



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 - Democratic Services (07385401877)

Bydd cyfarfod hybrid o'r **Pwyllgor Cynllunio a Datblygu** yn cael ei gynnal ar **DYDD IAU, 16EG 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, 14 RHAGFYR 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 agendwm mae eu buddiant yn ymwneud ag ef a mynegi natur y buddiant personol hwnnw; a
2. Lle bo Aelodau'n ymneilltuo o'r cyfarfod o ganlyniad i ddatgelu buddiant sy'n rhagfarnu, mae **rhaid** iddyn nhw roi gwybod i'r Cadeirydd pan fyddan nhw'n gadael.

2. DEDDF HAWLIAU DYNOL 1998 A PHENDERFYNIADAU RHEOLI DATBLYGU

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

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

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

4. COFNODION 04.11.21

Cadarnhau cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 4 Tachwedd, 2021 yn rhai cywir.

7 - 12

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

5. CAIS RHIF: 20/1445

Cais amlinellol ar gyfer datblygiad preswyl (18 annedd). (Derbyniwyd Gwerthusiad Ecoleg y Glaswelltir ar 15/07/21), **Y tir y tu ôl i 15 ac 16 Ffordd y Rhigos, Hirwaun, Aberdâr**

13 - 30

6. CAIS RHIF: 21/1328

Cynllun arfaethedig i ddatblygu cyfleuster Gofal Ychwanegol sy'n cynnwys 60 o fflatiau ynghyd â'r gwaith cysylltiedig, gan gynnwys gwaith tirlunio, system ddraenio gynaliadwy, cyfleusterau mynediad a pharcio, **Cartref Gofal Dan Y Mynydd, Coedlan Bronwydd, Cymer, Porth**

31 - 58

7. CAIS RHIF: 21/0274

Adeilad ffrâm borthol (storio/dosbarthu) arfaethedig (Uned 2) (Dosbarth Defnydd B8), Cam 2, **Y tir cyferbyn â Storamove, Ystad Ddiwydiannol Parc Aberaman, Aberaman, Aberdâr**

59 - 68

8. CAIS RHIF: 21/0831

Adeiladu maes parcio i ategu'r cyfleusterau parcio a theithio presennol yng Ngorsaf Drenau'r Porth (Cam 3 Cynllun Parcio a Theithio), gan gynnwys gwaith adlinio ffordd fynediad Ystad Ddiwydiannol Rheola, gwaith draenio, gosod goleuadau stryd, teledu cylch cyfyng a gwaith tirlunio. (Derbyniwyd y Datganiad Trafnidiaeth ar 23 Medi 2021, Derbyniwyd Asesiad Risg Mwyngloddio ar 27 Hydref 2021), **Ffordd Fynediad Rheola / Ystad Ddiwydiannol Rheola, Porth.**

69 - 84

9. CAIS RHIF: 21/0942

Cynllun i ymestyn cwrtill yr ardd a chreu llawr caled, **Merrivale, Ffordd Llwydcoed, Aberdâr**

85 - 94

10. CAIS RHIF: 21/1102

Gwaith adeiladu er mwyn hwyluso'r broses o adleoli'r iard stoc drig. (Derbyniwyd Cynllun Rheoli Aroglau ar 30 Medi 2021, Derbyniwyd Datganiad gan y Milfeddyg a chynlluniau diwygiedig, sy'n lleihau maint yr adeilad ac yn gwella'r dirwedd, ar 18 Hydref 2021), **Cae Croft Yr Haidd, Castellau, Beddau, Pont-y-clun, CF72 8LQ**

95 - 114

11. CAIS RHIF: 21/1250

Adeiladu bloc garej newydd sy'n cynnwys 3 garej sengl, **Tir ger Woodville, Heol Pantygraigwen, Pontypridd**

115 - 124

12. CAIS RHIF: 21/1267

Trosi eiddo yn 8 fflat un ystafell wely, gan gynnwys estyniad deulawr yn y cefn, newidiadau mewnol a maes parcio oddi ar y stryd yn y cefn (derbyniwyd cynlluniau diwygiedig ar 18/10/21 a disgrifiad diwygiedig ar 18/10/21), **Tŷ Gwynfa, Yr Heol Fawr, Pentre'r Eglwys, Pontypridd**

125 - 136

13. CAIS RHIF: 21/1310

Cynllun dymchwel ac ailddatblygu i ddarparu anheddau preswyl ynghyd â gwaith cysylltiedig. (Derbyniwyd Adroddiad Cofnodi Adeilad Hanesyddol ar 22 Tachwedd 2021), **Ysgol Babanod Pen-y-graig, Heol Hendrecafn, Pen-Y-Graig, Tonypandy**

137 - 154

14. CAIS RHIF: 21/1330

Datblygiad tai fforddiadwy, sy'n cynnwys 11 fflat 1 ystafell wely a 2 fflat 2 ystafell wely wedi'u haddasu'n llawn ynghyd â maes parcio, gwaith tirlunio, gwaith ategol, **122-126 Stryd Dunraven, Tonypandy, CF40 1QB**

155 - 170

15. CAIS RHIF: 19/1082

Cais materion wedi'u cadw'n ôl ar gyfer Cam 3 a Cham 4 Parc Llanilid (a gyflwynwyd yn unol â chaniatâd cynllunio amlinellol (hybrid) 10/0845/34) i gynnwys 494 uned preswyl a gwaith seilwaith cysylltiedig. Derbyniwyd cynlluniau diwygiedig a/neu wybodaeth ychwanegol/wedi'i diweddarau ar 24/06/21 (ffurflen gais wedi'i diweddarau, cynllun safle ('K'), cynlluniau a strategaeth tirlunio, cynllun Thetford a chynllun uned GAD 1 ystafell wely); 20/07/21 (cynllun safle ('L')); 22/07/21 (datganiad dylunio trefol wedi'i ddiweddarau); 27/07/21 (Cynllun Symud wedi'i ddiweddarau); 03/08/21 (cynlluniau peirianeg a'r Adroddiad Sŵn wedi'u diweddarau); 28/09/21 (cynlluniau wedi'u diweddarau i adlewyrchu'r mathau newydd o dai); 12/10/21 (cynlluniau tirwedd wedi'u diweddarau); 18/11/21 (cynllun safle ('N')) a 23/11/21 (cynlluniau peirianeg diwygiedig/wedi'u diweddarau, strategaeth tirwedd a chynlluniau plannu), **Tir ar hen safle glo brig a thir i'r gogledd o'r A473, Llanilid**

171 - 192

CEISIADAU WEDI'U GOHIRIO

16. CAIS RHIF: 21/0256

Newid defnydd eiddo masnachol yn rhannol i eiddo preswyl er mwyn creu dau adeilad masnachol ac wyth fflat, ynghyd â gwaith cysylltiedig (Derbyniwyd Adroddiad Llifogydd ar 05/07/2021 a derbyniwyd Cynlluniau Diwygiedig ar 07/07/2021), **22-22A Stryd Caerdydd, Aberdâr** (Adrodd yn ôl)

193 - 206

ADRODDIAD ER GWYBODAETH

17. 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 22/11/2021 – 03/12/2021.

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.

207 - 216

18. MATERION BRYS

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

Cyfarwyddwr Gwasanaeth y Gwasanaethau Democraidd 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 D Williams, Y Cynghorydd W Lewis and Y Cynghorydd S Powderhill

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

tudalen wag

PWYLLGOR CABINET CYNGOR RHONDDA CYNON TAF PWYLLGOR CYNLLUNIO A DATBLYGU

Cofnodion o gyfarfod rhithwir y Pwyllgor Cynllunio a Datblygu a gynhaliwyd Dydd Iau, 4
Tachwedd 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 J Williams
Y Cyngorydd W Lewis Y Cyngorydd W Owen
Y Cyngorydd S Powderhill

Swyddogion oedd yn bresennol

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

Y Cyngorwyr Bwrdeistref Sirol eraill oedd yn bresennol

Y Cyngorydd J Barton

Y Cyngorydd S Bradwick

103 Croeso ac Ymddiheuriadau

Derbyniwyd ymddiheuriad am absenoldeb gan Gyngorydd y Fwrdeistref Sirol
D. Williams.

104 DATGAN BUDDIANT

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

105 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.

106 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.

107 Cofnodion 16.09.21

PENDERFYNWYD cadarnhau'r cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 16 Medi 2021 yn rhai cywir.

108 NEWID I DREFN YR AGENDA

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

109 CAIS RHIF: 21/0256/10

Newid defnydd eiddo masnachol yn rhannol i eiddo preswyl er mwyn creu dau adeilad masnachol ac wyth fflat, ynghyd â gwaith cysylltiedig (Derbyniwyd Adroddiad Canlyniadau Llifogydd ar 05/07/2021, a derbyniwyd Cynlluniau Diwygiedig ar 07/07/2021). 22-22A STRYD CAERDYDD, ABERDÂR, CF44 7DP

Yn unol â chofnod 66 o'r Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 16 Medi 2021, trafododd y Pwyllgor adroddiad y Cyfarwyddwr Gwasanaeth, Gwasanaethau Democrataidd a Chyfathrebu, sy'n amlinellu canlyniad yr ymweliad safle a gynhaliwyd ar 5 Hydref 2021, mewn perthynas â'r cais a argymhellwyd i'w gymeradwyo gan y Cyfarwyddwr Gwasanaeth – Materion Ffyniant a Datblygu .

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

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

Cyflwynodd y Pennaeth Materion Datblygu a Buddsoddi Sylweddol ei gais i'r 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 y byddai'r datblygiad yn cael effaith andwyol o ran diffyg amwynder. O ganlyniad i hynny, caiff y mater ei ohirio tan y cyfarfod priodol nesaf o'r Pwyllgor Cynllunio a Datblygu fel bod modd derbyn adroddiad gan y Cyfarwyddwr - Materion Ffyniant a Datblygu, a hynny 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.

110 CAIS RHIF: 20/1365

3 Anedd ar wahân gyda 4 ystafell wely, pob un â lle parcio oddi ar y ffordd ar gyfer 3 char. (Ailgyflwyno cais 19/0449/10) (Derbyniwyd yr

Adroddiad Ecoleg ar 5 Rhagfyr 2020. Derbyniwyd cynlluniau diwygiedig, lleihau maint ffin y safle ac ail-leoli anheddau arfaethedig ar 5 Ionawr 2021. Derbyniwyd cynllun diwygiedig, gan ychwanegu sribed bioamrywiaeth / ecoleg, 14 Ebrill 2021). Tir Ger Brynllan, Ffordd Trebanog, Trebanog, Porth

Cyflwynodd y Pennaeth Materion Datblygu a Buddsoddi Sylweddol y cais, a gafodd ei gyflwyno'n wreiddiol i'r Pwyllgor ar 7 Hydref 2021, pan wrthododd yr Aelodau'r cais yn groes i argymhelliad y Cyfarwyddwr - Materion Ffyniant a Datblygu, Cynllunio (Cofnod 76).

Rhoddodd yr Aelodau ystyriaeth i'r adroddiad pellach, a oedd yn tynnu sylw at gryfderau a gwendidau posibl cymeradwyo cais yn groes i argymhelliad swyddogion, ac yn dilyn trafodaeth, **PENDERFYNWYD** gwrthod y cais yn groes i argymhelliad y Cyfarwyddwr - Materion Ffyniant a Datblygu am y rhesymau canlynol:

- Oherwydd agosrwydd y datblygiad at ael y bryn a thro, a'u cysylltiad â phrif briffordd brysur, byddai'r tair mynedfa newydd i gerbydau o bosib yn cael effaith annerbyniol ar ddiogelwch defnyddwyr y briffordd ac amwynder preswylwyr. Ni fyddai'r datblygiad yn cydymffurfio â Pholisi AW5 Cynllun Datblygu Lleol Rhondda Cynon Taf na chanllawiau cynllunio atodol y Cyngor ar gyfer Mynediad, Cylchrediad a Gofynion Parcio.

(Nodyn: Ymatalodd Cynghorydd y Fwrdeistref Sirol G Hughes rhag pleidleisio ar yr eitem hon oherwydd nad oedd yn bresennol ar gyfer y ddadl lawn).

111 CAIS RHIF: 21/0431

Amrywio amod 2 (cynlluniau wedi'u cymeradwyo) i ofyn am ganiatâd ar gyfer lleoliad adeilad, uchder adeilad, cwrt blaen a chladin allanol diwygiedig. (Cais gwreiddiol 19/0791/10). (Cynlluniau Diwygiedig wedi'u derbyn 02/08/21) Uned storio oddi ar heol y Beddau, Pontypridd

Cyflwynodd y Pennaeth Materion Datblygu a Buddsoddi Sylweddol y cais a adroddwyd yn wreiddiol i'r Pwyllgor ar 2 Medi 2021, lle penderfynwyd gohirio'r cais er mwyn cynnal ymweliad safle a gynhaliwyd ar 21 Medi 2021. Yna adroddwyd y cais yn ôl i'r Pwyllgor ar 7 Hydref, lle'r oedd yr Aelodau o blaid gwrthod y cais yn groes i argymhelliad Cyfarwyddwr - Materion Ffyniant a Datblygu (mae Cofnod 78 yn cyfeirio at hyn).

Rhoddodd yr Aelodau ystyriaeth i'r adroddiad pellach, a oedd yn tynnu sylw at gryfderau a gwendidau posibl cymeradwyo cais yn groes i argymhelliad swyddogion, ac yn dilyn trafodaeth, **PENDERFYNWYD** gwrthod y cais am y rhesymau canlynol:

1. Byddai'r adeilad fel y'i codwyd, yn rhinwedd ei raddfa, ei ddyluniad diwydiannol a'i uchder gormodol yn cynrychioli math anghydweddol ac annatod o ddatblygiad a fyddai'n cael effaith andwyol ar amwynder gweledol deiliaid cyfagos, a chymeriad ac ymddangosiad y safle a'r ardal gyfagos, yn groes i Bolisiâu AW5 ac AW6 o Gynllun Datblygu Lleol Rhondda Cynon Taf.

2. Bydd y defnydd ychwanegol arfaethedig o'r lôn is-safonol fel prif fodd mynediad i wasanaethu'r datblygiad arfaethedig yn creu mwy o beryglon traffig er anfantais i ddiogelwch priffyrdd a cherddwyr. Yn ogystal, bydd y datblygiad arfaethedig yn cynhyrchu symudiadau gwrthdroi cerbydau yn ôl ac ymlaen i'r briffordd gyhoeddus, gan greu peryglon traffig ar draul diogelwch priffyrdd, yn groes i Bolisi AW5 Cynllun Datblygu Lleol Rhondda Cynon Taf.

112 CAIS RHIF: 21/0185

Trosi hen dafarn/gwesty yn 14 o fflatiau hunangynhwysol. (Derbyniwyd arolwg ystlumod 27 Awst 2021, a derbyniwyd cynllun safle diwygiedig, gyda lleoedd parcio oddi ar y stryd ar 8 Medi 2021) Hen Westy'r Gordon, 60 Heol y Gelli, Gelli, Pentre.

Cyflwynodd y Pennaeth Materion Datblygu a Buddsoddi Sylweddol y cais i'r Pwyllgor ac yn dilyn ystyriaeth hirfaith **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr - Materion Ffyniant a Datblygu yn ddarostyngedig i'r amodau a nodir yn yr adroddiad ac i amod ychwanegol sy'n ei gwneud yn ofynnol i fanylion gael eu cytuno ar gyfer lleoliad y casgliad sbwriel, ac ar gyfer cwblhau cytundeb adran 106 i ddarparu fflat 1 x1 ystafell wely ar gyfer perchentyaeth cost isel (safon y farchnad), fel yr amlinellwyd yn yr adroddiad.

(Nodwch: Ar yr adeg yma, gadawodd Cynghorydd y Fwrdeistref Sirol S. Powderhill y cyfarfod (3.38pm)).

(Nodyn: Ymatalodd Cynghorydd y Fwrdeistref Sirol W Owen rhag pleidleisio ar yr eitem hon, ar ôl ymuno â'r cyfarfod yn ystod y cyflwyniad ac felly doedd ddim yn bresennol ar gyfer y ddatlawn).

113 CAIS RHIF: 21/0895

Garej ddomestig sengl, wrth ymyl 22 Stryd Clarence, Ton Pentre, Pentre

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.

114 CAIS RHIF: 21/0883

Newid defnydd o garej fasnachol i 4 uned fanwerthu hunangynhwysol gydag estyniad unllawr ac addasiadau TREALAW TYRES, HEOL BRITHWEUNYDD, TREALAW, TONYPANDY

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

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

PENDERFYNODD yr Aelodau dderbyn adroddiad y Cyfarwyddwr Gwasanaeth – Materion Cynllunio mewn perthynas â'r Penderfyniadau Apeliadau Cynllunio a Gorfodi a ddaeth i law, Cymeradwyaethau Penderfyniadau a Gwrthodiadau Dirprwyedig gyda rhesymau, Trosolwg o Achosion Gorfodi a Phenderfyniadau Gorfodi Dirprwyedig ar gyfer y cyfnod 11/10/2021 – 22/10/2021.

Daeth y cyfarfod i ben am 4.10 pm

**Y Cyngorydd S Rees
Cadeirydd.**

tudalen wag



PLANNING & DEVELOPMENT COMMITTEE

16 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/1445/13 (GH)
APPLICANT: Ms L Davies
DEVELOPMENT: Outline for residential development (18 dwellings).
(Grassland Ecology Appraisal received 15/7/21)
LOCATION: LAND TO THE REAR OF 15 & 16 RHIGOS ROAD,
HIRWAUN, ABERDARE, CF44 9PS
DATE REGISTERED: 15/07/2021
ELECTORAL DIVISION: Hirwaun

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT

REASONS: This proposed outline residential development for eighteen new dwellings would be located within the settlement boundary and in a sustainable location. Furthermore, the site is already allocated for housing by the LDP and is therefore considered to be acceptable in principle.

A residential use would be in keeping with surrounding land uses and the dwellings could both be sited and of a scale that would be sympathetic to the context of the street scene and their relationship with neighbouring properties. The application is also considered to be acceptable in respect of its point of access.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Outline planning permission is sought for the erection of eighteen dwellings on land to the rear of 15 & 16 Rhigos Road, Hirwaun. The parcel of undeveloped land comprising

the application site is of an irregular shape and encompasses an area of approximately 0.297ha.

