site.

Furthermore, the site is largely screened from view and it is not considered that the siting of caravans at the site would have an adverse impact upon the character and appearance of the surrounding area or upon the amenity and privacy of surrounding properties.

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 permitted shall be carried out in accordance with the approved plans and documents unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. 2820 C – Proposed Storage Compound for Touring Caravans (rec. 19th August 2021)

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

3. Before the development is brought into beneficial use the vehicular access to the site shall be laid out, constructed and retained thereafter with 2.4 x 40 metre vision splays.

Reason: To ensure that adequate visibility is provided, in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the LPA.

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

5. No development shall commence until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of surrounding properties, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. The public opening hours of the business shall be restricted to the following:

Monday to Sunday: 08:00 -18:00

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

7. The site shall be used solely for the purpose of the storage of caravans. The caravans shall not be used for residential or leisure (tourism) purposes at any time.

Reason: To clearly define the scope of the permission.

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PLANNING & DEVELOPMENT COMMITTEE

2 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1179/10 (EL)
APPLICANT: Mr Smith
DEVELOPMENT: Demolition of The Dragon (formerly The Bridge Inn) and no. 1 Saron Street, and erection of 5 no. units of purpose built student accommodation (sui generis). Amended plans received 19/10/21.
LOCATION: THE DRAGON INN AND 1 SARON STREET, TREForest, PONTYPRIDD, CF37 1TF
DATE REGISTERED: 27/08/2021
ELECTORAL DIVISION: Treforest

RECOMMENDATION: Approve

REASONS: The principle of the redevelopment of the site as purpose-built student accommodation has been established as acceptable by the approval of an earlier planning appeal at the site. The proposed changes in terms of layout, scale and design are considered acceptable in terms of their impacts upon both the character and appearance of the conservation area and amenity of neighbouring residents. The scheme is also considered acceptable in highway safety terms. As such, the proposal accords with the requirements of relevant policies of the Rhondda Cynon Taf Local Development Plan and National Policy.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to Service Director Planning.

APPLICATION DETAILS

Full planning permission is sought for the demolition of The Dragon Inn (formerly The Bridge Inn) and 1 Saron Street and erection of a purpose built student accommodation block, comprising 5 no. units of accommodation.

The site occupies a corner position on the junction of Saron Street and Bridge Street. The proposed building would occupy almost the entire plot, with a broadly rectangular

footprint. The building would extend to a maximum of 23.0 metres in length and 12.5 metres in width.

The building is essentially formed by two blocks; a three-storey block would occupy the eastern extent of the site, siting adjacent to the boundary with the railway embankment. This would have a flat roof design and would extend to 8.6 metres in height. The western extent of the building forms the 'second block' this would take the form a three-storey block, albeit that the third storey would have the appearance of a roof space, with the accommodation created being served by roof lights in the sloping faces of the north and west elevations. When viewed from Saron Street, this block would extend to 8.0 metres in height, siting below that of the adjoining 'eastern block'.

The building would be divided into 5 separate units, each providing 5 no. bedrooms arranged over three floors, with the development providing a total of 25 bedrooms. Each of the 5 units would benefit from its own 'front door' access onto Saron Street. With each unit also having its own (partially concealed) bin store space to the front, street elevation. The front elevation of the building would be off-set slightly from the line of the highway fronting Saron Street, meaning that space would be available to create small rain gardens to the front of each of the units. Cycle storage would be provided within the hallways of each of the units.

The building itself is contemporary in its design, with the primary material proposed for the elevations of the eastern three storey block, adjacent to the railway line being a composite cladding, with panels adjacent to window openings being in a contrasting colour tone to add interest.

As noted above, the second western 'block' of the building, which would occupy a position on the junction of Bridge Street and Saron Street would also be a three storey construction, albeit at a lesser scale to the first. Whilst accommodation would be arranged over three floors, the upper storey of the north and west elevations of the building would be angled in order to give the appearance of a mansard style roof construction. Ground and first floor elevations would be finished in a painted render, with the upper floor (roof) having a tiled finish. The result being this part of the building would have an appearance comparable to a modern terrace of 5 no. dwellings. A uniform pattern of fenestration appears on the north and west elevations to serve the residential accommodation, with those openings on the Saron Street elevation having a strong vertical emphasis.

The application is accompanied by a Design and Access Statement which states that the applicant's vision is *"to provide a distinctive landmark structure which sits on this important corner junction and provides the sort of more dominant urban insertion which the large chapel at the other end of Saron Street provides."*

It is noted that applications for both conservation area consent and planning permission for the redevelopment of the site, by the construction of a 3 storey student accommodation block comprising 5 flats (25 bedrooms), were allowed at appeal in January 2019.

Site Appraisal

The application site is made up of the former Bridge Inn Public House and number 1 Saron Street. As such, the site forms a corner plot on the junction of Bridge Street and Saron Street, which extends to approximately 335 square metres. The site lies in the Old Park Terrace Conservation Area of Treforest. This is a small conservation area separated from Castle Square Conservation Area by the railway line. This area contains notable examples of C19th architecture and townscape illustrating the local social history. The Bridge Inn is a two storey property, which although currently vacant is known to have been depicted as a public house since the First Edition Ordnance Survey map in 1875. The main building fronts Bridge Street, with an annexe to the rear. Directly adjoining the building is number 1 Saron Street, a two storey residential dwelling. A small gap in the terrace separates number 1 from the remainder of the terrace dwellings on Saron Street. Saron Street is a narrow residential street, characterised by relatively small two storey dwellings. At the southern end of the street, is Saron Chapel, a prominent historic building, which gives its name to the street. Saron Street is quiet no-through road to traffic and on-street parking restrictions are in place in the vicinity of the site. To the east the site is bounded by the railway line.

Planning History

18/0204	The Dragon Inn & 1 Saron Street, Treforest, Pontypridd CF37 1TF	Demolition of The Dragon Inn (Formerly The Bridge Inn) and No. 1 Saron Street, and erection of 3 storey student accommodation block (sui generis) comprising 5 flats. (Amended Plans Received 19th June 2018)	Allowed on appeal 11/01/19
18/0287	The Dragon Inn & 1 Saron Street, Treforest, Pontypridd CF37 1TF	Conservation area consent for demolition of The Dragon Inn (formerly The Bridge Inn) and 1 Saron Street and erection of 3 storey student accommodation block, comprising 6 flats.	Allowed on appeal 11/01/19
16/1181	The Bridge Inn, Bridge Street, Treforest	Conversion, extension and change of use from Public House (A3) to 4 no. student flats with amenity / service area to rear.	Granted with conditions 22/08/17

PUBLICITY

The application was advertised by direct neighbour notification, site notices and press notice. Letters of representation have been received from 6 residents in response to the application along with a letter of objection from Pontypridd Town Council. These are summarised as follows:

Parking and Highway Safety

- Concerns are expressed with regard to the parking problems which already exist in the vicinity of the site. It is commented that the proposed development would make this situation worse.
- Concerns are expressed that the construction period would also be extremely disruptive to residents both in terms of access to their homes and noise and disturbance. It is also noted that the streets which serve the site are narrow and not suitable for large vehicles. Saron Street is a cul-de-sac with no turning area.
- Questions are raised with regard to where plant, machinery and materials would be stored during construction.
- It is noted that there are only limited car parking spaces (on-street) on Saron Street for 20 houses. They state there is no more room to accommodate further vehicles.

Visual Impacts

- Concerns are expressed with regard to the appearance of the building.
- Residents state they believe the building would be out of keeping with the appearance and proportions of the area.
- It is commented that the site is in a conservation area and this too should be taken into account.
- The scheme does not take account of the topology of Saron Street and Bridge Street, which are both very old narrow streets.
- Concern is expressed that in placing the access to the building onto Saron Street, this will place further pressure on the street and its residents.