Although the application is made in outline with all matters reserved for future consideration, the submission is accompanied by an illustrative layout and identifies how access would be achieved from a new junction with Rhigos Road to the north, with the new dwellings served by a new section of highway including footways and a turning head.

The layout also shows how eighteen two-storey, semi-detached dwellings, could be positioned within the site and that each would benefit from two off-street parking spaces and amenity space to the front and rear.

Notwithstanding that comprehensive details and plans would be required as part of a reserved matters application and that scale is one of the matters reserved, the scale parameters indicated by the applicant, and noted for informative purposes, are as follows:

	Minimum	Maximum
Width	4.8m	6.5m
Depth	7.5m	10.0m
Eaves height	4.0m	5.5m
Ridge height	6.3m	9.5m

In addition to the submitted plans and details the application is accompanied by a Planning Statement, PAC Report, Coal Report and a Preliminary Ecological Appraisal. As a result of a request from the Council's Ecologist during consultation, a Grassland Appraisal was subsequently submitted.

SITE APPRAISAL

The application site consists of a large parcel of land located towards the western fringe of Hirwaun which has a surface area of approximately 0.57 hectares. Comprising mainly grass and scrub the site accommodates an old prefabricated double garage and an old barn/shed.

The site is directly to the south of Rhigos Road/Meadow Lane, and directly to the north of the A465. The western site boundary comprises a mature hedgerow and is shared with the curtilage of the bungalow known as 'Brodawel'; whilst that to the east is adjacent to land known as Bryngelli Estate within which there are a number of commercial premises.

There is a cross fall in level of approximately 3m across the site, roughly from south to north and the existing access to the land is from a gated entrance adjacent to no.

16 Rhigos Road. Furthermore, an open water ditch crosses the site, and this is proposed to be culverted to enable the development.

All of the site is within the settlement boundary and is designated as 'low coal mining risk' and is not subject to any specific environmental designations.

PLANNING HISTORY

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

08/1242/10: Detached dwelling with integral garage. Decision: 18/09/2008, Grant.

08/0183/10: Detached dwelling house with integral garage. Decision: 28/03/2008, Refuse.

PUBLICITY

The application has been advertised by direct notification to seven neighbouring properties and notices were displayed on site. Furthermore, in accordance with the Development Management Procedure (Wales) Order the relevant press notice was published on 14th January 2012 identifying that the proposal constituted major development.

Representations have been received from three households, raising the following concerns:

- It is rare for there to be less than 3 cars parked on the bend, including just inside the main road entrance and continuing right around the bend. This reduces visibility and results in cars meeting head-on. It is likely that more vehicles will end up parking further up the road up towards the end of the cul-de-sac.
- The extra traffic, potentially 2 to 3 cars per property, coming out of a junction right opposite our access and especially as more younger drivers are coming off the main road into Rhigos Road at speed with a blind bend.
- There is concern about the potential for flooding and that by adding so many houses on the land which naturally slopes down towards this area, there is danger of significantly more flooding unless the drainage system is improved to cope.
- The stream flooded no's 15 and 16 twice last year because the 800mm pipe which passes under the road could not handle the flow. Part of the land at the back acts as a flood plain during heavy rainfall.
- Our garden was flooded last winter when the stream was unable to cope with the volume of water. On occasion water has been discharged onto the highway, passing the side of no.16 and entering no.15. It is worrying to know how piping the stream will cope with the volume of water, including Rhigos Road highway drainage which also discharges into the stream. This problem appears to be worsening as flood plains are being depleted and the climate is changing.

- A further 18 properties will almost double the number of properties that are currently in this quiet cul-de-sac at the end of the village. We have doubts as to whether the current supply of utilities can cope with this increase.
- There is potential for overlooking of existing properties.

CONSULTATION

Highways and Transportation

There are no concerns with regard to the impact on the surrounding highway network and therefore the proposal is acceptable subject to a number of highway related conditions.

Flood Risk Management

No objection, the development would require an application for Sustainable Drainage Approval.

Public Health and Protection

No objections, subject to conditions and/or informative notes in respect of air quality, noise, dust, waste, demolition, lighting, and hours of operation.

Natural Resources Wales

Planning permission should only be granted subject to a condition for a Construction Environment Management Plan.

Western Power Distribution

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

Countryside – Ecologist

This is an example of a type of small development where there is very limited capacity to provide habitat mitigation, and if this application progresses it would have to be on the basis that it has not proved possible to fully mitigate habitat loss/impact.

The Coal Authority

The site does not fall within the defined Development High Risk Area, which means there is no requirement for a Coal Mining Risk Assessment to be submitted.

South Wales Police

The Welsh Government, as highway authority for the A465 trunk road, does not issue a direction in respect of this application.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Hirwaun and is allocated for residential development (Policy NSA9.1 – Land south of Rhigos Road, Hirwaun).

Policy CS1 - Emphasis in the Northern Strategy Area is on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries.

Policy AW1 - Relates to the supply of new housing and stipulates that the supply will be met by the development of allocated and unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

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

Policy AW4 - Identifies a range of community infrastructure and planning obligations that may be sought, including affordable housing.

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

Policy AW6 - Supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness, and are designed to protect and enhance landscape and biodiversity.

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

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

Policy NSA3 - Supports residential development within the key settlement of Hirwaun.

Policy NSA9 - Confirms the site is allocated for housing.

Policy NSA10 - Stipulates that the net residential density must be a minimum of 30 dwellings per hectare, and lists criteria where lower density levels are permitted.

Policy NSA11 - Seeks the provision of at least 10% affordable housing on site of 10 units or more.

Policy NSA12 - Requires housing development within the settlement boundary to be accessible to local services by a range of sustainable transport modes without adversely affecting the highway network or provision of car parking in the surrounding area. Contaminated land must also be adequately remediated.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements
- Nature Conservation
- Planning Obligations
- Affordable Housing

National Guidance

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

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

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

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

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

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 5: Nature Conservation and Planning
PPW Technical Advice Note 12: Design
PPW Technical Advice Note 15: Development and Flood Risk
PPW Technical Advice Note 18: Transport
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 is for 18 dwellings on land to the rear of 15 & 16 Rhigos Road. The site is allocated in the LDP for housing development and is within the defined settlement boundary. There are a number of considerations to be made in relation to this application.

The site is allocated for housing development under Policy NSA9.1. This is a non-strategic site that is allocated for 15 dwellings. The proposal is therefore in accordance with this and the principle of residential development is supported. The proposed scheme delivers more units than the site is allocated for and will support the delivery of the housing requirement figures identified by Policy AW1. The proposal will also support the Key Settlement of Hirwaun.

Policy NSA11 requires that 10% of the units on sites of 10 units or more be affordable, therefore the development should deliver 2 affordable units which would accord with requirements of the Council's Housing Strategy Team.

A minimum density of 30 dwellings per hectare is sought in the Northern Strategy Area, which the proposal exceeds and therefore complies with Policy NSA10.

Therefore, noting the location of the site, the pattern of development within the area and surrounding uses, it is considered that the provision of 18 dwellings is acceptable in principle.

Impact on the character and appearance of the area

As an outline proposal the submitted plan, illustrating how the plot could be laid out, demonstrates that it would be physically possible to accommodate 18 new dwellings within its boundaries, and how these dwellings could be positioned relative to neighbouring properties and benefit from access to the public highway.

Regarding the scale of the dwellings, in terms of the size of the illustrative scale parameters, these show that there is the potential for the site to be arranged in order to allocate an acceptable amount of garden space for each new dwelling and provide off-street parking spaces in line with the Council's adopted parking standards.

However, without specific design details and the supporting information that would usually accompany a reserved matters application, it is not possible to fully assess the development in terms of its visual impact.

Nevertheless, given the context of the street scene and the variety in the scale and appearance of neighbouring dwellings, it appears evident that 18 dwellings of the scale proposed could be designed to integrate satisfactorily.

Impact on neighbouring occupiers

If constructed in accordance with the layout plan provided, the new dwellings would be set around the boundary of the application site and adjacent to the garden boundaries of existing dwellings to the north-west and north-east.

The site appears large enough to enable a sufficient degree of separation between new and existing development, although it will not be possible to qualitatively assess any impact on other occupiers without the submission of full details.

However, since it appears possible that the development could be constructed without causing significant detriment to the outlook or privacy of other residents, or being close enough to cause overshadowing, there are no objections at this stage.

Access and highway safety

Access from Rhigos Road

The application site is served from Rhigos Road which has a carriageway width of 6.7m with a 1.5m - 1.8m wide footway on the development side, and where there are vision splays in excess of the 2.4m x 40m required for a 30mph speed limit area. Rhigos Road is therefore acceptable for safe vehicular and pedestrian movement.

An un-controlled pedestrian crossing point would be required at the junction of the lane fronting numbers 15 & 16 Rhigos Road and at the new site access, to accord with the requirements of Active Travel (Wales) Act 2013 and PPW11, and the indicative plan provides for satisfactory pedestrian access.

Internal Layout

In respect of the internal layout of the site, the applicant has submitted a scheme for 18 units served off a cul-de-sac with a full size turning area.

The 6m junction radii, vision splays, 5.5m wide carriageway, 2 x 2m wide footways and full size turning area accord with the Rhondda Cynon Taff Design Guide for Residential & Estate Roads which is acceptable.

Parking

Off-street car parking should be provided in accordance with the Council's SPG for Access, Circulation & Parking 2011, which stipulates that 1 & 2 bed units should have a maximum of 2 spaces and 3 & 4 bed units should have a maximum of 3 spaces.

The indicative site layout indicates a minimum of 2 off-street car parking spaces per plot with the majority having long driveways which could accommodate a minimum of 3 off-street car parking spaces.

Should a reserved matters planning application come forward, off-street car parking and secure cycle storage would be expected to comply with the SPG and an informative note has been suggested in this regard.

It is also noted that the existing double garage would be removed from the rear of no. 16 Rhigos Road. However, there is existing parking adjacent to the dwelling off the existing driveway or located within the retained land to the rear, both of which would be acceptable.

Active Travel and Residential Travel Plan (RTP)

PPW and the Active Travel (Wales) Act 2013 set out walking, cycling and public transport at the top of the hierarchy of sustainable modes of travel. The village of Hirwaun is well served by continuous pedestrian facilities and links to the National Cycle Route.

However, the outline application does not provide a travel plan framework to encourage sustainable modes of travel, and any future reserved matters application should therefore provide a residential travel plan, for which a condition is recommended.

Transport Statement (TS)

The submission does not include a Transport Statement. However, the site is located within a residential area of Rhigos which offers continuous pedestrian links to the retail area, school and a number of local facilities, and where there would be no anticipated

capacity issues on the surrounding highway network associated with the proposed development.

Nonetheless, the applicant has submitted a Design & Access statement which contains information on sustainability and local bus services and considering the limited additional traffic movements associated with the proposed development, this is acceptable.

Water Management

The Council's Flood Risk Management Team has assessed the proposal and utilised Natural Resources Wales Surface Water Flood Risk Maps to review the sites current risk of flooding.

The summary of the review has identified a high, medium and low surface water flood risk within the proposed site, and the developer will need to deal with this risk at the design stage. Due to the nature of the current flood risk, as referred to by objectors, the applicant would be required to provide evidence of how the proposed development will manage the local risk of surface water flooding and provide suitable mitigation measures to ensure the resilience and adaptability of the dwellings to manage such events.

Surface water is proposed to be discharged via a soakaway system but no details have been provided within this outline application. BRE 365 methodology (or similar), accompanied by on site percolation tests, will be required to assess this in relation to surface water flood risk.

The developer should be mindful that they will be required to evidence the sites surface water discharge destination and principally the rate of discharge. In facilitating this figure, the developer will be required to demonstrate pre and post catchment discharge rates for comparison. Since the site is currently a grassed area, a like for like greenfield discharge rate will be necessary so that the inherent surface water flood risk within the area is not increased.

Public Health

The development is situated in an area that potentially has poor air quality due to high levels of traffic flow along the A465. As a result, future occupiers of the proposed residential units may be affected by poor air quality and pollution.

The consultation response from Public Health and Protection colleagues has requested confirmation that the residential units will be further than 25m from the carriageway edge of the A465, else an air quality assessment will be required to demonstrate that the development will be acceptable.

Nevertheless, the outline consent sought means that the site layout plan provided is only illustrative, and until approval for reserved matters is sought, the layout will be unknown.

Therefore, to ensure that the matter is addressed, an informative note is proposed which will advise the Applicant that should a reserved matters application result in any of the proposed dwellings being less than 25m from the carriageway edge of the A465, then an Air Quality Assessment will be required.

In addition, the applicant should be advised that a reserved matters application would benefit from a scheme to protect future occupiers from road noise, and if not submitted with such an application, these details would be sought by a pre-commencement condition.

Ecology

At the request of the Council's Ecologist a Phase 2 vegetation survey was undertaken and submitted.

The NVC (National Vegetation Classification) survey was based on 5 quadrats sampling the grassland vegetation of the site and concludes that it supports species poor semi-improved neutral grassland with affinities to the NVC community MG6. Furthermore, that because only 7 SINC neutral grassland indicator species identified in the South Wales SINC selection criteria were identified (and not the 8 required for consideration of SINC quality), the site falls below that potential quality.

However, the Ecologist believes that using Mid Valleys SINC criteria any areas of MG5 grassland over 0.2 hectares will qualify as SINC, and that areas of species rich neutral grassland (including the MG6 referred to in the Report) with 8 indicator species over 0.2 hectares would also qualify. From the BE Ecological Report 8 species from that list are recorded as being present in the quadrat data. This would mean that the ecology value of the field is probably more significant than reported and may even be borderline SINC quality.

Therefore, the Ecologist advises that the loss of all of the grassland area to development will have at least a negative local biodiversity impact and it would not be possible to mitigate for the loss of an existing ecological feature although some other enhancement measures, such as bird/bat provisions in the new builds, are possible.

Paragraph 6.4.5 of PPW11 states that "Planning Authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity". Planning Authorities must also demonstrate that they have taken a proactive approach in trying to fulfil the requirements of Section 6 of the Environment (Wales) Act 2016, as outlined above, by taking reasonable steps.

If the site were of SINC quality, in terms of the hierarchy of designated sites, this would be local and non-statutory. However, although the site is not designated as such, PPW11 paragraph 6.4.21 states that “Planning Authorities must follow a step-wise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimised, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.”

In light of the above, it is clear that some biodiversity enhancement can be obtained in respect of bats and birds and condition 4 is recommended as a means to secure these, albeit that as an outline application with all matters reserved, such details would be expected to be addressed by a future reserved matters application. Nevertheless, the Ecologist’s opinion is that the development would have a negative local biodiversity impact.

PPW 11 notes that where the adverse effect on the environment clearly outweighs other material considerations, the development should be refused. Therefore, the negative local impact has to be set against the other material matters which weigh in favour of the development.

The key material matter is that the site is already allocated for housing and meets the Northern Strategy Area policies outlined further above. In addition, no objections have been received from any other statutory consultees, and notwithstanding that the submitted detail is largely indicative, there are no other sustainable planning reasons to merit a recommendation of refusal at this stage.

On balance therefore, it is considered that the matters which weigh in favour of the development are of sufficient significance to justify recommending that outline planning permission is granted.

National Sustainable Placemaking Outcomes

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

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

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

Therefore, in addition to consideration of the positive placemaking merits of the scheme within the sections of the report above, the proposed development is considered to relate in particular to the following national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The development density is appropriate for the edge of settlement location and as an allocated housing site would contribute to the overall housing requirement within the Northern Strategy Area.
- **Facilitating Accessible and Healthy Environments:** The application site is located close to a bus route and is within a reasonable walking distance of the services and facilities located in the centre of Hirwaun. As the site is allocated and within the settlement boundary it is considered to be a sustainable location.
- **Maximising Environmental Protection:** The development would result in an area of biodiversity mitigation and enhancement for bats and nesting birds, albeit that there would be a negative biodiversity impact due to the loss of grassland.
- **Growing Our Economy in a Sustainable Manner:** The development would have a positive effect in terms of construction jobs.

In respect of the other national outcomes the development would be considered to have a largely neutral impact.

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. However, the application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a £nil charge is applicable.

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 S106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,

3. fairly and reasonably related in scale and kind to the development.

Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is only intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

In this case the proposed development would provide 18 dwellings, where Policy NSA11 requires that 10% of those, or higher, will be affordable.

Therefore, a S106 agreement will be required to ensure that 2 dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs.

Conclusion

By virtue of its location within the settlement boundary and allocation for housing within the current Local Development Plan, the application site occupies a sustainable location, where there is presumption in favour of the principle of development.

Such a development would be subject to other material determining factors, and although many these would be considered at the reserved matters stage, the submitted illustrative layouts demonstrate how the design, layout, appearance and scale of 18 dwellings at the site might be satisfactorily arranged.

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT

1. (a) Approval of the details of the appearance, layout and scale of the buildings, the means of access to the site 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, the means of access to the site 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 three years from the date of this permission.

(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the 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 Section 92 of the Town and Country Planning Act 1990.

2. No development shall commence until full engineering design and details of the internal access road and junction with Rhigos Road, including sections, street lighting, highway structures, traffic management measures, turning facilities, footways and highway surface-water drainage, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

The approved Construction Method Statement shall be adhered to throughout the development process.

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

4. No development shall commence, including any works of site clearance, until details of a scheme of ecological mitigation and enhancement, including measures identified within the Preliminary Ecological Appraisal (BE Ecological Ltd., August 2020) and Phase 2 Vegetation Survey (BE Ecological

Ltd., July 2021) has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be implemented in accordance with the approved details prior to beneficial occupation and maintained as such in perpetuity.

Reason: In the interest of the protection of the natural environment in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. No development, including any works of site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP should include the following:

- i) General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- ii) Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- iii) Soil Management: details of topsoil strip, storage and amelioration for re-use.
- iv) CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- v) Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- vi) Resource Management: details of fuel and chemical storage and containment; details of wastewater.
- vii) Traffic Management: details of site deliveries, wheel wash facilities.
- viii) Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- ix) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- x) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The approved CEMP shall be adhered to throughout the development process.