Amenity Impacts

- A resident (on Saron Street) express concern that the development may result in a loss of light to their property.
- Other residents state the development would result in a negative impact upon the amenity of existing residents.

Other

- It is questioned whether there is a 'need' for more student accommodation in the area, as many existing student rental properties are vacant.
- Concern is expressed that the development of further student accommodation would further erode the community of Treforest. It is suggested that a lack of family homes, means families are moving away from Treforest, therefore adversely affecting the sustainability of the community.
- Questions are raised with regard to how it could be ensured the development remains in use for students.
- Questions are raised with regard to whether students would be prevented from owning cars.
- Questions are raised with regard to whether a Travel Plan is required.
- Questions are raised with regard to the potential impact of the development upon the structural integrity of the nearby railway bridge.
- It is claimed that the development would result in a loss of value to existing properties.
- Reference is made to the Well-being of Future Generations (Wales) Act 2015. It is asked that regard is given to the part of the legislation which refers to 'A

Healthier Wales; a country in which “people’s physical and mental wellbeing is maximised”. It is commented that it is the view of the Town Council that the development, because of the potential mental distress that it may cause, runs counter to this duty.

CONSULTATION

Transportation Section – no objections raised subject to conditions.

Public Health and Protection – no objections raised, condition suggested requiring the submission of a scheme for protecting the future occupiers of the development from noise from the adjacent Cardiff - Merthyr Railway Line.

Countryside, Landscape & Ecology –no objections raised, the application is accompanied by an appropriate update to an earlier bat survey. Conditions and informative note suggested.

Land Reclamation and Engineering – no objections raised.

Dwr Cymru – no objections raised, conditions suggested.

Network Rail – no objections raised advised consultation with Transport for Wales

Transport for Wales – no response received to date.

Glamorgan Gwent Archaeological Trust – no objections raised. As part of the assessment of an earlier application, a Level 3 building survey has been completed and submitted to the regional historic environment record. This provides appropriate preservation by record for the existing structures on site.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries and within the Old Park Terrace Conservation Area.

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

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

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

AW7 – states that development proposals which impact upon sites of architectural or historic merit will only be permitted where the proposal would preserve or enhance the appearance of the site.

AW8 - provides the criteria for the protection and enhancement of the natural environment

SSA12 - seeks 20% affordable housing in schemes of 5 units or more, however developments for student accommodation are exempt from these obligations.

SSA13 - provides the criteria for development within settlement limits.

Supplementary Planning Guidance

Supplementary Planning Guidance: The Historic Built Environment

Supplementary Planning Guidance: Development of Flats – Conversions and New Build.

Supplementary Planning Guidance: Houses in Multiple Occupation (HMOs)

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), 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:

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

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

The current application proposes the demolition of The Dragon Inn (formerly The Bridge Inn) and 1 Saron Street in order to enable the erection of a 3 storey student accommodation block, comprising 5 units, each with 5 no. bedrooms. As such, the key considerations in the determination of the application are whether the proposed use is compatible with the sites location, along with the potential impacts of the resulting development upon both the character of the site and its wider conservation area setting. The potential impacts of the development upon the amenity of neighbouring occupiers and highway safety are further considerations.

Principle of development and background

The application site is located within settlement limits, with the site occupying a central position on an established street close to a range of amenities and transport links. Planning policy AW1 sets out the requirements for new housing development and the methods by which the provision of new housing will be met. Furthermore, policy AW2 promotes development sustainable locations such as this. In addition to this, consideration must also be given to the planning history of the site. This reveals that in 2017 planning permission was approved for the conversion of the existing public house to form 4 no. flats, with a total of 13 bedrooms, providing student accommodation. However, more recently planning permission was approved, on appeal in January 2019 (18/0204/10), for the construction of a purpose-built student accommodation block, comprising 25no. bedrooms arranged over 5 flats.

The current application (submitted by the same applicant) seeks to revisit the design and appearance of the proposed building. The application does not propose either an increase in the number of units or bedrooms proposed within the scheme.

Nevertheless, it is noted that following the publicity of the planning application concern has been raised by residents regarding the introduction of student accommodation to, what is largely at present, still a conventional residential terrace (Saron Street). Further reference is made to the negative impacts, in terms of social cohesion, that have resulted upon the local community by the rising numbers and concentration of houses in multiple occupation in Treforest.

Whilst these concerns are understood, it is important to make clear the distinctions, in terms of the planning classification, between purpose built student accommodation and houses in multiple occupation. Each of the aforementioned uses fall within different uses classes; with purpose built student accommodation being classified as a 'sui generis – student accommodation' and a house in multiple occupation (HMO) being classified as either Class C4 or 'sui generis–HMO'. Therefore, whilst it is acknowledged that there may be some similarities between the two development types, a proposal for sui generis purpose built student accommodation cannot be assessed strictly against the same criteria that is set out with the Council's

Supplementary Planning Guidance: Houses in Multiple Occupation, which is intended to control Class C4 houses in multiple occupation and 'sui generis-HMO'.

On a related point, it is noted that many of the letters of representation received comment that they believe there is no need for more student accommodation in the Treforest area. Whilst this point is taken, it must be noted that it is not the role of the planning system to assess market forces and how strong the demand is likely to be for the intended development. Furthermore, market demand does not form a material planning consideration, which would carry weight in the determination of the current planning application.

Overall, having regard to the above, most notably the recent planning history of the site, it is considered that the principle of residential use as purpose built student accommodation on the site is clearly established as acceptable. However, further consideration will need to be given to the impacts of the revised development, in visual terms, amenity terms and highway safety. These matters are assessed in the following sections of the report.

Character and Appearance

As detailed above the site already benefits from a live planning consent to demolish the Dragon Inn (former Bridge Inn) and adjoining residential property on Saron Street and construct new purpose built student accommodation.

The current application seeks to revisit the design and appearance of the proposed building, without increasing the number of units or bedrooms proposed within the scheme. The Design and Access Statement, which accompanies the submission, comments that the applicant wishes to reflect more traditional features within the design of the revised scheme. It is also commented that the revisions include environmental improvements by way of the introduction of a sedum roof and rain gardens (fronting Saron Street) which would contribute to a more sustainable drainage arrangement for the site.

As with the consented scheme, the current application would result in the development of a prominent building occupying a corner position on the junction of Bridge Street and Saron Street. Similarly, the overall footprint of the proposed building would be comparable to that approved, occupying almost the entire plot. The key changes relate to the appearance of the building, particularly from Bridge Street and Saron Street.

Whilst the current scheme retains the three storey block at the west of the site (adjacent to the railway embankment). The design, layout and appearance of the two storey block fronting Saron Street has been revised. The revised approach is that this structure would now take the form a three-storey block, albeit that the third storey would have the appearance of a roof space. This would be achieved by setting the upper storey of the north and west elevations of the building at an angle to the ground and first floor elevation, in order to give the appearance of a mansard style roof construction. The accommodation created within this 'roof space' would then be served by roof lights in the sloping faces of the north and west elevations. Whilst large

dormers were initially proposed, these were subsequently removed with a view to reducing the potential visual mass of the upper floor.

The internal layout of the building has also been amended, in an attempt to better reflect the pattern of development in the area, which is characterised by traditional terraced rows. Whereas the approved scheme details a number of flats all served by one entrance, the current scheme effectively divides the building along a vertical access, effectively creating 5 no. units (each with 5 bedrooms) served by their own 'front door'. Combined with the changes in fenestration, the result is that from Saron Street, the revised design bears some of the characteristics of a modern terrace row. This is heightened further by the proposed materials which illustrate the use of coloured render at ground and first floor and the use of a tiled finish to the roof/third floor on the elevations fronting Saron Street/ Bridge Street.

It is acknowledged that the design changes have resulted in an increase in the size of the building, by way of its height fronting Saron Street. However, having assessed the scheme it is not considered that the increase is so significant as to cause visual harm. The height of the larger three storey block adjacent to the railway embankment remains unchanged. Under the 2018 scheme the two storey block extended to 5.8, the current application sees this increase by 2.2 metres. However, it is considered that the potential increase in mass and bulk of the proposed Saron Street block is partially off set by the design of the upper floor, which would appear as a 'mansard style roof'. Street scene montages which accompany the application also illustrate that whilst the height of the block would extend above the ridge line of dwellings on Saron Street, the increase is limited to approximately 1.6 metres. Furthermore, it is noted that a comparable arrangement exists at the opposing end of the street, whereby Saron Chapel extends above the height of the ridgeline established by the terrace.

Both policy AW7 and *Supplementary Planning Guidance: The Historic Built Environment* set out a range of criteria which must be taken into account when assessing applications for development in conservation areas. The guidance states that proposals in and adjacent to conservation areas should avoid harming the character and appearance of those areas and should, where possible positively enhance them.

In assessing this aspect of the application, it is considered that the existing approval at the site represents a modern and contemporary building that would produce a new "landmark" style building within the street scene. It is also noted that at appeal, the Inspector took the view that the proposal would preserve and/or enhance the character and appearance of the Conservation Area, thereby providing a good indication that the introduction of a modern building would be acceptable at this location.

Whilst the increase in height of the block fronting Saron Street is acknowledged, it is considered that the design of the current scheme represents some benefits over and above the scheme that was allowed at appeal. Most notably, it is commented that the change in height between the two elements of the building (east and west blocks) is less jarring, particularly on the prominent side elevation fronting Bridge Street. It is also considered that the introduction of the mansard style roof has more positive factors, in terms of design quality, than the approved flat roof design. As such, whilst

it acknowledged that the proposal would result in the formation of a prominent building, close to a number of well used routes, it is considered that the revised scheme is acceptable in design terms and would not result in an adverse impact upon either the setting or appearance of the conservation area. As such, it is considered that the proposal would accord with policy AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

Residential amenity

As noted above, the site is located within a predominantly residential area; in this respect consideration must be given to the potential impacts upon the privacy and amenity of existing neighbouring residents.

As noted in the preceding section of the report, the key change between the consented scheme and that currently proposed relates to an increase in the height of the block fronting Saron Street / Bridge Street. In order to assist in the assessment of this aspect, the application is accompanied by a series of 'shading analysis plans'. The plans provide an analysis of shading during Summer and Autumn/ Spring at intervals of 8am, 12pm and 4pm. Given the location of the application site to the east/ north of existing residential dwellings on Saron Street, the period of greatest possible impact would be during the first few hours of daylight. Having reviewed the analysis plans they demonstrate that, despite the increase in the height of the building, no additional impacts by way of overshadowing to the properties to west would result. It is also noted that the revised scheme illustrates a slight set back of the front elevation of the building, which would address Saron Street. Although only marginally, this would increase the separation distance between the development and properties opposite and also allow for the creation of small rain gardens to the elevation on Saron Street, thereby 'softening' the development in the street scene.

In the assessment of this aspect of the development, regard must also be had to the previous application and the fact that; during the appeal process, in their consideration of the potential loss of light and effect on living conditions of nearby properties, the Inspector concluded that the *'impact would be no greater than the current situation'*.

As such, overall, it is not considered that the proposal would result in an undue loss of privacy or amenity to neighbouring occupiers and therefore accords with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

With regard to the potential impact upon highway safety, following consultation with the Council's Transportation Section, it is noted that no objection have been raised to the proposal.

Access

In terms of access the proposed development is located at the junction between Bridge Street and Saron Street, Treforest. Bridge Street has a carriageway width of 6.0m, a 1.2m wide footway on its development side and a 1.2m wide footway opposite. The 6.0m wide carriageway incorporates a 2.0m wide parking bay on the development side

of Bridge Street limited to 2 hours with no return within 4 hours between 8am – 6pm, additionally, there is an exception to the limited waiting restriction for resident permit holders. Bridge Street is one-way and exits via Old Park Terrace onto New Park Terrace.

Saron Street has a carriageway width of 4.0m and a 1.2m wide footway on the opposite side to the development. There is no continuous footway on the development side of Saron Street. The 4.0m carriageway incorporates a 2.0m wide parking bay on the opposite side to the development. As with Bridge Street, the parking bay is limited to 2 hours with no return within 4 hours between 8am – 6pm with an exemption for permit holders. Saron Street is a cul-de- sac with no turning facility. Parking

In terms of parking, the proposed development would result in a bespoke student accommodation block comprising of 25 beds in total. In accordance with the Council's adopted Supplementary Planning Guidance: Access, Circulation and Parking Requirements (March 2011), bespoke student accommodation has a requirement of 1 space per 25 beds for servicing, wardens and drop-off areas and 1 space per 10 beds for students and visitors. This equates to a requirement of 4 spaces for the proposed development. It is noted that there are no parking spaces provided to serve the proposed development, resulting in the creation of on-street parking demand to the detriment of highway safety and the free flow of traffic. This gives major cause for concern, particularly when considering the sub-standard nature of the local highway network and its inability to provide sufficient levels of on-street parking.

Notwithstanding the above, in considering the appeal of the 2018 planning application (APP/L6940/A/18/3212533), the Inspector concluded that

“this is a highly sustainable location where a lack of parking can be accepted given the choice of alternative means of transport. It has also been accepted that students tend to have a lower rate of car ownership and indeed this is reflected in the parking standards. The existing use of the site as a public house and the existing planning permission for the conversion of the public house to student accommodation would both generate a higher parking requirement than the appeal proposal.”

As such, the Inspector concluded that the scale of the parking shortfall, at 3 - 4 spaces would be low. Furthermore, they took the view that the failure to provide these spaces would be outweighed by a combination of the factors that were identified within the inspectorate's report and the acknowledged benefits of the redevelopment of the site.

Therefore, in light of the appeal decision and the fact that this permission may be implemented (until 2024), it is not considered that any concerns on the grounds of highway safety and the free flow of traffic would be sufficiently great as to warrant the refusal of current planning application.

Servicing, Deliveries and Construction

There is general concern with regard to the servicing of and deliveries to the proposed development, due to the sub-standard nature of the local highway network. However, this is an issue which already exists, particularly since the level of trips associated with the servicing of and deliveries to the existing lawful use of the site (as a public house)

would be comparable to that of the proposed development. As such, this matter alone does not warrant sufficient highway safety grounds for objection to the application.

In addition to the above, the Council's Transportation Section express some concern in relation to the potential impact of the development during its construction phase, should planning permission be granted. The proposed building almost entirely fills the footprint of the site, as a consequence, no space would be available for a site office and welfare facilities, or the storage of materials and off-street parking for site operatives. The configuration of the local highway network itself would present difficulties with regard to deliveries to the site by Heavy Goods Vehicles. This point is highlighted by the presence informative signage on the approach to Saron Street advising that it is unsuitable for heavy goods vehicles. Nevertheless, they conclude by stating that on balance, these construction impacts could be limited by imposition of a suitably worded planning condition.