Reason: In the interest of the protection of the environment in accordance with Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to beneficial occupation the occupier of each dwelling shall be provided with a Travel Plan / Welcome Pack which should contain the following:

(a) Bus/Train Service providers, their contact details, frequency of service, timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport.

(b) Park and Ride/Park and Share facilities and associated costs and restrictions on use of such facilities.

(c) Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure.

(d) Local and national cycle routes.

(e) Sustainability voucher.

(f) Any other measures that would encourage use of sustainable modes of travel.

Reason: To encourage a sustainable mode of travel and reduce reliance on the private motor vehicle, in the interests of highway safety and the free flow of traffic, in accordance with Section 4.1 of PPW10 and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding, in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

16 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1328/10 (CHJ)
APPLICANT: Linc Cymru Housing Association
DEVELOPMENT: Proposed development of an Extra Care Facility containing 60 apartments and associated works, including landscaping, sustainable drainage, access and parking.
LOCATION: DAN Y MYNYDD CARE HOME, BRONWYDD AVENUE, CYMER, PORTH, CF39 9AQ
DATE REGISTERED: 28/09/2021
ELECTORAL DIVISION: Porth / Cymmer

RECOMMENDATION: Approval (subject to Conditions)

REASONS: The development effectively constitutes an enlargement and intensification of the existing use of the site that is, in reality, a person-specific residential facility (i.e. purpose built to accommodate the specific needs of its residents).

The site lies within the settlement limits and, as such the proposed residential use is considered acceptable.

The proposed building is significantly larger (in both bulk/mass and height) than its predecessor which will result in a significantly different outlook for residents who live on the periphery of the site however the building is sited so as to not have an unacceptable impact on the standards of amenity those occupiers can reasonably expect to enjoy.

Access to the site remains unaltered from the current situation which traverses the historic layout of the surrounding streets however the nature of the use is such that (notwithstanding initial construction traffic) it is considered to be of a relatively low intensity and therefore acceptable.

The proposed use will provide a much-needed facility to the County Borough which bridges a gap between a person's main "life" home and the traditional nursing/care home facility.

APPLICATION DETAILS

This is a detailed (full) Planning application for the demolition of the existing Dan y Mynydd care home and to construct a 60 apartment Extra Care facility (Use Class C3) which will involve associated works of landscaping, sustainable drainage, a waste storage facility (bin store), access and parking.

Committee is advised that the applicant has already sought consent (Prior Notification of Proposed Development) for demolition. This consent (only) considered the method of demolition for which there were no concerns, and a determination was made in June of this year. At the time of writing the report, the developers had carried out any asbestos removal and were about to begin the substantive demolition of the building. It is likely that, at the time of the Committee Meeting the building will either be substantially or fully demolished.

The application is accompanied by a/an:

- Design & Access Statement
- Planning Statement
- Drainage Scheme
- Transport Statement (TS)
- Travel Plan
- Coal Mining Risk Assessment
- Tree Report
- Preliminary Ecological Assessment
- Ecological Impact Assessment
- Bat Report
- Construction Environmental Management Plan (CEMP)
- Traffic Management Plan
- Site Organisation & Traffic Management Plan
- Off-site Traffic Management Plan

Committee is also advised that the development was also the subject of a Pre-Application Consultation (PAC) exercise and a PAC Report was also submitted with the application.

The accommodation proposed can be summarised as follows:

- **Lower Ground Floor** – 5 x 1-bed apartments (5)
- **Upper Ground Floor** – 17 x 1-bed & 2 x 2-bed apartments (19)
- **First Floor** – 17 x 1-bed & 2 x 2-bed apartments (19)
- **Second Floor** – 15 x 1-bed apartments and 2 x 2-bed apartments (17)

In addition to the apartments, ancillary spaces are provided, in particular at the entrance level of the lower ground floor. This includes:

Lower Ground Floor:

- Dining Area,
- Resident's Lounge,
- Activity Room

- Hair salon,
- Kitchen,
- Laundry,
- Guest Sleep-over Bedroom,
- Assisted Bathroom,
- Day-Care Centre,
- Manager's Office
- Care Manager's Office,
- Staff Room and
- Plant Room

Upper Ground Floor, First Floor & Second Floor

- Activity Space

Ground Floor

- Buggy Store for 12 Buggies.

When viewed along an east-to-west axis, the building is broadly T-shaped, comprising three distinct limbs. The building occupies a footprint not dissimilar to the existing Dan y Mynydd care home, addressing the entrance with an immediate view of the building, though with the proposed Extra Care facility providing more legibility through the location of its main entrance facing the site entrance. With car parking and circulation occupying an area to the site frontage (north), again, much as per the existing arrangement, a large south-facing garden area is provided to the south of the building.

Scale and massing

The proposed development is, predominantly, four storeys in height, albeit with reduced three-storey scale to the east where it lies nearest to existing neighbours, and with a split-level element in response to the site topography (there are significant differences in levels). In this regard, the western part of the lower ground floor is of a smaller floorplate than the upper storeys, with a sunken terrace, plant room, and void area lying closest to the existing bank to the west. A modern "flat" roof aids in ensuring that scale is not excessive in its context.

Appearance and materials

Brick is the primary facing material being proposed by the applicant, with two tones providing contrast, and cladding included as the other predominant material. Generous fenestration (windows) proportions, coupled with glazed balconies, means that glass also comprises a prominent facing material.

Balconies and projecting elements of the structure, as well as its broadly T-shaped footprint, mean that the building has visual interest and incidence, aiding in diminishing the perception of scale. The flat roof aids in providing a contemporary feel to the development.

Access and parking

The proposal seeks to maintain the existing vehicle access on the northern boundary of the site from Bronwydd Avenue, as the only logical location for an entrance point –

not least because the existing site boundaries of brick wall and vegetation aid in establishing a maturity to the site. Though a slight reconfiguration is proposed, the principle (of access) is established.

From here, access to 33 car parking spaces is proposed to be provided. Three of these spaces are wheelchair accessible, though the siting and spacing of the spaces means that others are similarly accessible. A small external cycle store is provided as it is not anticipated that end users will be likely to rely heavily on cycle travel. A ground floor buggy store measuring 39 sq.m. is provided, which will allow storage of some 12 buggies.

Landscaping

The development proposes to retain the majority of existing trees, in particular those along the site frontage and its western boundary. Some tree removal is necessitated towards the rear (south) of the site in order to ensure that sufficient quality and quantity of outdoor amenity space is provided. In addition, provision of a new retaining wall to the southern boundary means that some of the vegetation removal is required.

Proposed landscaping includes a substantial rear amenity space for residents, consisting of large sitting-out area, pathways, and planting. Due to its southerly aspect, the garden will receive a large amount of sunshine.

Drainage

The proposed surface water strategy consists of gravity sewers collecting water from impermeable areas. Runoff from rooftops is treated via Sustainable Drainage (SuDS) planters and car park areas are treated via permeable pavements which drain to a cellular storage tank before discharging to an existing surface water within the site before discharging to the north.

The applicant has advised that surface water run-off is restricted to a maximum rate of 28 l/s for all events up to and including the 1 in 100 year return period with a 40% allowance for climate change which provides 30% betterment to the existing discharge rate. The permitted rates of discharge are to be discussed and agreed in writing with Dŵr Cymru Welsh Water (DCWW) and the Local Authority's Sustainable Drainage Approving Body (SAB) Officers as part of the SAB application process. It is understood that a SAB pre-application process has been undertaken, and a full application will follow.

With regard to SuDS features, runoff from car parking is proposed to be conveyed into permeable paving providing surface level treatment to water quality before discharging via carrier-pipes within the subbase. Proposed rainwater pipes from the building are to discharge to SuDS planters, which are intended to improve the water quality of the run-off and provide biodiversity.

The SuDS planters are positively drained at the base and are connected to the wider drainage network.

The refuse area is proposed to drain via a green roof to a soakaway landscaped area, providing further biodiversity and amenity.

Foul water from the proposed building will discharge to the foul drainage located north of the site at Bronwydd Avenue, subject to DC/WW approval for discharge rates.

Committee is advised/reminded that a separate consenting regime exists for drainage and sits **outside of the Planning system**, although the need to be able to drain the site effectively is, in principle, a material Planning consideration. It is considered that the applicant has demonstrated, in principle, that the site can be effectively drained.

SITE APPRAISAL

The site is located within the town of Porth in the Rhondda Valley, approximately 5km west of Pontypridd and 24.1km northwest of Cardiff. The vast majority of the site lies within the Porth Ward albeit a small area lies within the Cymmer Ward.

The site occupies a broadly square footprint, measuring 0.65ha (approx. 1.6 acres) and sited off Bronwydd Avenue, accessed in turn via High Street, to the western side of Porth.

The site lies at the foot of Mynydd y Cymmer and lies sloping ground from its highest point to the west, down towards Porth to the east.

The site currently comprises the (now vacant and soon-to-be-demolished) Dan y Mynydd care home, with tenants having been decanted on a phased basis over recent months, prior to this application being made.

The existing structure is a split-level multi-limbed building occupying a central position within the site, with landscaping, servicing and car parking surrounding it. The topography of the site means that the ridge line of the building is consistent across the entire building, though there are some single-storeys, and some two-storey elements.

The car parking area is to the front (northeast), servicing to the west, and maintained grass, shrubs and trees elsewhere.

The front (northern) boundary of the site is defined by a block and brick wall that varies in height along its length, from around 1.8m to 2.5m. The wall is punctuated by the gated entrance to the site. The western and southern boundaries comprise of close boarded timber fencing of roughly 1.8m to 2m in height. The majority of the eastern boundary is defined by relatively mature vegetation, which likely provides screening to more domestic rear boundaries of the adjacent houses. Part of the northern part of the eastern boundary comprises of palisade fencing.

In terms of adjoining land uses, Bronwydd Avenue runs along the northern boundary of the site, which terminates at the gated access into Bronwydd Park to the north-western corner of the site. The western boundary runs along the side of an access road that provides access to the council car park which lies to the immediate south of the site. The eastern side of the site primarily meets the rear boundaries of adjacent dwellings, aside from one instance towards the south-eastern part of the site boundary which meets a rear lane.

Bronwydd House sits opposite the application site but is far enough away so as not to directly affect its setting (including its curtilage). It is a Grade II Listed Building. It was

in use as a domestic dwelling until 1950 after which it was converted to municipal offices and has been the subject of significant change between the 1960s up until 2009.

Other than Bronwydd House, the other predominant use in the area is residential development comprising mainly of two storey terraced housing along High Street to the east. Further north, beyond the site of Bronwydd House, are two storey detached houses of Tynycymmer Close which dates back to the 1990s.

The application site is located within (approximately) 400 metres of the edge of the defined retail centre of Porth. Porth Train Station and Bus Stops are located within the town centre.

Access into the site is made via a gated entrance located to the northern boundary off Bronwydd Avenue.

There are **no** Public Rights of Way affecting the site.

Welsh Government's Development Advice Maps show the site to be within **Flood Zone A** – which demarks areas considered to be at **little or no risk of flooding**.

In respect of trees, the accompanying tree survey (by Treescene) has identified 66 trees or tree groups on and adjacent to the site – this included the car park site to the immediate south of the grounds of Dan y Mynydd, and the trees flanking the access road to the car park, to the west of the site. No "Category A" trees were identified, which would denote trees of high quality with an estimated life expectancy of at least 40 years and of significant conservation, historical, commemorative or other value. Seven trees were assessed as "Category B", all along the periphery of the site to its northern boundary. This includes trees of moderate quality with an estimated life expectancy of at least 20 years. 28 specimens were assessed as being within "Category C", which include those of low quality with an expected life expectancy of at least 10 years. 11 trees were identified as "Category U", those in such condition that they should be removed for reasons of good arboriculture practice. Aside from these 46 specimens on site, the remaining trees surveyed are all off-site, with a handful of "Category B" trees identified and the remainder being "Categories C and U".

PLANNING HISTORY

04/2290	Change of use from former officer-in-charge's living accommodation to day care of the older mentally infirm person. Additional parking area, erect conservatory to the rear (amended plans received 10/02/05).	Granted with Conditions 04/03/2005
04/0449	Provision of external car park as detailed.	Granted with Conditions 21/05/2004

Committee is advised that earlier consents do exist and relate to the construction of the former nursing home itself but, at the time of writing the report, the information was not available but (as the building was completed, and is due to be demolished, is not considered relevant to the consideration of this application).

PUBLICITY

Committee is reminded that this application was the subject of PAC and a separate publicity exercise was carried out **by the applicant**.

A total of 74 properties were notified (by letter) of the proposal in addition to Notices being displayed on site (including the surrounding streets) and in the press. As a result of this exercise, Four (4) replies were received. A precis of replies have been included for Committee's information.

- Concerns are expressed over the height of the new building which will block light to residential properties set at a lower level.
- Concern that the windows and balconies will overlook the existing housing resulting in a loss of privacy.
- The development will result in noise pollution from the increase in the numbers of occupants and visitors to the facility.
- Request that the electricity substation is relocated away from the nearby residential properties.
- The bin store is situated too close to residential properties and will result in rat infestation.
- The development will result in an increase in traffic and there is only one way into and out of the site (and therefore there are highway safety concerns).

CONSULTATION

Committee is reminded that this application was the subject of PAC and a separate consultation exercise was carried out **by the applicant**.

As part of this application, the following were consulted in respect of the proposal. A precis of replies have been included for Committee's information.

RCT Highways & Transportation – no objection subject to conditions

Dwr Cymru / Welsh Water – no objection in principle but are concerned about the adequacy of the water supply to serve the development. A condition is recommended.

RCT Land Reclamation & Engineering – no reply therefore no objection

RCT Public Health & Protection – no objection (standard advice to developers offered)

Western Power Distribution – advice on the location of apparatus

Linesearch – advice on the location of underground services (e.g. gas)

South Wales Fire & Rescue Service – no objection

RCT Countryside, Landscape & Ecology - No objection subject to conditions

South Wales Police (Crime Reduction Tactical Advisor) – advice given on measures that can be put into place by the developer / operator of the site to help reduce the possibility of crime.

RCT Waste Services – no objection

Natural Resources Wales (NRW) – no objection

POLICY CONTEXT

The planning policy context for the determination of this application is provided by national and local planning policy guidance.

National guidance is set out within Future Wales, Planning Policy Wales and its accompanying Technical Advice Notes.

Local policy comprises the adopted Rhondda Cynon Taf County Borough Council Local Development Plan, and its supporting Supplementary Planning Guidance (SPG) documents.

Future Wales: The National Plan 2040

Future Wales is Welsh Government's top-tier (overarching) national development framework. It is a strategy for addressing key national priorities through the planning system over the next two decades, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

It is a spatial strategy which does not seek to take decisions that are most appropriately taken at the regional or local level but does provide a strategic direction for all scales of planning and sets out policies and key issues to be taken forward at the regional scale.

One of the key aims of the document is to address issues which Welsh Government consider to be a priority at this time, with affordable housing identified as a critically important issue throughout Wales.

The document follows a sequential structure, with each section building on the previous one as follows,

- Wales: An Overview',
- Setting and Achieving Our Ambitions',
- Strategic and Spatial Choices:
- Future Wales' Spatial Strategy' and
- The Regions'.

Wales: An Overview

This chapter provides a broad overview of the country and its intricacies. It is a very high-level overview of the country, however it identifies housing, particularly affordable housing, as a key issue to address throughout the country stating that:

‘Good quality affordable homes are the bedrock of communities and form the basis for individuals and families to flourish in all aspects of their lives. Future Wales provides evidence of the need for housing across Wales at both a national and regional level. This evidence demonstrates the need for a focus on increasing the delivery of social and affordable homes.’

Setting and achieving our ambitions

A focus of Future Wales is to provide quality development in the right places for the right reasons. Eleven (11) Future Wales Outcomes are set out within the chapter, which collectively are a statement of where Wales wants to be in 20 years. Every part of Future Wales is concerned with achieving these Outcomes.

Each Outcome commences with the prefix ‘*A Wales where people live...*’ building on the statement to provide a vision of Wales in 2040. Of particular relevance to the proposal are the following outcomes, all following the same prefix:

- A Wales where people live:
 - 1 ‘*...and work in connected, inclusive and healthy places*’,
 - 3 ‘*...in distinctive regions that tackle health and socio-economic inequality through sustainable growth*’,
 - 7 ‘*...in places where travel is sustainable*’,
 - 9 ‘*...in places that sustainably manage their natural resources and reduce pollution*’,
 - 10 ‘*...in places with biodiverse, resilient and connected ecosystems*’, and
 - 11 ‘*...in places which are decarbonised and climate-resilient*’.

Strategic and Spatial Choices: Future Wales’ spatial strategy

One of the opening paragraphs of this section states that “*the spatial strategy supports the Future Wales Outcomes. Decisions taken at a national level, including Welsh Government investment choices, will reflect the principles of the strategy and make positive contributions towards the national placemaking objectives.*”

Cities and large towns are identified as the main development areas through co-locating homes, jobs and services in these areas, aiming to utilise untapped potential of places and their infrastructure. Among the places identified to achieve this growth, referred to as National Growth Areas is the Valleys, identified in Policy 1, ‘*Where Wales will grow*’, within the same National Growth Area as Cardiff and Newport. A total of 19 policies are identified within this chapter. These include ‘*Strategic Placemaking*’, ‘*Supporting Urban Growth and Regeneration*’, and ‘*Delivering Affordable Homes*’, among others. The latter notes that providing homes in Wales at levels which meet our needs is a key priority and shift in delivery is required to meet this basic human need.

The Regions

Regional planning will play an increasingly important role in the future, and this chapter provides a strategic vision for North, Mid Wales, South West and South East regions, focusing on large scale projects and less on housing, it is therefore of lesser relevance to the proposal. The South East is the most populous region, and includes the Valleys, a priority area for the Strategic Development Plan.

Planning Policy Wales

Planning Policy Wales (PPW) is the principal national planning policy document which sets out the land use policies of the Welsh Government (WG) against which development proposals should be assessed. The latest version is the eleventh edition, published in February 2021.