Therefore, to conclude, whilst the Council's Transportation Section express some concern with regard to the potential impact of the proposed development upon parking provision and highway safety, it is acknowledged that the site already benefits from planning permission for a comparable scheme, which was allowed at appeal. As the current scheme does not propose any increase in terms of the number of units or bedrooms sought, their observations conclude by raising no objections to the application in highway safety terms. As such, in this regard, the development is considered to be in accordance with the requirements of policy AW5 of the Local Development Plan.

Other Issues:

Ecology

Consultation with the Council's Ecologist has confirmed that given the size of the building and its proximity to the river, it is of a type that may have the potential to support bats. The earlier (2018) application was accompanied by an appropriate ecological survey, which assessed the presence of bats. The current submission is accompanied by an update to this survey. Having assessed the reports, the Council's Ecologist has confirmed that the original emergence survey found no bats using the building. Similarly, the update to the survey reaffirms the findings of the original report. It is noted that the report includes a recommendation that an 'on-call' ecologist arrangement is put in place as a precaution if bats are found during works and that lighting which forms part of the development should be minimised to reduce adverse impacts on commuting and foraging bats. However, these matters could be controlled through the use of suitably worded conditions. As such, with regard to ecological impacts, it is considered that the scheme accords with the requirements of policy AW8 of the Local Development Plan.

Affordable Housing

It is acknowledged that under the provisions of policy SSA12, 20% affordable housing contribution should be sought on schemes which propose 5 or more units of residential accommodation. However Supplementary Planning Guidance: Planning Obligations identifies that a number of exemptions apply for certain types of residential

development. One such exemption is the provision of student accommodation. Therefore, as this scheme proposes a purpose built student accommodation block, no affordable housing contribution is applicable in this case.

Community Infrastructure Levy

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

As the development proposes purpose built student accommodation that would be classified as sui generis, the application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. However, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

CONCLUSION

To conclude, the approval, on appeal, of an earlier scheme at the site has clearly established that the principle of a 25 bed purpose built student accommodation building is acceptable. Furthermore, the Inspector concluded that given the highly sustainable location of the site, the scheme was also considered acceptable in highway safety terms. As such, it is considered that the key issue in the assessment of this application relates to the changes proposed to the scale and appearance of the development. Whilst it is acknowledged that the amendments would result in an increase in the height of the part of the building which addresses Saron Street/ Bridge Street, it is considered that changes to the design, which are associated with this, would not be harmful to either the character or setting of the site and conservation area. Similarly, given the layout and topography of the site, it is not considered that the levels of amenity of neighbouring residents would be affected to a greater degree than the approved scheme.

As such, having regard to both the planning history of the site, the Inspectors decision and the comments of consultees, it is considered that the application accords with the requirements of planning policy and is therefore, recommended for approval, subject to the conditions specified below.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s);
 - Drawing no. A(P)-1 Rev 1 Location Plan
 - Drawing no. A(P)-02 Rev 3 Site Plan
 - Drawing no. A(P)-03 Rev 1 Existing Plans

- Drawing no. A(P)-04 Rev 1 Existing Elevations
- Drawing no. A(P)-05 Rev 1 Context
- Drawing no. A(P)-10 Rev 1 Proposed Ground Floor
- Drawing no. A(P)-11 Rev 1 Proposed First Floor
- Drawing no. A(P)-12 Rev 3 Proposed Second Floor
- Drawing no. A(P)-20 Rev 3 Proposed Elevations N&S
- Drawing no. A(P)-21 Rev 3 Propose Elevations E&W
- Drawing no. A(P)-40 Rev 3 Proposed Views 1
- Drawing no. A(P)-41 Rev 3 Proposed Views 2

and documents received by the Local Planning Authority on 23/08/21, 19/10/21 and 26/10/21 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Prior to the construction of the building hereby approved, details and/or samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 and AW7 of the Rhondda Cynon Taf Local Development Plan.

4. Construction work shall not begin until a scheme for protecting the future occupiers of the proposed student accommodation block from noise from the adjoining railway line has been submitted to and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before any part of the development is occupied.

Reason: To ensure that railway noise is not a source of nuisance to the future occupants of the residential units in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Development Plan.

5. The development shall be carried out in accordance with recommendations and mitigation measures set out within Sections 8 and 9 of the Ecology Report entitled 'Building Inspection In Respect of Bats: The Former Dragon Inn & 1 Saron Street, Treforest, Pontypridd' undertaken by Celtic Ecology and Conservation Ltd, dated April 2018.

Reason: In the interest nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan

6. Each unit of the accommodation hereby permitted shall only be occupied by full-time students attending a registered institute of education.

Reason: In order to define and limit the permission and ensure that the development remains solely for use as student accommodation in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. A travel plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any unit of accommodation within the development. The targets and measures contained in the approved plan shall be implemented in accordance with the agreed timetable unless otherwise agreed in writing by the local planning authority.

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

8. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason: To protect the amenities of nearby residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan

9. Notwithstanding the approved plans and prior to the commencement of development, full engineering design and detail of:

- the proposed footway along the proposed development's common boundary with Saron Street; and
- the removal of the existing cellar doors present on Bridge Street and re-instatement to a typical footway construction;
- shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial use of the development.

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

10. 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; and
- h) hours for deliveries to the site.

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

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



PLANNING & DEVELOPMENT COMMITTEE

2 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1308/10 (RP)
APPLICANT: Ashtenne Industrial Ltd Partnership
DEVELOPMENT: Replacement of fire damaged building with single storey industrial unit (for B1, B2 or B8 class use).
LOCATION: UNITS 1 & 2, ENTERPRISE HOUSE, CANAL ROAD, CWMBACH, ABERDARE, CF44 0AG
DATE REGISTERED: 23/09/2021
ELECTORAL DIVISION: Cwmbach

RECOMMENDATION: Approve

REASONS: The proposal is compliant with both Local and National Policy in that the use of the site for commercial and industrial uses, under Classes B1, B8 and B2, has been established via its historic use.

The proposal seeks to rebuild an industrial unit recently destroyed by fire with almost a like for like replacement and by proposing a flexible permission, within the B use class, would maximise its potential to be brought into productive use for employment purposes.

Furthermore, the proposed building is acceptable in terms of scale, design; impact on residential amenity, highway safety and flooding.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the construction of a new industrial unit on a parcel of land within the Cwmbach Industrial Estate that was previously occupied by units 1 and 2, a subdivided industrial building. The application has been submitted following the loss of the previous unit on site, as a result of significant fire damage and has subsequently been demolished and the site cleared.

It is proposed to rebuild the fire damaged building, of the same size and configuration, on the eastern part of the site. The proposal would therefore be a facsimile copy of the fire damaged building with a floor area of 269m² (GEA).

The new unit would be rectangular in plan and would measure 18.3m by 14.7m in footprint, with a ridge height of 6.7m. It is proposed that the building be divided into two units measuring 177m² (Unit 1) and 90m² (Unit 2) respectively.

Car parking and circulation space would be provided as part of the communal yard serving the estate in an identical way to the building the proposals are to replace. Vehicular access to the site would be gained via an internal access road, which also serves neighbouring industrial developments, and connects with the A4059 (Canal Road) to the east of the site.

With regard to external finishes, the submitted details indicate the unit would be finished in profile steel cladding to the roof and elevations with a brickwork plinth. High clearance roller shutter doors would be provided along with staff doors and window openings.

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

- Flood Consequences Assessment
- Drainage Strategy Report

SITE APPRAISAL

The application site relates to a currently vacant parcel of land that sits within an established industrial estate and which lies adjacent to other commercial uses that include a car showroom and a builder's merchants.

The other units within the compound (units 3 to 7) are constructed of corrugated metal sheeting and include various uses such as car repair garages; some of the units within the site are currently vacant.

The site is accessed from the east via an internal access road located off Canal Road, whilst there are residential properties further east, the nearest of which are 1, 2 and 3 Thornhill Cottages. The Cwmbach Train Station is located approximately 100m to the west of the application site.

The application site is located within a flood risk zone (Zone C2) as defined within the Development Advice Maps (DAM) referred to in Technical Advice Note 15.

PLANNING HISTORY

The most recent planning applications associated with this site are:

19/1188/10 Proposed steel-clad roof to be installed over existing

Approved
14/01/2020

PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of site notices in the vicinity of the site.

No letters of objection or representation have been received as a result of this exercise.

CONSULTATION

Highways and Transportation: No objection or conditions recommended.

Public Health and Protection: No objection.

Natural Resources Wales: No objection; informative notes are recommended.

Welsh Water: No objection.

Countryside, Landscape and Ecology: No objection, comment that as the site has already been cleared and is level with hard standing, any ecological impact is very small and therefore surveys are not required in this instance.

Flood Risk Management: No objection subject to condition.

South Wales Fire and Rescue: Ask that measures relating to adequate water supplies on the site for fire fighting purposes and access for emergency firefighting appliances are brought to the attention of the applicant.

No other consultation responses have been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within the defined settlement limits of Cwmbach. The following policies are considered to be relevant in the determination of this application:

Policy CS1 - The policy emphasis is on building strong, sustainable communities. This will be achieved by encouraging a strong, diverse economy which supports traditional employment uses and promotes the re-use of previously developed land and buildings.

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

Policy AW5 – The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. 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. Furthermore, proposals must be designed to protect and enhance landscape and biodiversity.

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

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 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), 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.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Flooding;
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.

Main Issues:

The application site lies within settlement limits and in an area with a history of commercial activity. The proposal seeks to develop a new industrial building on a parcel of land that is currently vacant but was previously occupied by a unit comparable to the proposal.

As such, the key considerations in the determination of the planning application are the compatibility of the proposed building and uses with the established area, along with the potential impact upon the amenity of neighbouring occupiers. The impact of the proposals upon the character of the area, highway safety and flooding are further considerations.

Principle of the proposed development

The application site relates to a parcel of land that forms part of a wider area that is in use for commercial and industrial purposes. The wider site, which is accessed off the A4059 (Canal Road), houses commercial uses including a Builder's Merchants, Car Showroom, Bus Depot and Vehicle Repair Workshops. The application site lies at the south eastern extent of this area and is located within settlement limits.

The current application has been submitted following the loss of the previous building due to fire damage. The scheme seeks to construct a replacement building in the same location and with the same footprint of that which previously occupied the site.

Prior to the loss of the building a combination of B2 and class B1/B8 uses operated from the site. Historical records indicate that the car valeting centre 'Posh Wash' operated from Unit 1 for a significant period of time under a class B2 use, whilst Unit 2 operated as a furniture recycling workshop prior to becoming vacant.

The current scheme seeks to replicate the same division of land uses that were previously in place by allowing a flexible permission for either B1, B2 or B8

employment uses in line with the terms set out in Part 3, Class E of the General Permitted Development Order (GPDO).

This would enable the applicant to market the units for a range of B class uses and would allow the car valeting centre to become re-established in Unit 1.

As noted above, the site lies within an established industrial estate and is adjacent to other commercial uses. It is therefore evident that the B1/B2/B8 uses for which permission is sought would be compatible with the other established neighbouring uses and furthermore, will replicate the previous uses to which the site has been put.

In addition, as the site is accessible, is sited in what is considered to be a sustainable location, would not conflict with surrounding land uses, does not propose highly vulnerable development within the flood zone and would create the same amount of employment floorspace as had previously been lost the proposal would be compliant with Policies AW2, AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

Furthermore, the development would also accord with many of the National Sustainable Placemaking Outcomes contained within Chapter 2 of PPW 11, against which developments should be assessed. The creation of employment, the fostering of economic activity and the accessibility of the site are particularly relevant to those placemaking aims.

Consequently, in light of the above, it is considered that the proposal would be acceptable in principle, subject to consideration of the other relevant material considerations set out below.

Impact on the character and appearance of the area

As set out above, the proposed building would be sited on broadly the same footprint as the previous unit. The building would be sited with its rear elevation adjacent to the north western boundary of the site, and its primary elevations overlooking an open space to the front of the proposed industrial unit that provides parking and circulation space to the compound.

The building would be uncomplicated in its design, with a shallow ridge roof and elevations finished in profile cladding panels. Each unit would be served by commercial roller shutter doors and secondary pedestrian doors. As noted above, the immediate and surrounding areas are commercial and industrial in character, with existing businesses, including vehicle repair workshops and a builder's merchants operating from industrial buildings nearby.

Consequently, as the proposed building would be comparable in its scale and appearance to that of the adjacent commercial and industrial units and would replace (largely like for like) the fire damaged building which has since been removed, it is not considered the proposal would alter the character of this industrial site or impact upon the appearance of the surrounding area.

The application would therefore be compliant with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

In terms of its location, the site is surrounded by neighbouring commercial and industrial uses and forms part of a well-established trading estate. These include car sales garages, vehicle repair garages and builders' merchants, all of which trade throughout the day, attracting business from visiting members of the public and trade.

Whilst it is acknowledged there are residential properties located nearby to the site, they are located approximately 65 metres to the east and are separated from the development site by a busy main road.

Consequently, whilst a flexible permission is sought to enable B1/B2/B8 use from the unit, it is not considered that any of the use classes proposed would generate any additional adverse impacts upon the occupiers of these dwellings than already exist at the estate.

Furthermore, it is considered that the potential impacts arising from the operation of the re-constructed unit could be limited by restricting the hours of business which would reduce the potential for disturbance to neighbouring occupiers by restricting trade late into the night and during unsociable hours.

In addition, the application should also be balanced against the fact that the site has a history of commercial/industrial use, whilst the need for the current application has arisen only because the previous unit on the site was lost through fire damage.

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 neighbouring properties and the application is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

The Council's Transportation Section have been notified of the proposals in order to provide comments on the suitability of the scheme with regard to highway safety and have made the following comments in relation to access and parking.

Access

There would be no alterations to the proposed access. The proposal is served off Cwmbach Industrial Estate which has been designed and built for safe vehicular and pedestrian movement which is satisfactory to serve the development.

Parking

The proposed development has an internal area of circa 132sqm. In accordance with the Council's adopted SPG, 'Design, Access and Circulation', a B1 usage would require up to a maximum of 5-7 spaces. A B2 (general industry) usage would require

up to a maximum of 1 van space and 2 non-operational spaces. A B8 (storage & distribution) usage would require up to a maximum of 35% of the GFA (46.2 sqm) and 2 non-operational spaces.

No details regarding the current parking allowance are known beyond the applicant stating, "Car parking and circulation space will be provided as part of the communal yard serving the industrial estate".

Whilst a point of concern, it is considered unlikely that the proposed usage will result in any more stress upon the local highway network in terms of circulation and parking over the previous use of the site. As such, the parking available to the proposed industrial unit is considered to be adequate to serve the proposed development.