The main thrust of PPW is to ensure that the planning system contributes towards sustainable development and improves the social, economic, environmental, and cultural well-being of Wales. Placemaking lies at the heart of PPW, with policy and development management decisions required to seek to deliver development that adheres to these principles.

In a bid to ensure placemaking is prioritised, and in order to aid in implementing the Well-being of Future Generations Act, policy topics within PPW have been grouped under four themes, namely *‘Strategic and Spatial Choices’*; *‘Active and Social Places’*; *‘Productive and Enterprising Places’*; and *‘Distinctive and Natural Places’*. Each of the four headed chapters is supplemented by detailed and interwoven policy, which seek to work together in delivering sustainable places.

PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities. In this regard it seeks to achieve WG’s well-being goals. All statutory bodies in Wales carrying out a planning function must exercise those functions with the principles of sustainable development as defined in the Well-being of Future Generations Act. Accordingly, paragraph 1.18 of PPW states emphatically that *‘legislation secures a presumption in favour of sustainable development’*.

Figure 4 of PPW covers the Key Planning Principles of WG in seeking to achieve *“the right development in the right place”*. Development proposals must seek to deliver development that addresses these outcomes, albeit paragraph 2.20 recognises that not all of these outcomes can necessarily be achieved under every development proposal.

Another Key Planning Principle of WG is facilitating accessible and healthy environments, stating later in Figure 4 that *“Our land use choices and the places we create should be accessible for all and support healthy lives. High quality places are barrier-free and inclusive to all members of society. They ensure everyone can live, work, travel and play in a way that supports good physical and mental health.”*

Creating & sustaining communities is a subsequent Key Planning Principle, stating:

“The planning system must work in an integrated way to maximise its contribution to well-being. It can achieve this by creating well-designed places and cohesive rural and urban communities which can be sustained by ensuring the appropriate balance of uses and density, making places where people want to be and interact with others. Our communities need the right mix of good quality/well designed homes, jobs, services, infrastructure and facilities so that people feel content with their everyday lives.”

Strategic and Spatial Choices

It is indicated within PPW that the first stage of the assessment of proposals must take place in respect of Strategic and Spatial Choices. In this regard it is stated that *“Effective strategic placemaking requires early collective consideration of placemaking issues at the outset... when developing specific proposals”*.

Paragraphs 3.3 through to 3.18 of PPW highlights the importance of good design in *“creating sustainable places where people want to live, work and socialise”*. To achieve good design development, proposals need to meet the five overarching aims of design which comprise of access, character, community safety, environmental sustainability, and movement.

Paragraph 3.6 states that:

“Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.”

Accessibility is covered between paragraphs 3.49 to 3.52, wherein it is stated that the overarching aim of spatial strategies should be minimising the need to travel, reducing reliance on the private car, and increasing walking, cycling and use of public transport.

PPW seeks to ensure that proposals achieve a broad balance between housing, community facilities, services, and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Major generators of travel demand, such as housing, employment, retailing, leisure and recreation, and community facilities should be sited within existing urban areas or areas which are, or can be, easily reached by walking or cycling, and are well served by public transport.

PPW indicates (at paragraphs 3.61-3.63) that development should be located so that it can be well serviced by existing or planned infrastructure.

Active and Social Places

A key theme of PPW is creating places that are active and social, this includes sustainable transport provision for housing development. The opening paragraphs to this chapter include the following aspiration of PPW:

“New development should prevent problems from occurring or getting worse such as the shortage of affordable homes, the reliance on the private car and the generation of carbon emissions.”

PPW places importance on locating development so as to minimise the need to travel and increasing accessibility by modes other than the private car.

In terms of car parking paragraph 4.1.50 indicates that *“A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down”*.

In respect of housing, WG recognises the importance of a home to people's lives and indicates that the planning system must:

- *“identify a supply of land to support the delivery of the housing requirement to meet the differing needs of communities across all tenures.*
- *enable provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places; and*
- *focus on the delivery of the identified housing requirement and the related land supply.”*

Paragraph 4.2.5 states that *“Planning authorities should plan for a mix of market and affordable housing types to meet the requirement and specifically consider the differing needs of their communities.”*

Paragraph 4.2.25 states that *“a community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications.”*

Productive and Enterprising Places

This section relates primarily to economic development, tourism, infrastructure, the rural economy, energy, and waste, and is thus less applicable to this proposal.

Distinctive and Natural Places

This chapter of PPW covers a range of topics, including cultural heritage matters, natural assets, and environmental quality. The opening statement of the chapter states that:

“Development proposals should be formulated to look to the long-term protection and enhancement of the special characteristics and intrinsic qualities of places...Problems should be prevented from occurring or getting worse. Biodiversity loss should be reversed, pollution reduced, environmental risks addressed, and overall resilience of ecosystems improved. “

Paragraph 6.2 relates to Green Infrastructure and notes that “*at a local scale, [green infrastructure] might comprise parks, fields, public rights of way, allotments, cemeteries and gardens. At smaller scales, individual urban interventions such as street trees, hedgerows, roadside verges, and green roofs/walls can all contribute to green infrastructure networks.*” Green infrastructure provides multiple benefits for social, economic and cultural as well as environmental resilience. These benefits are important in domestic environments where they can facilitate health and well-being related benefits.

Technical Advice Notes

The following Technical Advice Notes (TANs) are considered to be of relevance in the consideration of these proposals.

- **TAN 2** – Planning and Affordable Housing (2006)
- **TAN 12** – Design (2016)
- **TAN 18** – Transport (2007)

TAN 2, published in June 2006, is of relevance to affordable housing developments, providing practical guidance on the role of the planning system in delivering affordable housing.

TAN 12 relates to Design and was updated in March 2016. It provides advice and information on a number of related areas including the definition of design for planning purposes; design considerations in planning decisions; and local planning authority design policy and advice.

TAN 18, which was published in March 2007, deals with Transport matters, and advocates locating development where there is good access by public transport, walking and cycling, generally advocating development at sustainable sites.

Well-being of Future Generations Act

The Well-being of Future Generations Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principles, and to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Its content is sought to be delivered through the planning system via the intertwining of the Act through PPW.

Local Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning application decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise.

The statutory development plan for this site is the Rhondda Cynon Taf Local Development Plan (LDP) which was adopted in March 2011 and cover the period up to 2021. The LDP vision for the County Borough is that “*Rhondda Cynon Taf will be*

a County Borough of Opportunity. That means working together to enable individuals and communities to achieve their full potential, in terms of both their work and social life”.

The application site is located within the settlement boundary of Porth as defined by the LDP. The site is not subject to any designations. It can therefore be classed as ‘white land’, whereby the principle of development on this site is acceptable, subject to material planning considerations. There is no land in the near vicinity of the site with any designation that would impact upon the proposals.

A summary of the pertinent LDP policies is provided as follows, listed in the order they appear in the LDP. These are discussed further below.

Policy	Relating to
Core Strategy Policies	
CS1	Development in the North
CS4	Housing Requirements
CS5	Affordable Housing
Area Wide Policies	
AW1	Supply of New Housing
AW2	Sustainable Locations
AW4	Community Infrastructure & Planning Obligations
AW5	New Development
AW6	Design and Placemaking
AW7	Protection and Enhancement of the Built Environment
AW8	Protection and Enhancement of the Natural Environment
AW10	Environmental Protection and Public Health
Northern Strategy Area Policies	
NSA2	Development in Key Settlements
NSA10	Housing Density
NSA11	Affordable Housing
NSA12	Housing Development Within and Adjacent the Settlement Boundaries

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning & 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.

The application proposes a 60 apartment “extra-care” complex (with associated works) on the site of the former Dan y Mynydd Nursing Home. The principal considerations in the determination of this applications are, the principle of the proposed use (having regard to the provisions of the LDP), visual amenity, residential amenity, ecology and highway safety.

The Principle of the Proposed Use

The proposed use, while being more intensive and on a larger scale than the former Dan Y Mynydd facility, has a significant number of similarities with the proposed use.

The use clearly falls within the “C” Use Class (C3) which relates predominantly to residential uses. The application site is located “within settlement limits” (as defined by the LDP) and therefore the principle of a residential use on this site is considered both established and acceptable.

The principle of development of this nature in this location is acceptable due to its sustainable siting within the settlement boundary of Porth, as defined by the LDP Proposals Map.

The site can be identified as “white land” within the LDP, whereby the principle of residential development is acceptable, subject to material planning considerations.

The site is located off Bronwydd Avenue, accessed in turn via High Street, to the western side of the town of Porth. The site currently comprises the now vacant former Dan y Mynydd care home. The Prior Notification of Proposed Demolition application submitted earlier this year, as mentioned in earlier chapters, was met with confirmation from the Local Authority that prior approval was not required, thus the building is lawfully able to be demolished at any time (and is in the process of being demolished).

The proposed use is also considered appropriate in relation to the surrounding residential context.

The development is in line with policy CS1 as it provides a residential development in Porth, supporting and reinforcing its role as a key settlement within the County Borough, also conforming to policy NSA2. The sustainable location of the development reduces the potential for daily commuting by private car (mainly by staff working at the facility) and promotes sustainable forms of travel, demonstrating compliance with policy CS1, CS4 and AW2.

Further in-principle policies that must be considered are policy CS4, which defines the housing land requirements, and CS5 that identify the affordable housing figure requirement over the plan period. Given that the development provides a wholly affordable development on a brownfield site, the development meets the principles of these policies.

Policy AW5 relates to new development, setting out criteria in relation to amenity and accessibility and aiming to ensure that existing built environment features of value of

the site will be retained. It also aims to ensure that development would be compatible with other uses in the locality and that site layouts and mix of uses maximise opportunities to reduce dependence on cars, among other considerations. The development meets these criteria as it provides a contemporary and fit-for-purpose building to replace the existing outmoded structure, making more efficient use of the site, whilst retaining natural features along the site peripheries. With a broad replication of the footprint of the existing structure meaning that the impact of the building is minimised in respect of its siting, the new development will also complement and enhance the site through replacement of the existing uninspiring building.

The development also surpasses the minimum housing density of 30 dwellings per hectare in line with policy NSA10 and provides a wholly affordable scheme and therefore is compliant with policy NSA11.

Though the proposals are not of spatially strategic scale, compliance with Future Wales is achieved. Accordance with PPW is also demonstrated, which advocates siting new development within existing urban areas and the use of previously developed land. The delivery of specialist housing to meet the needs of the existing community also weighs strongly in its favour.

The development assists in PPW's aim to tackle the shortage of affordable homes; and assisting in promoting sustainable residential developments to enable people to live independently and safely in their own homes for longer. Introducing residential use in a predominantly residential area and in replacement of dated care use that makes inefficient use of the site is also logical in terms of land use compatibility and conformity.

Wellbeing goals of the Well-being of Future Generations Act are adhered to through this application in that there would be no significant or unacceptable impacts upon the achievement of wellbeing objectives as a result of the application being approved and development being carried out. PPW brings the objectives of the Act into clearer focus in a planning context, and through the planning policy analysis undertaken in the applicant's Planning Statement, compliance with PPW is demonstrated.

Visual Amenity

The design of the proposed residential development (by Quattro Design Architects) has sought to integrate the development within the grounds of the site in a manner that complements and enhances the setting.

The scale of the proposed development is considered appropriate in that the three- and four-storey building is designed to assimilate into its surroundings, dropping down in scale where it is nearest to existing residential neighbours. Aside from the eastern boundary that is shared with back gardens of dwellings, the site benefits from all of its other boundaries being distant from housing.

The south lies adjacent to a Council car park; with the western boundary banking up to the access road for the same with Bronwydd Park beyond; and the highway at Bronwydd Avenue to the north, beyond which are office buildings. Therefore, the site context allows for an increased scale that the site is able to accommodate without impacting negatively on amenity or landscape impact.

The development, in plan form, appears to be of high quality and the proposed external finishes will be durable, complementary and attractive, comprising mainly of two-tone brickwork with cladding, of materials to be agreed. The flat roof design reduces the perception of massing, whilst also offering a contemporary feel to the development.

Therefore, the design proposals demonstrate a compliance with LDP policy AW6 and the Design and Placemaking SPG, which provides a series of design principles that development must adhere to. The development provides a high quality of design and improves the somewhat underwhelming and largely inefficient current use of the site. The development also successfully promotes a placemaking agenda, as highlighted in PPW as being a key principle for successfully delivering sustainable development in Wales. This demonstrates that the proposed development would be a suitably designed and appropriate addition to the streetscape in this location.

There is some concern at the amount of brickwork being proposed in the design. The applicant has sought to minimise its impact by proposing two different (contrasting) shades of brickwork. The principal concern is that the existing Dan-y-Mynydd Nursing Home and the Council's One4All Centre at Bronwydd are both constructed (almost exclusively) from brickwork and are not considered to have aged well (i.e. have dated quite badly). The Architect has proposed to include several other materials (standing seam lead roof, through-coloured render, contrasting windows and doors, bronze canopy, etc.) to help break up the mass of bricks but there is still some concern over their use. The applicant has advised that the principal reason for proposing them is one of maintenance, both because it is quite a tall building (and therefore less accessible for maintenance) and that the semi-rural location (surrounded by trees on three sides) mean that brickwork is better able to withstand such an environment while maintaining its appearance. It was hoped at the time of writing the report that the applicant was preparing to construct sample panels to help visualise the appearance. This may help alleviate any concerns however the applicant has subsequently advised that they have not been able to decide on which bricks to be suitable and have requested that a condition is imposed that will require the external materials to be agreed before they are installed on the building. While the amount of brickwork being proposed is still a concern, this provision needs to be balanced against the long-term appearance of the building and the need to keep it looking attractive for those residents that live near it, as well as the residents of the facility itself.

Residential Amenity

The proposed use is substantially similar to the proposed use, albeit at a larger scale. It is unlikely that the use, *per se*, will lead to any negative impact on the standards of amenity occupiers of neighbouring properties can reasonably expect to enjoy.

The principal cause for concern (for residents) is the significant increase in height from the existing/former nursing home. Committee is advised that the difference is very significant and will alter the outlook from these properties considerably. That said, the distance between the rear windows of the properties and the windows and balconies of the proposed facility is approximately 25 metres. The Council (as LPA) does not have an "index of acceptability" when it comes to distances between habitable rooms (such as the "21 metre rule" however it is in excess of what is generally considered

acceptable. In addition, where the outlook will be significantly different, it is a scenario that is fairly common in housing developments that are located on a mountainside where the properties further up the hill have direct views over and into the rear garden areas of the lower properties. While it may be disconcerting for the residents of the existing residential properties to be overlooked, the nature of the proposed use and the likely occupiers of the facility are unlikely to give rise to any significant concerns. While the objections are acknowledged, it is considered that any impact is acceptable.

Ecology

The ecological report (undertaken by TACP) and submitted as part of the application states that the site has some ecological value, but not of such significance that it could not be mitigated against. The report also concluded that the building was not supportive of bat habitat.

The preliminary ecological appraisal identified a range of potential impacts of development and recommended the following potential mitigation and enhancement measures, as summarised below:

- Reduction in habitat loss through appropriate and sensitive scheme design;
- Protection of retained habitats during the demolition/construction phase;
- Implementation of ecological habitat enhancement measures within low ecological value areas;
- Installation/creation of species-specific mitigation and enhancement measures;
- Management of works and scheme design to reduce indirect demolition/construction and operation impacts, including avoidance of disruptive works during more sensitive periods such as breeding and hibernation seasons;
- Implementation of ecologically friendly management regimes within retained habitats during the operation phase, including those used for amenity and public purposes.

The bat report undertaken in May 2020 included an external assessment of Dan y Mynydd that identified low roosting potential. Due to Covid-19 restrictions, no internal inspection was undertaken, but based on the potential identified through the external assessment, this was considered sufficient.

A dusk emergence survey was carried out in suitable weather conditions during the optimum period for bat activity (May-September). The buildings were classed as low potential and the features unsuitable to support a maternity roost. During the dusk emergence survey undertaken on 4th May 2020, no evidence of bats emerging from the buildings was observed.

The report concluded that for a two-year period post-survey, the proposed development of the site could proceed with no further survey work.

An Ecological Impact Assessment, dated July 2021, also by TACP, was undertaken to ascertain that site conditions remained as per the 2020 surveys. The report confirms this.

The Council's Ecologist was consulted as part of the application.

The response concludes that the development would be affecting amenity grassland, dense scrub and broadleaved plantation woodland and scattered trees.

It is advised that the Bat Survey is acceptable and concurs that, based on the findings, the buildings on site have a low potential to support roosting bats and that no bats have been recorded as having left the building. It is advised that no further survey work is required but, as a precautionary measure recommends that an appropriate informative note is attached to any consent that may be granted.

Further clarification is being sought (at the time of writing this report) with the applicant in terms of reptile status and mitigation. The Ecological Impact assessment states that the site has "low" ecological value for reptiles however doesn't fully justify (within the text) as to how this conclusion has been reached. The report suggests that mitigation will take place through controlled clearance but is not clear in respect of the areas where any reptiles would be moved. It is hoped that the applicant will provide this additional detail prior to Committee but it is something that can be appropriately controlled through the imposition of a condition.

Committee is advised that NRW have not offered any objection to the development (reiterating their comments as part of PAC) and have not requested that any conditions are imposed.

Highway Safety

The Transport Statement (by Jubb) accompanying the application states that the principle of an Extra Care facility has long been established through the existing land-uses. The report further concludes that:

- The proposal is consistent with transport policies at national and local levels.
- Suitable turning area is also facilitated within the main car park to provide sufficient manoeuvring space for deliveries and refuse vehicles.
- The forecast development traffic is of comparable level to the permissive land-uses during the peak periods with a negligible increase of five vehicles predicted in two-way movements and hence the proposed development would not constitute any tangible impact on the local transport network.
- There are no highways and transportation reason for the proposals not to be supported.

As part of the application process, the Council's Highway & Transportation Section was consulted. Their response can be summarised as follows:

High Street

High Street, leading to the proposed development, is a cul-de-sac and sub-standard in terms of its 5.1 metre width for safe two-way vehicular movement which is further impacted on by the existing resident car parking on one carriageway lane narrowing

the available width to single file traffic 3.1m to the detriment of safety of all highway users and free flow of traffic. However, taking into account the limited additional vehicular traffic generated by the proposed compared to the existing use with up-to a maximum of 9 additional trips in the peak hour only with no reported accidents on-balance the proposed is acceptable.

Pedestrian access from the south is gained via a 1.3m footway(s) which are below the recommended standard for safe two-way pedestrian movement to the north on the desire route to public transport and Porth Town centre footway widths are increased and acceptable to serve the proposed. Manual for Streets indicates that a minimum 2.0m footway width should be provided for safe pedestrian movement. There is concern that pedestrians entering from the south would be forced to walk in the carriageway with narrow running width to pass one another to the detriment of pedestrian safety. However, as stated above the majority of pedestrians would be using the footway network to the North leading to public transport and local facilities within the town centre.

The existing minor road junctions onto High Street are lacking in junction radii and visibility which raises cause for concern. However, due to the existing constraints vehicular speeds at this location are reduced and taking into account the limited additional traffic generated with no reported accidents on-balance is acceptable.

Bronwydd Avenue.

Bronwydd Avenue has a carriageway width of 7.4m with permit-holder parking on the opposite side to the development and single yellow line on the development side. The carriageway width with traffic management measures and the 2m wide footway is considered acceptable in principle.

The required vision splays at the junction of Bronwydd Avenue with High Street is 2.4m by 40m. The available vision splays are 2.4m x 18 left and 2.4m x 40 right. The vision splay to the left is well below the required standard which gives slight cause for concern. The vision splay to the right is obstructed by on-street parking, resulting in vehicles being forced to edge out into the path of on-coming vehicles to gain vision to the detriment of safety of all highway users and free flow of traffic.

Taking into account the limited additional traffic generated, slow speeds due to existing constraints with no accidents along High Street or Bronwydd Avenue on-balance the proposed is acceptable.

Pedestrian Access at Bronwydd Avenue.

The footways along Bronwydd Avenue are acceptable for safe pedestrian movement. However, there is concern that there are no dropped kerbs and un-controlled crossing provided at the access to the care home to aid able and less able pedestrians access the footway and therefore a condition has been suggested accordingly.

Accident Data

There are no reported accidents within the immediate vicinity of the site along Bronwydd Avenue and High Street. There is one reported accident at the junction of High Street and the A4233.

Parking - SPG 2011.

In accordance with the table below the proposed development in Zone 3 requires the following off-street car parking provision:

Type of Development	Residents	Visitors
Self-contained elderly persons accommodation (wardened)	1 space per 4 units 1 space for warden 1 space per 2 ancillary staff	1 space per 4 units
60 Beds, 12 Staff	22 Spaces	15 Spaces
Total Required	37 Residents, Staff & Visitors	

The proposal provides for 32 off-street car parking spaces (3 disabled) which is 5 short of the maximum standards. However, taking into account the proposed is located in a sustainable location, the provision of storage for motarised disability scooters, provision of a travel plan to promote sustaianble modes of transport and cycle stands the proposed off-street car parking provision is considered acceptable.

The proposal also provides for a ambulance / taxi drop off area to the front of the main reception.

Trip Generation

The proposed is estimated to generate 18 two-way vehicle movements in the AM peak and 18 two-way trips in the PM peak which equates to 1 trip every 3.5 minutes.

The existing 30 bed nursing home was estimated at generationg 9 two-way peak trips in the AM & PM.

Therefore an estimated peak trip rate of 9 additional vehicles per peak hour which is not significant to warrant an objection despite the sub-standard access leading to the proposed High Street in terms of width due to high on-street car parking pressure and sub-standard vision at the junction.

Travel Plan

To promote sustainable modes of transport the applicant has submitted a Travel Plan to:

- provide measures, information and support initiatives that will facilitate a range of realistic and achievable alternative modes of travel and provide staff, visitors and residents with an opportunity to reduce the number of single occupancy vehicle trips.
- Raise awareness of transport issues and reduce the impact of the traffic on the local environment

- Reduce car dependency and in particular the number of single occupancy vehicle journeys
- Increase travel choice for employees, residents and visitors
- Provide all necessary on-site facilities to encourage the usage of walking, cycling and public transport as appropriate
- Minimise the impact of the social exclusion caused by poor health and mobility issues.

Construction Method Statement Site Plan

The applicant has submitted a Construction Method Statement indicating wheel wash facilities, storage of plant and materials, contractor parking, delivery drop down area and storage areas which is acceptable and shall remain in operation throughout the construction phase.

(Highways) Conclusion

There is concern regarding the sub-standard highway leading to the proposed High Street in terms of narrow width which is further impacted on by high on-street car parking demand, sub-standard vision at the junction of Bronwydd Avenue and sub-standard footway widths to the south for safe pedestrian movement. However, taking into account the relatively small increase in vehicular movement, slow vehicular speeds and there have been no reported accidents along High Street or Bronwydd Avenue on-balance the proposed is acceptable.

Other Matters (including objections/concerns).

A further requirement of planning policy is that the site should be allocating 10% affordable housing. Though the site would be built and managed by a private company, (LINC Cymru), the Council would retain nomination and occupation rights. As such and given the specific nature of the proposed use, which in essence provides a type of social housing, the proposal is considered compliant with policy SSA12 of the Rhondda Cynon Taf Local Development Plan. If Committee is minded to approve the application, a condition will be required to secure this provision. It is not considered necessary for the applicant to enter into a S106 Agreement and Committee are advised that a similar facility was provided recently on the site of the former Magistrates Court in Union Street, Pontypridd using this same mechanism and through the same developer.

Some of the objections referred to the siting of the Electricity Sub-Station and suggested that it should be moved further away from residential properties. This matter was taken up with the applicant who advised that in response to the resident's concerns about perception of noise impact from the substation, discussions were held with WPD (Western Power Distribution) provided some clarification regarding the noise impact of the substation. To summarise:

- WPD preference is that any residential dwelling should be over 5m from the substation boundary, with bedrooms preferably further due to possible nuisance at night (Committee is advised that the nearest property in this instance is over 11m away from the proposed location of the substation).

- Transformer noise tends to consist mainly of 100Hz and 200Hz tonal noise (hum). The *maximum* sound power level of the 800kVA transformer proposed here is 58dBA. The actual noise reading you would get if you were stood next to the transformer is typically about 10dBA less.
- To mitigate these values further WPD as standard now install all transformers onto double thickness (TICO-branded) sound attenuating pads as well.

Committee is advised that, while there may be a perception that such apparatus may be too close and noisy, the response suggests that, in practice, it will not cause a problem. If it does, then there is a potential recourse through Public Health legislation if it constitutes a Statutory Noise Nuisance.

Objections have also been raised in respect of the location of the bin / refuse store. Similar concerns were also expressed directly (to the applicant) during the PAC process. While it is a relatively large site, the location of the access and the siting of the existing houses at High Street has meant that the layout has led to certain decisions being prioritised. The applicant has advised that they didn't think it appropriate to want the bin store to be "front and centre" when arriving at the site. They have also suggested that, when constructed, it is unlikely that anyone is going to think that it could have been located in a less obvious location such as its siting (where it is proposed) should have been avoided. Committee is advised that it is purpose-designed and is of a proportion commensurate with its intended use (and ease of access and collection). Placing it where it is only uses the equivalent space of about two car parking spaces, whereas placing it elsewhere in site could take up to four/five spaces and be far more visible to both occupants and visitors. The following is taken from the applicant's DAS/PAC Report.

"The relocation of the refuse store has been explored, however due to site constraints including location of proposed building and car parking; site topography; and maintaining suitable entry and exit from the site. In order to address comments in respect of vermin, the specification of the refuse store has been increased, insofar as it will be constructed from blockwork rather than a lightweight frame. Also, the refuse store is a fully encased building with a roof and doors rather than open compound.

Linc-Cymru operate bin store management procedures that will assist in minimising any adverse impacts such as unpleasant odours and attracting vermin. Commercial and residential waste collections will be undertaken by the local authority, whilst staff will attend to the upkeep of the waste storage area, keeping it clean, secure, and hygienic at all times. On collection day, staff will ensure the waste bins can be easily accessed. Security measures will include a digi-lock fitted to the main access door and CCTV monitoring. Together, these factors will prevent vermin problems."

While the comments from residents are noted, given the construction and location of this facility its use is unlikely to give rise to any significant issues and would seem to be an improved facility to that operated at the existing/former nursing home.

It is considered that while the proposal is in relatively close proximity to Bronwydd House and its grounds, it is significantly detached and set back such that it is not considered that it would have any significant impact on the setting of a Listed Building

and that it is unlikely that there will be any locations within Porth and the surrounding area where Bronwydd House and Dan y Mynydd would be seen in the same context that any impact is acceptable.

DCWW have no objection, in principle, to the development but have expressed a concern over the adequacy of the water supply that exists to serve the development. Accordingly, they have requested that a condition be added to address this. Committee is advised that, while it is important that this (or any development) has an adequate water supply, it is not considered that this should be a matter for the Local Planning Authority to consider or address. The concern has been relayed to the applicant and it is open to them to take the matter up directly with DCWW prior to the development being either constructed or occupied. It is considered that this is a technical matter (similar to the availability of a gas or electricity supply) and is not a matter to be negotiated through the LPA.

Community Infrastructure Levy (CIL)

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.

RECOMMENDATION: Approve with Conditions

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans and documents listed in the letter from LRM Planning dated 26th November 2021 with Reference: SH/20.216 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 built development shall take place until a Wildlife and Habitat Protection Plan has been submitted and approved in writing by the local planning authority. The plan shall include:

a) An appropriate scale plan showing 'Wildlife and Habitat Protection Zones' where construction activities will be restricted and where protective measures will be installed or implemented.

- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Details of specific habitat and species mitigation and enhancement measures.
- d) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season, hibernating and breeding amphibians and reptiles, etc.)
- e) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of the 'Wildlife and Habitat Protection Zones' to all construction personnel on site.

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

4. Before the development is brought into use the means of access, together with the turning and parking facilities, shall be laid out in accordance with the submitted site plan 6405-P-0100 REV M and approved by the Local Planning Authority. The parking spaces shall be surfaced in permanent material and retained thereafter for the parking of vehicles in association with the proposed.

Reason: In the interests of highway safety. To ensure vehicles are parked off the highway.

5. Prior to the development being brought into use, an uncontrolled pedestrian crossing facility with tactile paving shall be provided across the vehicular access on Bronwydd Avenue in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development on site commencing.

Reason: In the interests of highway and pedestrian safety.

6. The approved Construction Method Statement submitted 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.

7. 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.

8. The residential units hereby approved shall be delivered by a Housing Association Partner (Linc Cymru Housing Association Limited) of Rhondda Cynon Taf County Borough Council and shall only be occupied as affordable housing that meets the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing, or any future guidance that replaces it.

Reason: In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of the policies of the adopted Rhondda Cynon Taf Local Development Plan.

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

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

10. Notwithstanding the details shown on the submitted plans, construction work shall not be commenced on any external surface of the development hereby approved until such time as samples of the external finishes proposed to be used have been submitted to, and approved in writing by, the Local Planning Authority. All materials used shall conform to the sample(s) so approved.

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

11. No residential unit shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

12. If during construction any contamination should be encountered which was not previously identified, then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

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

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PLANNING & DEVELOPMENT COMMITTEE

16 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0274/10 (CA)
APPLICANT: Easy Panels
DEVELOPMENT: Proposed storage/distribution portal frame building (Unit 2) (Use Class B8)
LOCATION: PHASE 2, LAND OPPOSITE STORAMOVE,
ABERAMAN PARK INDUSTRIAL ESTATE,
ABERAMAN, ABERDARE
DATE REGISTERED: 30/06/2021
ELECTORAL DIVISION: Aberaman South

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

REASONS: The application site is located inside the defined settlement boundary and in an area that is characterised by a number of existing industrial units. The principle of the proposal to construct an industrial unit in this location is therefore considered to be acceptable.

The proposed industrial unit is considered to be acceptable in terms of its siting, scale, design and overall visual appearance and it is not considered that it would have an adverse impact upon the character and appearance of the surrounding area or upon the amenity and privacy of surrounding residential properties.

Furthermore, the proposed access, parking and turning facilities are considered acceptable and it is not considered that the proposal would have an adverse impact upon highway safety in the vicinity of the site.

As such, the application would comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

This application seeks full planning permission for the construction of a steel portal frame building on a parcel of land that is located at the junction to Aberaman Park Industrial Estate, Aberaman, Aberdare. The proposed building would be used for storage/distribution purposes (Use Class B8).

The proposal would be located at the most northern part of the site. It would measure approximately 42 metres in length and 20 metres in width with an apex roof design that would measure approximately 8 metres in height to the ridge and 6.2 metres in height to the eaves. It would be constructed using grey coloured composite steel panels and a steel roller shutter door and separate fire exit would be sited on the west facing elevation. In addition, two fire exits would be positioned on the east facing elevation and three UPVC windows would be sited on the south facing elevation.

The new unit would be accessed via a proposed new access off the internal estate road to the southern elevation of the building. A total of eight car parking spaces would serve Unit 2 and a full turning facility would be provided within the site.

The application has been amended during the course of the application to alter the car parking layout.

It is noted that the proposed plans incorporate Unit 1 and the associated car parking area. Whilst Unit 1 does not form part of the current application, it has previously received planning permission under application 20/0777/10. It is also noted that an application was submitted (21/0756/10) to vary the approved plans for Unit 1 in order to enable the provision of Unit 2, the latter of which is being considered under the current application.

SITE APPRAISAL

The application site relates to a vacant parcel of land which is located at the junction between Cardiff Road and the internal estate road of Aberaman Park Industrial Estate. The site is of an irregular shape and is relatively flat in ground profile. It is bound by Cardiff Road, the junction to Aberaman Park Industrial Estate and the internal estate road of the industrial estate to the north-west, north and east respectively whilst the south-western boundary of the site is bound by a watercourse. An area of vacant land lies to the south of the site.

The site lies to the west of a number of existing industrial units associated with Aberaman Park Industrial Estate however, it is noted that there are a number of residential properties located on the opposite side of Cardiff Road (Heol Ty Aberaman), the nearest of which are approximately 60 metres away from the site's north-western boundary.

PLANNING HISTORY

21/0765/15	Variation of Condition 2 of Planning Permission 20/777/10 to re-site approved industrial unit and service road/turning head (Amended Plan rec. 30/06/2021)	Granted 05/08/2021
20/0777/10	Proposed storage distribution portal frame building (Use Class B8) (Amended Plans rec. 27/08/2020)	Granted 28/10/2020

PUBLICITY

The application has been advertised by direct notification letter to neighbouring properties and two site notices have been displayed.

No letters of objection or representation have been received.

CONSULTATION

Highways:

No objections, conditions recommended.

Drainage:

No objections, conditions recommended.

Public Health and Protection:

No objections, conditions recommended.

Ecology:

No objections, conditions recommended.

Natural Resources Wales:

No objections or conditions recommended.

Dwr Cymru Welsh Water:

No objections.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan:

The application site is situated within the Southern Strategy Area and outside of the defined settlement boundary.

Policy CS1 – Development in the North: This policy places an emphasis on building strong, sustainable communities.

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

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

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

Policy AW10 – Environmental Protection and Public Health: Prohibits development proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy NSA26 – Safeguarding of Minerals: States that development that will contribute to the achievement of the Cynon Valley River Park Strategy will be supported.

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), WG's current position on planning policy at regional and national level.

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

It is also considered the proposed development is compliant with the NDF.

Other policy guidance considered:

PPW Technical Advice Note 11 – Noise

PPW Technical Advice Note 12 – Design

PPW Technical Advice Note 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 within an established industrial estate in which there are a number of existing industrial units of varying scales and designs. The site is well connected to the surrounding area via the existing road network and there are local bus stops and a train station located within reasonable walking distance. It is therefore considered to be in a sustainable location, which would ensure that the proposed development would comply with Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

The proposed unit would be operated within the B8 Use Class (storage) and whilst it is noted that there are a number of residential properties in the wider vicinity, it is not considered that the proposed use would conflict with the residential use of those properties, which is a further requirement of Policy AW2. Furthermore, the site clearly relates more closely to the existing industrial estate where such uses are to be expected.

As such, the principle of the 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 proposal would result in the construction of a large industrial unit on a parcel of land which lies to the eastern side of the internal estate road serving Aberaman Park Industrial Estate. Whilst the site is located on the opposite side of the road to existing units, the proposed unit would still appear to be part of the existing industrial estate as the location of Cardiff Road provides a clear buffer between the industrial estate and the existing residential area to the north-west.

The scale of the proposed unit is large with a footprint of approximately 840 square metres however, there are a number of other industrial units in the immediate vicinity which vary in terms of their scale and design. Furthermore, buildings of this scale are typically found in such industrial estates and it is not considered that the unit would appear out of context with the established industrial area.

Consequently, it is not considered that the proposal would have an adverse impact upon the character and appearance of the site or the surrounding area and the application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on Amenity:

The application site is located within an area that is predominantly characterised by a number of existing industrial units that are within various different use classes. However, it is noted that there are residential properties in the vicinity and it is therefore important to consider the potential impact of the proposal on the amenity and privacy of those properties.

Heol Ty Aberaman is a modern residential estate that is located on the north-western side of Cardiff Road. The nearest property (No. 61) is located approximately 60 metres away from the north-western boundary of the site. Taking this into account, it is not considered that the proposed unit would result in any overbearing, overshadowing or overlooking impact that would be detrimental to the amenity and privacy of the nearest residential properties.

Whilst the proposed use may result in some noise and disturbance, the site is located within an existing industrial estate where some degree of noise and disturbance is to be expected. Nevertheless, it is unlikely that the proposal, given the proposed B8 use and the separation distances between the site and residential dwellings, would have a significant impact in this respect. It is also noted that no objection has been received from the Council's Public Health and Protection, nor has any Noise Impact Assessment been requested.

Consequently, it is not considered that the proposal would have an adverse impact upon the amenity and privacy of surrounding residential properties and the application would therefore comply with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

Impact on Highway Safety:

The application has been referred to the Council's Highways Department for consideration.