In light of the above, the proposal is considered to be acceptable in terms of the impact of the proposal on highway safety and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Flood Risk

Consultation with Natural Resources Wales (NRW) has revealed that the proposed development is within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Natural Resources Wales Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Cynon, a designated main river. It is also noted that the new TAN15 and Flood Map for Planning, that is due to come into force on Wednesday 1st December 2021, indicates the site to be within Flood Zone 2

However, NRW comment that given the proposal seeks permission to rebuild the previous fire damaged building of the same size and configuration and proposes less vulnerable development in the flood zone, the proposals could be acceptable subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

Furthermore, whilst it is noted that TAN15 identifies that some industrial development could be in the highly vulnerable category, given the circumstances surrounding the loss of the previous building and noting the surrounding land use, it would be considered disproportionate to condition the application restricting the use of the units to those in the less vulnerable category, or for the developer to raise the finished floor levels of the units to provide mitigation from the effects of flooding on this basis. As such, a series of informative notes to this effect are recommended should Members be minded to approve the application.

Drainage

This issue would be covered by the required, separate SuDs approval prior to any further development taking place.

However, it has been noted that whilst the applicant has effectively outlined, via the submission of a Drainage Strategy Report, how surface water will be managed and

disposed of at the site, no detailed drainage calculations to support the proposed scheme has been provided.

Therefore, a condition has been recommended to evidence how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

It is also noted that no adverse comments have been received from Dwr Cymru following the consultation process

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

The proposal represents the construction of a replacement building to broadly the same footprint as the previous fire damaged unit, with the same configuration of uses.

Whilst it is acknowledged that some residential properties are located near to the site, it is considered that any impacts resulting from the operation of the units could be adequately managed via conditions which limit the hours of operation of the units.

Furthermore, the proposal is considered acceptable in terms of its impact upon the character and appearance of the area, highway safety and flooding and therefore accords with the requirements of the Local Development Plan. Consequently, the proposal is recommended for approval, subject to the conditions specified below.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans and drawings:
 - Drawing no. P01 Rev. A (Location Plan)
 - Drawing no. P02 Rev. B (Proposed Floor Plan)
 - Drawing no. P03 Rev. A (Proposed Roof Plan)

- Drawing no. P04 Rev. B (Proposed Elevations)

and documents received by the Local Planning Authority on 23rd September 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 the applicant evidences how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

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

4. The industrial units hereby approved shall not operate other than between the hours of:

Monday – Sundays: 08.00am to 7.00pm

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the industrial units hereby approved shall be restricted to uses falling within Class B1, B2 and B8 only.

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



PLANNING & DEVELOPMENT COMMITTEE

2 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1190/10 (CA)
APPLICANT: RFJ Ltd
DEVELOPMENT: Change of use of a former office building (Use Class A2) to 12 no. flats (Use Class C3a) and associated works
LOCATION: MERCHANT HARRIS AND CO, BUTE CHAMBERS, 54-55 BUTE STREET, ABERDARE, CF44 7LD
DATE REGISTERED: 02/09/2021
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: REFUSE, FOR THE FOLLOWING REASON:

REASON: The proposed development is considered to represent in an over intensive use of the building, resulting in a cramped and inadequate standard of accommodation. As such, the proposal is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

This application seeks full planning permission for the change of use of a former office building (Use Class A2) to 12 no. flats (Use Class C3a) and associated works.

The proposed accommodation would be spread over three floors, with each floor consisting of four flats. All of the flats would contain an open plan kitchen/lounge, one bedroom and a shower room.

Two of the ground floor flats would have independent access from Bute Street, whilst the remaining two ground floor flats, and those located on the first and second floors, would be accessed via a shared entrance on Cross Street. A shared internal stairwell would provide further access to the first and second floors.

To facilitate the proposed change of use, the building would be rearranged internally. In addition, many of the existing stud partition walls would be removed and new walls created. A former entrance on the Bute Street side of the building would be re-opened and the existing softwood timber framed windows would be repaired on a like-for like basis. In addition, an external door would be replaced with a window on the rear elevation.

The application is accompanied by a Planning, Access and Design Statement as well as a Heritage Impact Assessment.

A separate Listed Building Consent application has been submitted which is subject to determination by Cadw.

SITE APPRAISAL

The application site consists of an attractive and prominent three storey property which is positioned on the corner of Bute and Cross Streets in Aberdare.

The site is located within the defined retail boundary of Aberdare, which is designated as a Principle Town Centre within the retail hierarchy. Surrounding land is most commonly made up of residential and commercial properties.

In addition, the site is located within the Aberdare Conservation Area and the building is an early to mid 19th Century Georgian construction, which is Grade II listed. It includes a simple classical shopfront across the whole Cross Street elevation which provides a reminder of the building's past.

PLANNING HISTORY

21/1187/12	Listed building consent for the conversion of a former office building (Use Class A2) to 12 no. flats (Use Class C3a), associated works and rear single storey extension	Pending	
00/4020/12	Repairs and Refurbishment	Granted	19/04/2000

PUBLICITY

The application has been advertised by direct notification letter to neighbouring properties, site notices were displayed and a press notice was published.

One letter of objection was received, which raises the following points:

1. It is already difficult for residents to park in this part of Aberdare and the proposal would make this situation worse.

2. The proposal would adversely impact upon house prices within the immediate vicinity.

Although no further letters of objection or representation were received directly by Planning Services, the department was made aware, via the Local Member and via the Member of the Senedd for the Cynon Valley that many local residents had raised concerns to them regarding the lack of off street car parking incorporated into the proposal.

CONSULTATION

Highways:

No objections, no conditions recommended.

Flood Risk Management:

No objections, no conditions recommended.

Public Health and Protection:

No objections, standard conditions recommended.

Ecology:

No objections, no conditions recommended.

Joint Committee of the National Amenity Societies:

No responses received.

Glamorgan-Gwent Archaeological Trust:

No objections, no conditions recommended.

The Coal Authority:

No objections

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan:

The application site is situated within the Northern Strategy Area and within the settlement boundary.

In addition, the site is positioned within the defined retail boundary of Aberdare, which is designated as a Principal Town Centre within the retail hierarchy.

The site is also located within the Aberdare Conservation Area and the building itself is Grade II listed. Furthermore, the site is located partially within the Development Coal High Risk Area.

The following policies are considered to be of particular relevance to this application:

Policy CS1 – Development in the North: Advises that in the Northern Strategy Area, emphasis will be given to building strong, sustainable communities and promoting commercial development in locations which support and reinforce the roles of Principal Towns and Key Settlements.

Policy AW1 – Supply of New Housing: Sets out how the housing land requirement in Rhondda Cynon Taf will be met.

Policy AW2 – Sustainable Locations: Provides criteria to determine whether a site is located in a sustainable location.

Policy AW5 – New Development: Sets out criteria for new development in relation to amenity and accessibility and requires development to have no unacceptable effect on the character and appearance of the site or surrounding area and no significant impact on the amenities of neighbouring occupiers. Proposals are also required to be accessible to the local and wider community by sustainable modes of transport, to have safe access to the highway network, and to not cause traffic congestion or exacerbate existing traffic congestion.

Policy AW6 – Design and Placemaking: Requires development to involve a high quality design and reinforce attractive qualities, make a positive contribution to the street scene and have a high level of connectivity and accessibility to existing centres by a wide range of sustainable transport.

Policy AW7 – Protection and Enhancement of Built Environment: Provides support for developments that would preserve or enhance the character and appearance of the site.

Policy AW10 – Environmental Protection and Public Health: This policy provides that 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 issues such as noise, air or light pollution, flooding or any other identified risk to the environment, local amenity and public health and safety.

Policy AW11 – Existing Employment and Retail Uses: Development proposals promoting alternative uses for retail units identified within the defined retail centres will be permitted where the site is not identified by the allocating policies and the retention of retail sites for retail purposes has been fully explored without success by way of marketing for appropriate retail purposes, at reasonable market rates for a minimum of 12 months (continuous).