In terms of access, it is noted that the site is served off Aberaman Park Industrial Estate, which has a carriageway width of 7.3 metres with a 1.8 metre wide footway on the opposite side of the proposed unit. Aberaman Park Industrial Estate has been designed and built for industrial traffic and is acceptable.

The proposed unit is lacking in safe and satisfactory pedestrian connectivity on the development side leading to increased risk of vehicular and pedestrian conflict. This raises highway safety concerns and is contrary to Planning Policy Wales and the Active Travel Wales Act 2013, which aims to promote sustainable modes of travel with

less reliance on the private motor car. The Applicant has however overcome this concern by setting the site boundary back with provision of a segregated 2.0 metre wide footway, which is acceptable.

The access as proposed with a width of 7.3 metres, vision splay of 2.4 metres x 40 metres and a full size turning area for access / egress in a forward gear by all vehicles accords with the Council's Design Guide and on this basis no highway objection is raised subject to a number of conditions.

In terms of car parking, up-to a maximum of 22 off-street car parking spaces for both units combined are required in accordance with the SPG Access, Circulation & Parking 2011. The wider site provides for 23 car parking spaces, which is acceptable.

Based on the above, the proposal is considered to have an acceptable impact upon highway safety.

Other Issues:

Public Health and Protection: The Council's Public Health and Protection Department have recommended that a number of conditions be attached to any consent in relation to construction noise, waste and dust. Whilst these comments are noted, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary.

Ecology: The proposal has been assessed by the Council's Ecologist who notes that the site consists of very short, horse-grazed marshy grassland with lots of rush. It is advised that the site will have some very local ecological value but it is not of SINC value and as the grassland is so short grazed, it is unlikely to have any reptile value. There are however a few scattered bushes that could support nesting birds. As such, a condition is recommended to ensure that site clearance occurs outside the nesting bird season. It is also recommended that a condition be added to secure biodiversity enhancement (open fronted box that pied wagtails might use and hold nesting bird box).

Community Infrastructure Levy (CIL) Liability:

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

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

Conclusion:

The application site is located inside the defined settlement boundary and in an area that is characterised by a number of existing industrial units.

The proposed industrial unit is considered to be acceptable in terms of its siting, scale, design and overall visual appearance and it is not considered that it would have an adverse impact upon the character and appearance of the surrounding area or upon the amenity and privacy of surrounding residential properties.

Furthermore, the proposed access, parking and turning facilities are considered acceptable and it is not considered that the proposal would have an adverse impact upon highway safety in the vicinity of the site.

As such, the application would comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING 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, Block Plan, Layout Plan, North & South Elevations and Typical Section (Drawing No: 2784 C 02), dated 30/06/2021;
- Proposed East and West Elevations and Floor Plan (Drawing No: 2784 C 01), dated 24/02/2021;

and documents received by the Local Planning Authority on 24/02/2021, 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. Before the development is brought into use the means of access, together with the vision splays, parking and turning facilities, shall be laid out in accordance with the submitted Drawing No. 2784 C 02 (received by the Local Planning Authority on 30/03/2021) and approved by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the LPA prior to beneficial occupation of the first unit and remain for the parking and turning of vehicles thereafter.

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

4. Notwithstanding the submitted layout plan, the design and construction details of the proposed vehicular access and proposed 2.0 metre continuous pedestrian footway link fronting the site shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial use.

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

6. 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 highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Notwithstanding the submitted details, prior to above ground works, a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting features and or nesting opportunities for birds shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for the

designed purpose in accordance with the approved scheme. The scheme shall include, but not be limited to, the following details:

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

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

8. The site shall not be cleared inside of the nesting bird season (between 1st March to 1st August) unless a suitable method statement for clearance at that time has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: To protect the biodiversity of the site in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.



PLANNING & DEVELOPMENT COMMITTEE

16 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO:	21/0831/08	(GH)
APPLICANT:	L Gauntlett	
DEVELOPMENT:	Construction of a car park to supplement existing park and ride facilities at Porth Railway Station (Park and Ride Phase 3), to include realignment of the Rheola Industrial Estate access road, drainage works, street lighting, CCTV and soft landscaping. (Transport Statement received 23rd September 2021)	
LOCATION:	RHEOLA ROAD / RHEOLA INDUSTRIAL ESTATE ACCESS ROAD, PORTH, CF39 0LF	
DATE REGISTERED:	27/10/2021	
ELECTORAL DIVISION:	Porth	

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS: The proposed car park would provide a necessary and welcome expansion of the existing oversubscribed park and ride facilities for Porth railway station, and thus accord with local and national planning policies which support the use and promotion of sustainable public transport.

In addition to being of an acceptable design and layout, the formalisation of the parking would result in a more efficient use of the space, whilst the improved appearance of the site would be beneficial to the street scene without additional detriment to the amenity of the closest neighbouring occupiers.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been submitted by, or on behalf of the Council or involving land owned by the Council, where the Council's interest is of more than a minor nature.

APPLICATION DETAILS

Full planning consent is sought to construct a car park as part of the third phase of the park and ride facilities for Porth Railway Station.

The application site comprises 0.33 hectares of disused or unallocated land around the Rheola Public House and under and around the A4223 road bridge. The

development would provide 3 disabled spaces directly to the front of the public house and a further 47 standard car parking spaces on the opposite side of Rheola Road.

The Applicant's Planning Statement notes that the objectives of the scheme are fivefold:

- to maximise parking opportunity for Porth Railway Station
- Increasing the amenity value of the site for the local community
- Enhancing the biodiversity of the site
- Improving Active Travel facilities
- Increasing the perception of safety at the site

A notable feature of the development is that in order to configure the land to maximise capacity, the Industrial Estate Access road would be realigned to the west, so that it would run directly alongside the side elevation of the Public House and closer to the southern bridge abutment.

As the description of the development notes, the car park would be lit and benefit from CCTV coverage. Furthermore, comprehensive landscaping and tree planting plans demonstrate how the appearance of the site would be enhanced, provide biodiversity gain and would tie-in with the sustainable drainage scheme.

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

- Noise Insulation Assessment Report
- Ground Investigation Report
- Preliminary Ecological Appraisal
- Road Safety Audit Stage 1
- Highways Departures Technical Notes
- Flood Consequence Assessment
- Flood Risk Management and Emergency Plan
- Planning Statement
- Transport Statement
- Coal Mining Risk Assessment

SITE APPRAISAL

The application property is parcel of unallocated and/or disused land, located within the settlement boundary for Porth, and within a short distance of the town centre and railway station.

Comprising a surface area of 0.33ha, the land is irregular shaped and is enclosed by the residential properties to the east, the Rhondda River to the north-west, the Rheola Public House to the west and the existing public highway.

The majority of the site is owned by the Council, whilst a small element unregistered. Much of the area was previously occupied by the track bed and infrastructure of the Maerdy Branch Line of the Taff Vale Railway.

The site demonstrates a general fall in level towards the east, although this is not pronounced, and consists largely of compacted hardcore and scrub. There are no specific environmental designations affecting the site, other than for the adjacent river and its banks being part of a SINC. However, due to the proximity of the river and topography, nearly all of the site is within C2 Flood Zone.

PLANNING HISTORY

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

- 18/1378/08:** New 30 Space Park and Ride facility to include new vehicular access, boundary fence and street lighting. (Description amended 04/01/2019). Decision: 09/07/2019, Granted.
- 16/0456/39:** Non Material application for alterations to the general arrangement of the northern car parks including precast concrete retaining wall in front of existing John Street retaining wall. Decision: 13/09/2017, Withdrawn by Applicant.
- 15/0175/08:** Provision of park and ride facilities to include car parks, access from Syphon Street, alterations to the existing cycle route, retaining walls, lighting and CCTV. Decision: 22/04/2015, Granted.

PUBLICITY

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

No letters of objection or representation have been received.

CONSULTATION

Highways and Transportation

No objection, subject to conditions in respect of engineering design and details, a traffic regulation order, electric vehicle charging, surface water, and construction method statement.

Flood Risk Management

Given that the construction area is greater than 100m², under Schedule 3 of the Flood and Water Management Act 2010, the applicant will be required to submit an application to the Sustainable Drainage System (SuDS) Approval Body (SAB). The applicant is also required to comply with Part H of the Building Regulations.

Alongside the applicant's requirements with regard to SAB approval, the applicant is also required to outline the proposed drainage strategy to the Lead Local Flood Authority in line with PPW Technical Advice Note 15.

Whilst the applicant has submitted several documents related to the site's drainage strategy, detailed hydraulic calculations have not been provided. Therefore, it is recommended that the application be conditioned for those details.

Public Health and Protection

Conditions are recommended in respect of demolition, noise, dust, waste and hours of operation. However, since these matters can be controlled within the scope of existing public health powers it is considered that these can be best addressed by appending an informative note to any consent.

Natural Resources Wales

NRW has concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, further information should be sought from the applicant regarding flood risk. If this information is not provided, NRW would object to this planning application.

NRW has also requested, in relation to European Protected Species (EPS) that the Preliminary Ecological Appraisal (PEA) and North Car Park Street Lighting & CCTV plan are included within the condition identifying approved plans and documents on the decision notice.

Western Power Distribution

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

Countryside – Ecologist

The Preliminary Ecological Appraisal (PEA) for this application is a competent and appropriate assessment. The PEA has identified very limited existing ecological interest on the site. The key feature is the adjacent Rhondda Fach (SINC 142).

The site itself has some scrubby habitats on its boundaries and there is some nesting bird use of the adjacent retaining wall, but no bat or bird use of the Rheola bridge structure apart from feral pigeon. There is need to control light pollution of the river during both construction and operation. The PEA identifies a series of precautionary mitigation measure recommendations in Section 7 and enhancement in Section 8. The planning application is ecologically acceptable subject to a condition in regard of those measures.

The Coal Authority

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment, dated October 2021, are sufficient for the purposes of the planning system in demonstrating, based on the professional opinion of Redstart, that the application site is safe and stable for the proposed development subject to incorporating the identified precautionary measures (double layer of geogrid reinforcement at the northern end of the car park). The Coal Authority has no objection to the proposed development,

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Porth

Policy CS1 - promotes the re-use of under used and previously developed land and buildings and investment in public transport improvements.

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

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

Policy AW10 - supports development proposals which are not unacceptably harmful to public health or the environment.

Supplementary Planning Guidance

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

National Guidance

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

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

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

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

- Policy 1 – Where Wales will grow
- Policy 2 – Shaping Urban Growth

- Policy 3 – Supporting Urban Growth
- Policy 11 – National Connectivity
- Policy 12 – Regional Connectivity

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys
- Policy 36 – South East Metro

Other relevant national policy guidance consulted:

PPW Technical Advice Note 11: Noise

PPW Technical Advice Note 12: Design

PPW Technical Advice Note 15: Development and Flood Risk

PPW Technical Advice Note 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 relates to the construction of a car park and associated infrastructure on unallocated land within the settlement boundary, the majority of which is already used informally for the parking of vehicles. The principle of development is therefore acceptable.

Noting that the site falls within a C2 Flood Zone, the opportunities for development are limited, by TAN 15, to those classed as 'less vulnerable development'. Since car parks qualify as less vulnerable, there would be no conflict in principle with either TAN 15 or LDP Policy AW10, although in respect of the former and the consultation response from Natural Resources Wales, this matter is discussed further below.

In respect of Policy CS1, this is supportive of the car park proposal on the basis that it would result in the beneficial re-use of a previously developed site and one at risk of becoming unsightly, if not derelict; whilst the Policy also supports developments which promote accessibility via investment in public transport improvements.

Consequently, the principle of the development is considered to be acceptable, subject to the material considerations below.

Impact on the character and appearance of the area

The current appearance of the site, together with its ad-hoc use, largely uncontrolled parking, and part unmade surfaces is not an attractive space. Taken together with that area overshadowed by the Rheola Bridge, the site does not contribute positively to the public realm.

The site redevelopment would result in a considerable improvement to the street scene, inasmuch as it would regularise the use of the land for parking, remove unkempt growth from around the perimeter and introduce street furniture, landscaping features and trees.

In light of the above, it is considered that the development would result in an improvement to the character and appearance of the area.

Impact on neighbouring occupiers

The proposed development does not involve the creation of many structures above ground, with the exception of low level fences, pedestrian guard rails and street light /CCTV columns etc. Therefore, it is unlikely that the development would have a direct impact on the outlook from those properties which border the site.

Other than the Rheola Public House, the closest dwellings to the site are located on the eastern side of the site at Woodfield Buildings and Mary Street to the south east. It is noted that these residential properties are close to a busy rail line and main highway links, and the existing park and ride car park extension to the south.

Consequently, it is considered unlikely that the formalisation of parking at the application site would be harmful to residential amenity since the site is already being used for these purposes and in addition, since one of the objectives of the application is to increase the perception of safety, the provision of CCTV is considered to be beneficial.

No comments or objections have been received as a result of the public consultation process. Therefore, in terms of the impact of the development on the amenity and privacy of neighbouring occupiers, the application is considered to be acceptable.

Access and highway safety

Access

Access to the site is via a junction from Rheola Road, which is located to the south west of the site boundary. An adopted highway runs through the length of the site providing access to the Rheola Industrial Estate to the north. A footpath follows the Rheola Industrial Estate access road on the eastern side. The Rheola Public House forms the western boundary of the central part of the site.

To the north of the site the Rheola Bridge, which carries the A4233, passes over the Rheola Industrial Estate access road and the Rhondda River. The hardstanding area adjacent to the bridge has recently been used as a compound area for the Porth Park and Ride Phase 2.

There is an existing car park located to the south of the site which will undergo some improvement works, however the proposals are considered permitted development and are not included within this planning application. The Rhondda Fach Trail (pedestrian and cycle path) runs to the east of the southern car park and passes beneath Porth Street Bridge and onto Porth Railway Station circa 260m distant. The path width varies between 3-3.5m.

There are 12 formal car parking spaces within the planning boundary (9 to the east and 3 to the south of the Rheola Public House). A further 37 informal parking spaces lie within the planning boundary, comprising 16 to the north of the Public House, 5 to the south of the Public House and a further 16 along the existing access road.

The proposed scheme for 60 car parking spaces requires the realignment of the Rheola Industrial Estate access road and a small retaining wall in the central part of the site. This was the preferred option of those considered by the Applicant as more car parking was able to be provided. However, this in turn results in a number of parking spaces being located on public maintained highway.

The Rheola Industrial Estate access road would be realigned to follow the western boundary of the site. A one-way system would be put in place for the proposed car park with the entry point positioned at the northern part of the site and the exit at the southern part of the site. The carriageways would be 6m wide and the speed limit for the site set at 20mph. Traffic calming measures are included at the site entrance, near to an uncontrolled crossing, for additional safety.

Parking Spaces

The parking has been designed to Wales Parking Standards 2014. The standard perpendicular bays are 2.6m wide x 4.8m long, standard parallel bays are 2m wide x 6m long, and disabled bays are 2.6m wide x 4.8m long.

Electric Charging Points

To be in accordance with the Council's Car Parking Standards and PPW11, a minimum of 10% of the car/vehicle parking spaces shall be suitable for charging ULEV vehicles and a condition is recommended to secure this.

Pedestrian Access

Footpaths within the scheme would be 1.8m in width and therefore compliant with Active Travel Wales Guidance. The main footpath is provided to the west of the access road. A number of uncontrolled crossing points are included within the scheme for pedestrian safety and to connect with existing footpaths on the site boundaries.

Vision Splays

The observed 85th percentile speeds recorded on Rheola Road are 27.6mph south and 27.2m northbound resulting in a requirement for vision splays of 2.4m x 39m, which are provided for and therefore acceptable.

Drainage Design

The proposed drainage scheme consists of linear drains to collect the water from the car park and gullies along the industrial estate access road. Two bioretention areas will help treat the runoff from the northern part of the car park, but due to lack of space this is not possible for the southern part. It is envisaged that for the southern part of the car park an interceptor will be used to treat the water before it reaches the discharge pipe.

To attenuate the run off it is proposed to use cellular storage tanks (these have been sized to hold a maximum of a 1 in 100 year + 40% for climate change rainfall event) and vortex flow control devices (set at an agreed rate). No cellular storage tanks will be permitted within the existing adopted highway or highway proposed to be offered for adoption.

Street Lighting

Full engineering design and detail is required prior to any works commencing on site to ensure adequacy of the proposed street lighting.

Parking Restrictions

The proposed parking spaces for the park and ride are located on adopted highway where enforcement of the proposed parking restrictions would not be possible. Therefore, to maintain control of the car parking restrictions the existing adopted highway should be stopped up under Section 247 of the Town and Country Planning Act 1990. In addition, a Traffic Regulation Order would be required for the implementation of double yellow lines on the realigned access road.

Accident Data

Records show that in total, fourteen collisions involved 23 vehicles and resulted in 23 casualties. Of the fourteen collisions, none resulted in fatal injuries and only two were classed as serious injuries. The only cluster of collisions occurred at the junction of the A4233 High Street / Porth Street / Pontypridd Road, with four slight accidents occurring over a three year period, with single collisions in 2016 and 2017 and two collisions in 2018.

Following analysis of the data, no collision trend has been identified near to the proposed car park. The four collisions that occurred on Rheola Road all resulted in only slight casualties at different locations along the highway. It is therefore considered that the additional traffic associated with the development proposal is unlikely to have a significant impact on the safety of the local highway network.

Engineering Design & Detail

Taking into account that the proposed access road is to be adopted and maintained at public expense a condition requiring full engineering design and detail has been suggested.

Conclusion

The proposed provides for additional off-street car parking for the existing park and ride facility at Porth reducing additional vehicular trips on the wider highway network which is acceptable. The proposal formalises existing un-made parking areas with limited additional vehicular movements at the junction with Rheola Road which is acceptable.

Flood Risk

The applicant has provided a Flood Consequence Assessments (FCA) and Flood Risk Management and Emergency Plan in support of the application.

NRW has noted that the planning application proposes less vulnerable development. The application site lies entirely within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15).

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified, Should the proposal be considered to meet the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.

NRW has reviewed the FCA, noting that it suggests the ground levels on the site for the car park area range between 93.58 - 97.86m AOD and that ground levels will be lowered by approximately 0.1-0.3 in central areas, by approximately 0.4-0.7m in an area to the north west of the of the development site but that levels will be raised by approximately 0.4-0.7m on the north west edge and part of the west edge of the site (adjacent to Rheola Road).

The supporting FCA uses the most up to date flood risk information for this location. Flood data was obtained from Natural Resources Wales and this was used to inform the FCA and determine the flood risk associated with the development site. NRW is therefore satisfied with the use of the flood data used to inform the FCA.

NRW has confirmed that the FCA addresses concerns in respect of the impacts of flood risk elsewhere. However, although the park and ride facility would be considered to be 'less vulnerable development', as defined by TAN15, NRW has noted that in the case of a 1 in 100 year (1%) flood event, plus an allowance for climate change, the FCA demonstrates that the proposed development is predicted to flood to a maximum depth of 0.5m, and the predicted maximum velocity of floodwaters is 0.6m/s.

This is contrary to A1.14 of TAN15 which advises that development should be flood free and that emergency access and egress routes should be shown to be operational under all conditions.

Nonetheless, NRW has recognised the nature of the proposal and that raising ground levels would be impractical, and that the mitigation measures outlined within the submitted documents, including signage and a flood risk plan, are proposed to manage flooding.

NRW has stated that it is a matter for the planning authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15. The TAN advises that development within Zone C2, including transport infrastructure, can be justified where it is part of a local authority strategy to sustain an existing settlement and, furthermore, providing that the development concurs with the aims of PPW and meets the definition of previously developed land – all of which are the case.

The Applicant has responded to the points raised by NRW, noting that although they reviewed the FCA submitted for the scheme, they do not normally comment on the adequacy of flood emergency response plans. Accordingly, they have not commented on the submitted Flood Risk Management and Emergency Plan for the proposed development.

The Applicant has also stated that it is known that the areas of the proposed development would likely flood to a maximum of 0.5m in a 1 in 100 year plus climate change allowance event, thereby not meeting the requirements of A1.14 of TAN15, and if the proposed levels were to increase to meet this requirement, there is a high probability that there would be increased of flood risk elsewhere, thereby not meeting requirements of A1.12 of TAN15.

As per the proposal in the Flood Risk Management and Emergency Plan, it is proposed that there will be suitable signage to warn users of the car park and that the site would be closed in advance of the event. This plan is in accordance with the Flood Risk Management and Emergency Plan for Porth Park & Ride Phase 2, which was granted planning permission and is now fully operational.

Notwithstanding NRW's response it is noted that that the existing station, its car park, existing park and ride car park and a significant part of Porth town centre are already within land designated as Zone C2. Furthermore, it is recognised that this application only seeks to set out formally what the land is already used for, but with the additional benefit of it being subject to a Flood Risk Management Plan. On this basis it is considered that the development is acceptable terms of flood risk.

National Sustainable Placemaking Outcomes

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

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

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

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

- **Creating and Sustaining Communities:** The proposal will support the Porth Railway Station which is an important community transport facility. If more people opt to travel by train, there would be wider reaching benefits for communities such as reduced congestion and thus improved air quality. Signs within the site will be bilingual which will ensure the Welsh language will continue to thrive.
- **Facilitating Accessible and Healthy Environments:** The proposed car park supplements the existing park and ride facilities at Porth Railway Station. The car park is within easy walking distance located approximately 260m north west of the Station and is connected via the Rhondda Fach Trail, a wide active travel route. Proposed footpaths within the site are also active travel compliant being 1.8m in width. New lighting and CCTV are proposed to assist in creating a feeling of safety within the site. Whilst fencing along the river adjacent to the pedestrian footpath will enhance safety of its users. Improvements in the site's green spaces will help to create an attractive maintained environment which will also assist with the perception of a safe environment and people's feelings of well-being.
- **Making Best Use of Resources:** The development accords with the aim to prioritise the use of previously developed land. The site is located on a brownfield site that is unkempt with dilapidated fencing, self-seeded vegetation of low ecological value and hardcore areas with poor drainage and weed growth. The proposals will unlock the full potential of the site allowing it to be fully utilised and thus providing increased car parking provision than that which currently exists on site.
- **Growing Our Economy in a Sustainable Manner:** The park and ride scheme will provide additional parking facilities in a secure manner with the aim of encouraging more people in the local area to use the rail network rather than making journeys by private vehicles. Reduced numbers of vehicles on roads will help to reduce overall carbon emissions and congestion on busy routes and will help to create a more sustainable way for people to access employment and services. The redevelopment of the northern car park is linked to the ability to secure funds for the redevelopment of the southern car park which includes investment in electric charge points.
- **Maximising Environmental Protection:** The site is currently of low ecological value and therefore the proposed landscaping will enhance biodiversity and ecological value of the site. The planting selected has been designed to complement the SUDS initiatives and is resilient to climate change. Any vegetation remaining on site will be removed outside the bird nesting season or undergo an ecological check to ensure nesting birds are protected. Street lighting will be directional ensuring that light is concentrated on the carriageway and sensitive receptors such as wildlife using the river corridor or nearby residents are not impacted. The lights will also be dimmed by 50% from 8pm -

Midnight, switched off from Midnight - 5am and then again, half power from 5am - 6am and full power to dawn. The lighting includes the use of modern materials, energy saving devices and proven innovation in lighting provision.

In respect of the other national outcomes listed the development would be considered to have a neutral impact.

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

The proposed car park redevelopment would provide a welcome addition to the existing oversubscribed park and ride facilities for Porth Railway Station, and thus accord with local and national planning policies which support the use and promotion of sustainable public transport.

In addition to being of an acceptable design and layout, the improved appearance of the site would be beneficial to the street scene and the formalisation of its use as a car park would not be detrimental to the amenity of the closest neighbouring occupiers.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

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

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

2. The development hereby approved shall be completed in accordance with the approved drawings and documents:

- 0002 Rev P01
- 0100 Rev P01
- 0101 Rev P01
- 0102 Rev P01
- 0103 Rev P01
- 0104 Rev P01
- 0105 Rev P01
- 0200 Rev P01
- 0500 Rev P01
- 1200 Rev P01
- 1301 Rev P01
- 3000 Rev P01

- 3001 Rev P01
- 3002 Rev P01
- Porth Park and Ride (Phase 3) – Preliminary Ecological Appraisal by Redstart, Doc ref: GC/003574, Rev:P07, dated March 2020 (PEA)
- Porth Park and Ride, North Car Park Street Lighting & CCTV (Preliminary Design), Drawing GC3675-RED-79-XX-DR-E-1301, Rev P01 by Redstart, dated April 2021 (Lighting Plan)

and details and documents received on 8th June 2021, 24th September 2021 and 28th October 2021.

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

3. No development shall commence until full engineering design and details of the access road layout including, sections, street lighting details, vehicular containment, and surface-water drainage details, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

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

5. No development shall commence, including any works of site clearance, until a scheme for the provision of species mitigation and enhancement measures has been submitted to and approved by the Local Planning Authority.

The scheme shall include the measures identified within Sections 7 and 8 of the Preliminary Ecological Appraisal (Redstart, dated March 2021), and also

include details of the protection of nesting birds and their requirements during construction, and permanent ecologically sensitive site lighting to minimise impact on the adjacent Rhondda Fach.

These measures shall be provided prior to the beneficial use of the site and maintained in good order in perpetuity.

Reason: In the interests of biodiversity and nature conservation in accordance with PPW11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall commence until details of how the development is to comply with the requirements of Section 8.3 of PPW Technical Advice Note 15 have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial use.

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.

7. No beneficial use of the site shall take place until the flood mitigation measures, as detailed within Section 3 of the Flood Risk Management Plan (Capita, dated April 2021) have been implemented on site. The measures shall be maintained in perpetuity and in good order thereafter.

Reason: In the interests of public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No beneficial use of the site shall take place until a Traffic Regulation Order (TRO) for the introduction of parking restrictions along the realigned access road has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure deliverability of traffic management measures and restrictions in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. No beneficial use of the site shall take place until a minimum of 10% of the car/vehicle parking spaces have been set up for charging ULEV vehicles. The charging points shall be maintained in perpetuity and in working order thereafter.

Reason: To improve environmental and cultural wellbeing of people and communities, in accordance with PPW11.

10. No surface water run-off from the proposed development shall discharge onto the public highway or be connected to any highway drainage system.

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



PLANNING & DEVELOPMENT COMMITTEE

16 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0942/10 (RP)
APPLICANT: Mr A Cable
DEVELOPMENT: Garden curtilage extension and creation of hard standing.
LOCATION: MERRIVALE, LLWYDCOED ROAD, LLWYDCOED, ABERDARE, CF44 0TW
DATE REGISTERED: 28/09/2021
ELECTORAL DIVISION: Aberdare West/Llwydcoed

RECOMMENDATION: Approve

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

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning consent is sought for a change in use of a strip of land that lies adjacent to the residential dwelling Merrivale, a detached property located within Llwydcoed, Aberdare.

The area of land proposed to be included within the residential curtilage of Merrivale is located to the north-west of the dwelling and adjacent to the boundary with the property known as Hazelmere. The land has an approximate surface area of 51sqm and forms part of an unmade lane that provides access to no. 1, 2 and 3 Ty'r Heol in addition to Merrivale itself and the site at Hazelmere.

The profile of the land, in common with the rest of the lane that wraps around the dwellings at Ty'r Heol is flat but has multiple potholes, being a private, unmaintained lane.

To overcome the current condition of the land the applicant intends to create a hardstanding on the proposed extended curtilage in order to park a vehicle, which would be enclosed by a set of access gates that would be set back 5.4m from the adjacent side lane that runs to the north-east of Merrivale.

Upon undertaking the site visit it was evident that some works had already been undertaken at the site via the construction of a featheredge fence on the south-east elevation of the land, whilst a metal gate has been erected on the south-west portion of the land.

The application is accompanied by the following:

- Copy of an advert displayed in the Cynon Valley Leader newspaper on 06/05/2021 in order to try to determine the owner of the land in question.

SITE APPRAISAL

The application site relates to a strip of land located adjacent to the front garden of Merrivale, a detached dwelling located within a residential area of Llwydcoed. The land is currently enclosed on both sides by fencing and to the rear by the garden of Merrivale, beyond which are the relatively recently constructed dwellings at the Tan-y-Bryn Gardens housing development.

Merrivale itself is sited roughly centrally within its plot, orientated towards the north, having enclosed garden areas to the front, side and rear. The property has a render finish, a concrete tiled roof and all windows and doors are white UPVC.

Neighbouring properties within the locality are varied in terms of design and scale being a mix of detached, semi-detached and terraced dwellings and bungalows.

PLANNING HISTORY

18/0731/10	Proposed extension to ground and attic floors including dormers.	Granted 22/08/2018
19/0515/10	Raise the roof to enlarge first floor, associated extensions and alterations.	Granted 11/07/2019

PUBLICITY

The application has been advertised by direct notification letter to neighbouring properties and the erection of site notices.

Three letters of objection have been received from neighbouring residents, the comments of which are summarised below:

- The land has been historically used by all four residents, including those at Hazelmere to access what was their detached garage prior to its demolition. The current gate has been illegally erected preventing our rights of access and there is a caution placed on the land.
- All of the current residents of Ty'r Heol have taken ownership of the land in the last 4 years. When we all purchased the properties the nature of the lanes would have been explained by the conveyancing solicitors. The access across the lanes is long-standing and relies on mutual respect and shared utility and is set out in the title deeds. Indeed, there have been a few discussions regarding the need to avoid obstructing each other when parking as the lane is only one car wide. All of these discussions were civil and open.
- Part of the area subject of this application is an essential part of the turning area for all residents and the depth of the area is important to allow free movement. The area has been used in the last 4 years by the other residents and the applicants for placing building skips while work is carried out on their properties as it is the only accessible area for such purposes that would not restrict anyone's access. The properties have little provision for car parking and every meter of ground is essential to allow everyone to have proper, safe and reasonable utility. This is therefore an essential element to the amenity of all the residents.
- On previous plans of the area, the former garage at Hazelmere (removed approx. 2 years ago) is clearly shown and the access to that would now lie within the area subject of this application. This is physical evidence that the land has rights of access over it independent of the documentary evidence set out in the title deeds.
- Numbers 1 to 3 Ty'r Heol have respected the rights of access in the deeds and also their legal property boundaries and have made no attempts to preclude anyone from their rights of access over the lanes. If this application were to succeed, then the precedent is made for other similar applications by the other property owners at Ty'r Heol. This would result in a completely unworkable situation for all residents.

- The issue of “land grabbing” was raised with the applicant and the applicant stated that there was no such intention. However, the erection of the gate and this application seems to indicate the contrary. Sadly, should this application proceed and be successful then litigation will be only and likely and reluctant recourse for the other property owners in this matter.

CONSULTATION

Highways and Transportation – No objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Aberdare however is not allocated for any purpose.

Policy CS1 – states in the Northern Strategy Area the emphasis will be on building strong, sustainable communities, achieved by a number of criteria including promoting accessibility by securing investment in public transport improvements, enhancing transport infrastructure services to support growth and improvement and reducing daily out commuting by private car and promoting sustainable forms of travel.

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

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

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

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

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

Supplementary Planning Guidance

Design & Placemaking
Access, Circulation & Parking Requirements

National Guidance

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

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

As set out above, the application proposes an extension to the residential curtilage of the property and the construction of an associated hardstanding, boundary enclosure and access gate.

As such, the key considerations in determining the application are the impact of the development on the character and appearance of the immediate area and the impact of the development on the amenity and privacy of the occupiers of adjacent residential properties. Any potential impacts upon highway safety, resulting from the development, are a further consideration.

Principle of the proposed development

This application seeks consent to change the use of part of a private, un-maintained lane to residential use by incorporating it into the garden of an adjacent house known as Merrivale in order to provide the dwelling with dedicated off-street parking provision for its occupants.

The land is located within the defined settlement boundary and immediately adjacent to the north-western boundary of the application property. As such, given its relationship to the property it is considered the use would form a logical continuation of its residential form.

Consequently, noting that the use of the land would be unlikely to be suitable for any other use in planning terms, the principle of the development is considered to be acceptable. However, this would be subject to an assessment of the site-specific criteria identified below.

Impact on the character and appearance of the area

The land, which is the subject of this planning application, forms part of a private lane that serves a number of properties that are located off Llwydcoed Road, at Ty'r Heol and Hazelmere, Aberdare.

As noted above, the land in question is located at the end of the private lane, being some 46m away from Llwydcoed Road itself and does not serve any additional properties beyond, being demarcated by the garden boundary of Merrivale, those of the Tan-y-Bryn housing development and the adjacent property and now development site at Hazelmere.

Consequently, in visual terms, when viewed from the existing properties and Llwydcoed Road, the land would appear as an extension of the existing garden of Merrivale, being in use as a hardstanding for domestic use. Furthermore, as the land is relatively flat there would be no need to undertake any engineering operations to re-grade the land and would therefore appear as an enlargement to the existing domestic garden and would be functionally related to it.

Furthermore, it is considered the feather edge fence that has already been erected is appropriate and in keeping with the residential setting. However, it is noted that details of the access gate proposed has not been provided with this submission. Consequently, a condition is proposed for such details to be provided prior to the development being brought into beneficial use to ensure it would be visually acceptable.

Overall, the works are considered to be acceptable in terms of their general impact upon the character and appearance of the area and are therefore in accordance with the requirements of policies AW5 and AW6 of the Local Development Plan.

Impact on residential amenity and privacy

Given the position of the land in relation to neighbouring residential dwellings, it is not considered that the enlargement of the residential curtilage of Merrivale would result in a loss of privacy or amenity to the occupiers of any neighbouring residential dwellings.

Furthermore, it is considered the change in use of the land would be compatible with the residential character of surrounding properties, all of which have some form of off-road parking provision to the front of their respective plots.

It is also noted that the applicant proposes to set back the extended curtilage from the adjacent side lane to allow a suitable area for vehicles to turn. The position of an enclosure / access gate on the north-eastern portion of the land would therefore be unlikely to cause detriment to the residents of neighbouring properties.

Consequently, notwithstanding the objections raised, the proposal is considered to be acceptable in terms of the impact it would have on the residential amenity and privacy of surrounding residents. As such, the application would comply with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

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.

Access

The proposal is served off a private access lane which is accessed from Llwydcoed Road. The lane provides access to a number of residential dwellings and is single width with an un-metalled surface.

The proposal would remove a section of lane which could potentially be used by the adjacent residents for service vehicles and overspill car parking. However, taking into account the lane is private and does not give direct access to any additional properties beyond the proposed site this is a private matter.

The gate would be set back 5.4m which would be acceptable for a standard car to turn within the adjacent side lane and egress in forward gear.

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.

Other issues

Comments received from neighbouring residents

The concerns raised by the neighbouring residents are appreciated and duly noted.

However, the issues raised regarding the historical use of the land, its ownership, right of access, a caution being placed on the land and any other disputes are private matters between the residents and therefore cannot be taken into consideration in the determination of this planning application; it is not within the remit of planning officers to resolve private disputes that do not relate to planning matters.

Whilst the Council have some sympathy with the effect of the development on the individuals concerned, inasmuch as their comments relate to standards of 'good neighbourliness' not being shown by the applicant, the rights of the general public or the wider public interest would not be affected. Furthermore, the submissions that have been made relating to the loss of rights of access do not relate to the regulation of development and use of land in the public interest. Access rights are protected under civil law and other channels exist to resolve these issues, such as a caution being placed on the land.

It should be noted that planning permission can be applied for and granted on land not owned by the applicant. Any dispute over the ownership of land is not a matter for the Council to consider and the issue should be resolved privately between the parties involved.

For the purposes of this application, the applicant has completed Ownership Certificate D of the application form which indicates that the landowner is unknown, however, the applicant's intention to submit a planning application on the land was appropriately advertised in a local newspaper.