Policy NSA 1 – Development in the Principal Town of Aberdare: This policy is concerned with development in the Principal Town of Aberdare and sets criteria for the types of development that will be considered acceptable in the town.

Policy NSA10 – Housing Density: This policy states that proposals for residential development in the Northern Strategy Area, should be a minimum of 30 dwellings per hectare.

Policy NSA12 – Housing Development Within and Adjacent to Settlement Boundaries: This policy provides for housing development within defined settlement boundaries, where it can be demonstrated that the proposal does not adversely affect the provision of car parking in the surrounding area, and that the proposal is accessible to local services on foot, cycle or utilising a range of sustainable transport options.

Policy NSA13 – Rehabilitation/Conversion of Large Buildings: Supports the rehabilitation and conversion of large buildings for residential purposes subject to criteria.

Policy NSA19 – Retail Development in Principle Towns and Key Settlements: Sets out the criteria for new and improved retail facilities and other uses that are appropriate within the town centre will be permitted within the retail centre of Aberdare.

Supplementary Planning Guidance:

Design and Placemaking

Access, Circulation and Parking

Development of Flats – Conversion and New Build

Design in Town Centres

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), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is inconsistent with the key principles and requirements for placemaking set out in PPW; and is also inconsistent 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 not considered the proposed development is compliant with the NDF.

Other policy guidance considered:

PPW Technical Advice Note (TAN) 4 – Retail and Commercial Development

PPW TAN 12 – Design

PPW TAN 15 – Development and Flood Risk

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development:

The application site is located within the defined settlement boundary and is also within the retail centre of Aberdare, which is a Principal Town in the retail hierarchy. In addition, the property is included within the designated Aberdare Conservation Area and is a Grade II listed building. The building is presently vacant and was last recorded by the Council as being in use in January 2020.

Policy CS1 (Development in the North) promotes residential development in locations which support and reinforce the roles of Principal Towns as well as result in the removal and remediation of dereliction by promoting the re-use of under used and previously developed land and buildings.

Policy NSA 1 is specifically concerned with development in the Principal Town of Aberdare, where proposals for residential development are considered acceptable, subject to certain criteria. It is acknowledged that the proposal would result in the loss of a spacious retail unit within the town centre boundary. The building is however located on the fringe of the retail area, outside of the primary retail frontage and amongst residential properties. As such, it is considered that the proposed use of the building would be compatible with surrounding land uses and would not fragment the shopping frontage.

Policy NSA12 seeks to ensure that development is carried out within the defined settlement boundary provided that the development does not adversely affect the highway network and is accessible to local services by a range of modes of transport, including on foot or bicycle, and providing that it does not adversely affect the provision of car parking in the surrounding area. As noted above, the site is situated within a highly sustainable location with access to both a bus and train station however, due to its town centre location no provision has been or can be made for off-street car parking. Whilst the Council's Highways and Transportation Section raise some concerns in this regard, no objection has been raised and the proposal is therefore considered to comply with Policy NSA12 (the impact of the proposal on highway safety is discussed in more detail below).

Policy AW 11 requires development proposals promoting alternative uses for existing retail units to be subject to a (minimum) 12 month marketing period, at reasonable rents. This period of marketing must be consecutive and for Class A uses specifically. The applicant has indicated that the building has been vacant for in excess of a year and has been on the market for approximately the same time, with at least two sales falling through and limited other interest. Given the listed status of the building and its location on the fringe of the town centre and retail area, this is considered acceptable.

In light of the above, the principle of the proposed development is considered to be acceptable, subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area:

The application site is located within the Aberdare Conservation Area in a prominent corner position. Only minor external alterations are proposed to the façade of the building as part of the application, which mainly involve the repair of the existing softwood timber framed windows. It is noted that the existing shopfront would remain and be incorporated into the new use, thereby providing an indication of the building's historical past.

A doorway on the Bute Street elevation of the building would be reinstated which is considered acceptable, and an existing door would be replaced by a window on the building's rear elevation. It is noted that the rear part of the building which backs onto Dumfries Street has previously been altered to include a modern external staircase as well as replacement windows. As such, this part of the building is of lesser visual and historical value than the street facing sides.

It is acknowledged that the building is Grade II listed and therefore subject to a Listed Building Consent determination by Cadw. If necessary, within this application, large scale details of the new door on the Bute Street elevation, as well as details of finishing materials can be secured by condition should permission be granted.

In addition to the above, it is also worth noting that change of use of the building would secure the future of this currently vacant listed building and provide an opportunity for its long term maintenance.

Impact on Amenity:

The property is located on the edge of the retail area of the Principal Town of Aberdare. Consequently, there are some commercial uses within the immediate vicinity, however the majority of immediate neighbours are residential in nature.

The change of use would take place within the fabric of the existing building and therefore there would be no additional overshadowing or overbearing impacts upon adjacent properties as a result of new physical development.

The new use would utilise existing window openings, of which the majority provide direct views onto either Bute Street or Cross Street. There are no windows currently located on the part of the building which directly adjoins the terraced dwelling to the south east known as No. 53 Bute Street, and this would remain the case. It is noted that a degree of mutual overlooking would occur between the ground floor windows on the south west elevation of the existing building and Nos. 1 and 2 Dumfries Street, however this is not considered so severe as to warrant the refusal of the application, particularly as the openings on this part of the application building already exist.

The SPG relating to the development of flats provides support for proposals that do not result in the creation of undue nuisance arising from the intensity of the residential use that flats can create. It is not considered that the creation of the proposed flats within the property would result in undue nuisance to neighbouring properties.

The SPG also provides support where a high quality of accommodation and amenity can be provided for residents, however a minimum floor space requirement for each flat is not stipulated within the SPG. It is considered that there would be adequate natural light serving habitable rooms as well as sufficient ventilation and a reasonable outlook for the majority of the flats.

Concern is however raised that the rear flat on the ground floor would be cramped in nature, thereby providing its occupier(s) with poor quality accommodation. Whilst the Proposed Floor Plan shows that the bedroom within this flat could comfortably contain a bed, there is insufficient space within the room for little else, including wall space for storage units or a wardrobe. In the absence of this space, it is also noted that there are no shared facilities contained within the building, such as communal storage spaces or utility rooms. As such, it is considered that the scheme proposed would provide insufficient living space for all potential occupiers to undertake typical day to day tasks. Furthermore, all of the windows serving the ground floor rear flat would face the external yard area, which is largely enclosed by existing buildings. Whilst no details of the arrangement of bin and cycle storage have been submitted with the application, it is likely that these facilities would be contained within this location. As such, occupiers of the ground floor rear flat would not benefit from an acceptable outlook.

Overall, in terms of the impact of the proposal on the amenity and privacy of neighbouring residents the proposal is considered acceptable, however the scheme is not considered to provide suitable living conditions for the future occupiers of the proposed flats.

Impact on Highway Safety:

The Council's Highways and Transportation Section have been consulted on the proposal and note that the existing use of the building as offices within Zone 1 requires up-to a maximum of 16 off-street car parking spaces, with potential for one off-street parking space to be provided to the side of the building. In comparison, the proposed conversion to 12 no. one bedroom flats within Zone 1 would require up-to a maximum of 12 off-street car parking spaces, with a maximum of one space able to be provided. Therefore, the overall parking requirement of the new use is reduced when compared to the existing use.

It is likely that the former office staff would have used the public car parks within Zone 1, whilst it is likely that the proposed residential use (C3) would generate more long term car parking and require applications to the Council for resident's car parking permits in an area where there is already considerable demand. The residents of the proposed flats would be able to apply for parking permits in Zone 301 which includes a number of residential streets in the vicinity of the site.

There is concern that the proposed development only has the potential to provide one car parking space. However, taking into account the existing use requires 16 spaces with the residential use (C3) requiring 12 spaces as well as the fact the site is located in the centre of the Aberdare retail area, with excellent access to public transport and public car parks, it is considered that there would be less reliance placed on the private motor vehicle as the primary mode of transport. On this basis, the Council's Highways and Transportation Section have raised no objections to the proposal.

Further to the above and to promote sustainable modes of transport in accordance with PPW 11th Edition as well as to mitigate the impact of the proposal, a condition requiring secure cycle storage to be provided within the rear yard has been suggested.

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 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 site is situated within a highly sustainable location with good access to a number of key local services and facilities as well as to a range of sustainable transport options. In addition, the proposed use of the site would be compatible with surrounding land uses.

It is considered that the reuse of the site would inevitably allow for the long term maintenance and preservation of the Grade II listed building as well as the preservation of the Aberdare Conservation Area.

Whilst the proposal does not provide any off-street car parking provision, the town centre location of the site ensures that public transport, public car parks and local amenities are all within easy walking distance, which would result in less reliance on the private motor vehicle for the main mode of transport.

Notwithstanding the fact that the proposed use would have a limited impacts upon the residential amenity and privacy of occupants of surrounding properties, it is considered that the development proposed results in an over intensive use of the building, to the detriment of its future occupants. It is considered that some of the new residential accommodation would be cramped in nature, resulting in poor living conditions. In addition, occupants of the rear ground floor flat would suffer from poor outlook.

RECOMMENDATION: Refuse

1. The proposed development is considered to represent in an over intensive use of the building, resulting in a cramped and inadequate standard of accommodation. As such, the proposal is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

2 DECEMBER 2021

INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN

UNDER DELEGATED POWERS

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

1. PURPOSE OF THE REPORT

To inform Members of the following, for the period 15/11/2021 – 19/11/2021

Planning Appeals Decisions Received.
Delegated Decisions Approvals and Refusals with reasons.

2. RECOMMENDATION

That Members note the information.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

PLANNING & DEVELOPMENT COMMITTEE

2 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

REPORT

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

OFFICER TO CONTACT

**Mr. J. Bailey
(Tel: 01443 281132)**

See Relevant Application File

APPEAL DECISION RECEIVED

APPLICATION NO: 19/0421
APPEAL REF: A/21/3277352
APPLICANT: Mr J Evans
DEVELOPMENT: Erection of 6 no. detached dwellings (amended plans received 22/07/19).
LOCATION: LAND TO THE REAR OF TREFELIN, TRECYNON, ABERDARE.
DECIDED: 07/04/2021
DECISION: Refused
APPEAL RECEIVED: 18/06/2021
APPEAL DECIDED: 19/11/2021
APPEAL DECISION: Allowed with conditions

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Report for Development Control Planning Committee

Cwmbach

21/1348/10 Decision Date: 19/11/2021
Proposal: Two storey side and rear extension, single storey rear extension.
Location: GAYTON, 5 RHEIDOL CLOSE, CWM-BACH, ABERDARE, CF44 0HT

21/1370/09 Decision Date: 19/11/2021
Proposal: Single storey rear extension.
Location: 28 HEOL-Y-DERI, CWM-BACH, ABERDARE, CF44 0BP

Mountain Ash East

21/1238/10 Decision Date: 19/11/2021
Proposal: Minor external alterations - 2 No. new conservation roof lights.
Location: MOUNTAIN ASH TOWN HALL, FFRWD CRESCENT, MOUNTAIN ASH, CF45 4EU

21/1239/12 Decision Date: 19/11/2021
Proposal: Minor external alterations - 2 No. new conservation roof lights.
Location: MOUNTAIN ASH TOWN HALL, FFRWD CRESCENT, MOUNTAIN ASH, CF45 4EU

21/1339/10 Decision Date: 15/11/2021
Proposal: Rear two storey extension.
Location: 5 LEWIS STREET, MOUNTAIN ASH, CF45 4AU

Cwm Clydach

21/1323/10 Decision Date: 19/11/2021
Proposal: Proposed two storey extension.
Location: 43 RAILWAY TERRACE, CLYDACH, TONYPANDY, CF40 2DA

Cymmer

21/1282/10 Decision Date: 19/11/2021
Proposal: Double garage to rear of property.
Location: 4 BRYN FFYNON, TREBANOG, PORTH, CF39 9EE

Report for Development Control Planning Committee

Cilfynydd

21/1286/10 Decision Date: 17/11/2021
Proposal: Two storey extension to side and removal of hip roof (Amended plans received 29/10/2021)
Location: 15 HEOL MYNYDD, CILFYNYDD, PONTYPRIDD, CF37 4HG

Town (Pontypridd)

21/1377/10 Decision Date: 17/11/2021
Proposal: Extension to front / rear dormers.
Location: 21 WHITEROCK CLOSE, GRAIG-WEN, PONTYPRIDD, CF37 2EN

Trallwn

21/1412/01 Decision Date: 19/11/2021
Proposal: Proposed new signage scheme incorporating an internally illuminated flex face sign, aluminium panel sign with vinyl graphics, folded aluminium sign with vinyl graphics (to replace existing), internally illuminated flex face
Location: UNIT 1, B AND Q PLC SUPERSTORE, BROWN LENNOX RETAIL PARK, YNYSANGHARAD ROAD, PONTYPRIDD, CF37 4DA

Tonteg

21/1209/10 Decision Date: 15/11/2021
Proposal: Single storey side extension.
Location: 14 PRESTEIGNE AVENUE, TON-TEG, PONTYPRIDD, CF38 1LE

Gilfach Goch

21/1318/09 Decision Date: 19/11/2021
Proposal: Demolition of conservatory and construction of a single storey rear extension.
Location: 53 HEOL-Y-MYNYDD, HENDREFORGAN, GILFACH-GOCH, PORTH, CF39 8UP

Tonyrefail West

21/1300/10 Decision Date: 18/11/2021
Proposal: Timber decking to front of garden (Retrospective).
Location: 7 CAEMAWR TERRACE, PENRHIW-FER, TONYPANDY, CF40 1RZ

Town (Llantrisant)

21/1096/10 Decision Date: 18/11/2021
Proposal: First floor extension.
Location: 4 HEOL-Y-BEILIAU, LLANTRISANT, PONTYCLUN, CF72 8ES

Report for Development Control Planning Committee

Talbot Green

21/1316/10 Decision Date: 19/11/2021

Proposal: Raised decking area to rear of property.

Location: 71 CLOS SPRINGFIELD, TALBOT GREEN, PONTYCLUN, CF72 8FE

Pontyclun

21/1384/10 Decision Date: 15/11/2021

Proposal: Single storey rear extension.

Location: 37 DELFRYN, MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 8SS

Brynna

21/1294/10 Decision Date: 16/11/2021

Proposal: Two storey side extension

Location: 8 COLLIERS AVENUE, LLANHARAN, PONTYCLUN, CF72 9UT

Total Number of Delegated decisions is 17

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Report for Development Control Planning Committee

Brynna

21/1152/10

Decision Date: 15/11/2021

Proposal: Single storey rear extension and detached garage.

Location: 19 TAN-Y-BRYN, BRYNNA, PONTYCLUN, CF72 9QR

Reason: 1 The proposal, arising from its scale, design and siting would introduce an unsympathetic and dominant feature that would have a detrimental impact upon the character and appearance of the existing dwelling, neighbouring properties and surrounding locality. As such, the proposal is contrary to Policies AW5 and AW6 of the Rhondda Cynon Taff Local Plan.

Total Number of Delegated decisions is 1

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