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

The proposal is not considered to have a significant impact upon the character and appearance of the locality, the residential amenity of the surrounding neighbouring properties or upon highway safety in the vicinity of the site. As such, the application is considered to comply with the relevant policies of the Local Development Plan.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW

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

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

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

- Site Location Plan (1:1250 Scale)
- Block Plan (1:500 Scale)

and documents received by the Local Planning Authority on 30/06/2021 and 20/10/2021, 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. The development hereby permitted shall not be brought into beneficial use until details of the boundary enclosure/access gate, that is to be sited on the north-east portion of the land, is submitted and approved in writing by the Local Planning Authority.

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

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PLANNING & DEVELOPMENT COMMITTEE

16 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1102/10 (GH)
APPLICANT: Fallen Stock Ltd
DEVELOPMENT: Building to facilitate the relocation of fallen stock yard. (Odour Management Plan received 30th September 2021, Veterinary Statement and revised plans, reducing size of building and enhancing landscaping, received 18th October 2021)
LOCATION: FIELD AT CROFT YR HAIDD, CASTELLAU, BEDDAU, PONTYCLUN, CF72 8LQ
DATE REGISTERED: 06/08/2021
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW

REASONS: The proposed development is of an acceptable scale and appearance and its use as a fallen stock yard, would provide an essential service to the rural economy.

The specific purpose of the business means that its location in the open countryside and on agricultural land is an acceptable one, and the levels of vehicular traffic generated would not be harmful to highway safety.

Subject to conditions, particularly in respect of odour management, the application would not be considered to be harmful to the amenity of the closest neighbouring properties or to public health.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal constitutes major development that not covered by determination powers delegated to the Director of Prosperity & Development.

APPLICATION DETAILS

Full planning consent is sought for the construction of a new building, for the purposes of operating a fallen stock (knackers) yard, within a field at Croft Yr Haidd, Castellau, Beddau.

The proposal originally sought consent to erect a steel portal-framed structure with a depth of 30.48m, a width of 15.24m and an eaves height of 4.88m, rising to a ridge height of approximately 6.9m.

However, as a result of discussions with the Applicant's Agent during the consultation process, revised plans were received reducing the depth of the building to 24.4m. This would create a floorspace of approximately 371m², rather than the 464m² of the first iteration of the scheme.

In terms of external finishes, the building would have a similar appearance to that of modern agricultural buildings, with elevations of olive green plastisol sheeting. The roof would be of grey fibre cement sheets, within which roof lights would be installed.

In addition, the south-western elevation of the building would benefit from a full-width lean to element, within which a woodchip biofilter system would be installed, for the purposes of filtering air and preventing odours from entering the outside environment. For maintenance and access reasons, its elevation would comprise detachable wood sleepers.

No other fenestration is proposed to the building other than a large roller shutter entrance door within the north-eastern elevation, which would allow vehicles collecting and delivering carcasses to wholly enter the building.

The Applicant's Design and Access Statement (DAS) advises that the purpose of the development is to replace an existing fallen stock yard in an adjacent field. The Applicant's fallen stock business currently operates from premises at Pen Y Garn Farm where his tenancy is due to end in 2022.

The DAS also explains that the business offers a permitted collection service where animal carcasses are collected from farms, road accidents and other animal fatality incidents and brought back to the yard to be stored in cable-tied bags and placed in palletised containers, prior to a weekly collection.

No processing or dissection of carcasses takes place on site and both the bags and containers are large enough for animals such as a large horse or cow. The business has to be licensed and is regulated and inspected by the Animal and Plant Health Agency (APHA) and the new building would have to be designed to comply with The Animal By-Products (Enforcement) (Wales) Regulations 2014.

The existing buildings which presently accommodate the business on the neighbouring site are proposed to be removed once relocation has taken place. The DAS notes, as per the submitted plans, that tree and hedge planting would help to screen the site, even though it is at a lower elevation than the current site.

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

- Preliminary Ecological Appraisal
- Design and Access Statement
- Coal Mining Risk Assessment

- Pre-Application Consultation Report

As a result of comments and queries received during the consultation process an Odour Management Plan and Veterinary Statement were received. In addition, as noted above, a revised plan was submitted reducing the scale and footprint of the building by one 6m bay.

Lastly, it should be noted that this proposal was first submitted and publicised as application no. 20/1086/10. However, as 'waste development' the application constitutes major development, for which the Planning (Wales) Act 2015 requires developers to undertake statutory Pre-Application Consultation (PAC).

This had not been done at the time of the first submission, so on the advice of the Local Planning Authority, the application was withdrawn and resubmitted once the necessary PAC process had been completed.

SITE APPRAISAL

The application property is an undeveloped field, which is located in the open countryside approximately 1.3km to the west of Penycodcae and around 3km to the east of Tonyrefail.

The site is outside the settlement boundary and within the Mynydd y Glyn & Nant Muchudd basin Special Landscape Area. In addition, the site is within a Sandstone Safeguarding Area and includes areas where development would be at high risk from former coal mining works.

Comprising a surface area of approximately 0.1 hectares, the field has been used for the grazing of livestock and is enclosed by a combination of hedgerow and stockproof fencing on three sides. There is a fall in level towards the south-west and a line of mature trees alongside the north-western boundary, which separates the site from the adjacent field from where the business currently operates.

A private lane crosses past the south-eastern part of the site which leads from the adopted highway to the property known as Croft Yr Haidd. However, as noted above, the access to the application site is proposed to be from the existing junction to the north which serves the current business premises.

PLANNING HISTORY

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

- 20/1086/10:** Building to facilitate the relocation of fallen stock yard. (Coal Mining Risk Assessment received 23/11/2020) (updated Planning Statement received 18/12/2020) (drainage details received 27/01/2021). Decision: 06/08/2021, withdrawn by applicant.
- 20/5042/41:** Pre-application Enquiry. Decision: 03/06/2020, raise objections.

PUBLICITY

Both the current and withdrawn applications were advertised by direct notification to 30 neighbouring properties and notices were displayed on site.

Furthermore, in accordance with the Development Management Procedure Order (Wales) the relevant press notice was published on 26th August 2021 identifying that the resubmitted application constituted major development.

The initial consultation attracted 37 letters of objection, together with a petition opposing the application containing approximately 200 signatures. In response to the second consultation, letters of objection were received from 28 households.

The concerns raised can be summarised as follows:

Highways

- Increased traffic levels from larger vehicles will create more pollution/dust and greater risks of accidents or respiratory issues.
- Already large volumes of traffic passing through Penycoedcae.
- Not enough room on local roads for vehicles to pass each other, or for cyclists, horse riders and ramblers.
- Walls have been knocked through in Penycoedcae village by large lorries.
- During peak periods there are two collections per week.

Public Health and Site Management

- The odour affects enjoyment of my garden and local outdoor spaces.
- At times it is impossible to open windows, sit outside or invite visitors due to terrible odours.
- Risk of contamination from diseased animal carcasses and carriage of hazardous materials, including Anthrax, Foot and Mouth, Alabama Rot, BSE, TB, Blue Tongue and Covid.
- The proposed building and yard site would have a great impact on the environment, and we have noticed that the present operation is creating its major problems.
- The Applicant does not disinfect on and off site and the tarpaulin on his lorry is rarely in place. We often pick up sheep tags off the fields from various holdings and there is always effluent.
- The vehicles used to transport the fallen stock waste are not sealed, they will be carrying rotting animals that may have died from hazardous and unknown causes.
- The dead stock is unrefrigerated so carcasses putrefy.
- There has been a trail of fluid all along the road from the Knackers Yard to the Queens Head Pub.
- We have witnessed blood and fluids draining out of the collection lorry, the stench is extreme.
- To our knowledge one dog has died, and another had been seriously ill as a consequence of the decomposing carcass fluid leaking.

- All local farms have their own water supply via boreholes, where will this site get water from or drain to?
- Concerns about water supply for hygiene purposes and that contaminated waste is being discharged via a soakaway.
- The current practice of bagging dead animals is recent, prior to objections to the first planning application, decomposing animals were piled up festering in the building until collection.
- Some large stock would be too large to bag without dissection.
- Prior to the planning applications we witnessed whole animals being lifted outside of the building on a forklift truck and dumped into the top of the lorry.

Scale, Appearance and Amenity

- The new building would be much bigger than the current one which would allow the business to grow and intensify problems.
- The development would permanently change the character of the agricultural land and have an adverse impact on the visual amenity of neighbouring properties.
- The proposed external finishes of the building would be an eyesore and its size would make it conspicuous.

Other matters

- The Applicant does not have the benefit of a lawful existing use at the current site so the application should not be considered as if it were a replacement for such.
- The building would be located within a coal mining high risk area and there were four collieries in the area surrounding the site. Part of Croft yr Haidd house was rebuilt by the NCB due to subsidence.
- The planning application was not openly publicised.
- The plan to commercialise the business smacks of making money.
- The access and part of the site and surrounding land can be subject to surface water flooding.

Conversely, 301 letters of support have been received, which includes those from the Farmer's Union of Wales (FUW) and South Wales Farm Vets.

The majority of these letters are of a proforma type, where the supporter has filled in their own details and made additional comments. Whilst many are from local farms and businesses, a high percentage are from the wider South Wales area.

These letters of support reference the Applicant's professionalism and the necessity of the service provided. With particular relevance to the latter, it is clarified that legislation prevents farmers/landowners from burying dead stock or burning on site.

CONSULTATION

Highways and Transportation

No objection, subject to a condition requiring the access and off-street parking provision to be carried out in accordance with the submitted details.

Flood Risk Management

The site location plan provided identifies that the existing site is agricultural land. The Applicant has provided a general site layout and elevation of the proposed site but has not included any details in relation to the sites surface water flood risk or the proposals to drain the proposed developments surface water, other than to mention a soakaway.

Natural Resources Wales Surface Water Flood Risk Maps have been used to review the sites current risk of flooding. The summary of the review has identified low surface water flood risk on the proposed site and the developer must take this into consideration when developing the site.

The Applicant will be required to evidence the sites surface water discharge destination and principally the rate of discharge and demonstrate the pre and post catchment discharge rates for comparison. For a green field site, the Applicant will be required to provide like for like discharge rate for the inherent surface water flood risk within the area.

Based on the size of the construction works being greater than 100m² the applicant will be required under Schedule 3 of the Flood and Water Management Act 2010 to submit an application for SuDS approval prior to works taking place; alongside this requirement the Applicant is required to comply with Part H of the Building Regulations which sets out the design requirements associated to the use of infiltration drainage.

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

Public Health and Protection

With regard to construction, conditions are recommended in respect of noise, dust, waste, demolition, and hours of operation. However, given the scope of existing Public Health powers, it is considered that such issues are best addressed by an informative note to any planning consent.

However, in terms of the operation of the site, the Public Health and Protection section noted that the Applicant currently operates a premises of this nature in the next field, and that as a result of odour complaints received, a Section 80 Abatement Notice was served on the existing premises on 2nd August 2021.

Following receipt of the Odour Management Plan as requested, the Section has advised that it has no objection to the proposal providing that a condition is imposed on any consent such that the procedures and measures required by the Plan are implemented before the use of the premises commences and then shall operate as such in perpetuity.

Natural Resources Wales

NRW has confirmed they have no objection to the proposed development as submitted.

In relation to foul drainage NRW advises that the Applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit or register an exemption with them. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met.

Should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with the NRW Permitting Team at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

NRW highlights that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

Dwr Cymru Welsh Water

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

Countryside – Ecologist

The ecology impacts are mitigable, and conditions are recommended for:

- Details of stone wall/hedgerow translocation and new hedgerow provision (to include only hawthorn and hazel in its composition), including details of how protected species will be appropriately considered in these works.
- Details of all habitat and species mitigation as set out in Section 4 and 5 of the BE Ecological September 2020 Preliminary Ecological Assessment.

The Coal Authority

The Coal Authority's information indicates that a coal seam is conjectured to outcrop across the footprint of the proposed building. The supporting Coal Mining Risk Assessment report has not satisfactorily demonstrated that seam has not been worked and does not pose a risk to the proposed development.

In the absence of a revised report, The Coal Authority considers that further site investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, a condition is recommended for the undertaking of a scheme of intrusive investigations and for any necessary remediation or mitigation measures to be implemented and validated.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of the above condition.

Animal and Plant Health Agency

APHA's responsibility is limited to the assessment of the registration request which begins on receipt of the application from the operator.

Tonyrefail Community Council

The Community Council advises that it was involved in the pre-planning consultation of this application, and due to its complex nature did not feel that it was in a position to provide a fully informed response.

The Community Council understands that this application will be determined by the Planning and Development Committee and as such would request notification once the Committee Report has been prepared so it can be fully informed and make a late comment if required.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the open countryside to the west of Penycoedcae

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

Policy AW2 - supports 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 – identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. In addition, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

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

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

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

Policy SSA23 - identifies Special Landscape Areas where new development is expected to be of a high design standard.

Supplementary Planning Guidance

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

National Guidance

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

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

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

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

- Policy 1 – Where Wales will grow
- Policy 5 – Supporting the Rural Economy

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning

PPW Technical Advice Note 6: Planning for Sustainable Rural Communities

PPW Technical Advice Note 12: Design

PPW Technical Advice Note 18: Transport

PPW Technical Advice Note 21: Waste

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to the construction of a knackers yard and the creation of a new planning unit at Croft Yr Haidd. The role of a knacker is to dispatch sick or injured animals on farms and collect those that have died naturally, which may have been due to injury, disease or old age. Such work may also deal with animals killed or injured on the highway, or from equestrian businesses and activities. In many instances, as is the case with this application, the yard is used as a point of transfer to an incinerator, and no processing would occur on site.

A knacker's yard is classified as a B2 industrial use and would therefore normally need to meet the criteria of LDP Policy AW2, which defines whether a site can be considered a sustainable location and acceptable in principle. In this case, the development is clearly outside the settlement boundary and for a use that would mainly rely on vehicle transport movement, as is the case for the existing unauthorised facility at its current site in the neighbouring field.

However, whilst there would normally be an objection in principle to a B2 use in this location, the nature of the business is not one that should result in any noise creating practices, create commuting by employees to a place of work, attract visitors, or require frequent servicing by delivery vehicles. It's specialist nature also means that the client base is bound to be a wide one with ad-hoc demand and where no particular locational need can be established.

Consequently, whilst the development does not accord with all the criteria within Policy AW2, due to the type of use, it is accepted that it would be best accommodated in a rural location such as this rather than in a built up area within the settlement boundary.

In terms of national planning policy, PPW TAN21 (Waste) was referenced. However, the information within the TAN relates mainly to the management of mainstream waste from homes and businesses and establishes a waste hierarchy for waste prevention and recycling. Paragraphs 4.27 and 4.28 address the matter of niche waste disposal, but only in terms of animal carcasses or clinical waste where incineration is proposed. As a 'transfer' facility with no on-site processing, this is not relevant. TAN6 (Planning for Sustainable Rural Communities) was also consulted, but again, does not contain any specific guidance or direction in terms of the proposed development.

Nonetheless, Chapter 5 of PPW11 relates to the rural economy, paragraphs 5.6.1 and 5.6.2 stating that “The establishment of new enterprises and the expansion of existing business is crucial to the growth and stability of rural areas”, and “Small-scale enterprises have a vital role to play in the rural economy and contribute to both local and national competitiveness and prosperity. While some employment can be created in rural locations by the re-use of existing buildings, new development will be required in many areas”.

Also, within PPW11, paragraph 6.7.15 advises on the location of commercial, industrial, or other potentially polluting development and suggests that “such development should be located in areas where there is low potential for public exposure”. Although this small-scale development should not cause any pollution, the matter of odour being considered further below, PPW11 indicates that a built up area within the settlement boundary would not be appropriate.

Lastly, it would be helpful to clarify that the proposed development does not meet the criteria set out in Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 and does not require EIA to be undertaken.

In light of the above, the development would be acceptable in principle, but this is subject to consideration of the material matters below.

Impact on the character and appearance of the area

The site is located within the Mynydd y Glyn & Nant Muchudd basin Special Landscape Area. The ‘primary landscape qualities & features’ relevant to the site include: the largest area in RCT of un-industrialised lowland farmland rising to the open and forested hill of Mynydd y Glyn to the north.

In the basin there is a very attractive network of narrow winding lanes, small irregular fields bounded by large mixed hedges and many trees, scattered farms, unlike any other part of RCT. There are stone walls and open grassland on higher slopes.

The key policies relevant to the site include ensuring that no large scale developments to spoil the integrity and seclusion of basin and surrounding slopes, and to conserve both primary habitats relating to unimproved grassland and old patterns of farmland, with large hedges and many trees. To be in accordance with Policy SSA 23 the proposed development should be of the highest siting, design, layout and materials.

It is accepted that the development would inevitably result in the loss of a greenfield site and would form a visible feature within the immediate area. However, when considering the siting and scale of the proposed development, on lower land than the existing, and its relationship with this wider area, neither the scale nor the appearance of the building would be considered detrimental. The development would be typical of the kind of agricultural structures and developments which are seen in rural countryside locations, and in this case, additional landscaping has been proposed as part of the scheme.

Subject to a condition to secure the removal of the existing relevant buildings from where the business is currently operated, so as to reduce the impact of the built development on the rural landscape, the development is therefore considered to be acceptable in terms of its visual impact.

Public health concerns and the amenity of neighbouring occupiers

Of the various objections highlighted by objectors, those relating to public health matters and smells are evidently a key concern and are addressed in the sub-sections below.

Odours/Pollution

The nature of the development would result in the temporary storage of biological waste. However, the building has been designed to comply with The Animal By-Products (Enforcement)(Wales) Regulations 2014 to ensure that the building would be acceptable for the use proposed. Additionally, it has been identified that waste would be removed on a weekly basis by a licensed contractor.

The Applicant's Odour Management Plan notes that potential odour sources at the site are limited to carcasses in transit and storage; no processing of animal by-products would take place at the site. The degree and character of emissions will vary greatly according to ages and condition. Since deliveries and collections would be in Defra-approved covered containers, the handling of materials in line with APHA guidelines, and the building be shut during unloading and loading operations, all emissions should be contained within the proposed building and contained in sheeted haulage vehicles.

The Odour Plan also notes that there is a second potential source of odour emissions at a hunt kennels, 100m north of the proposed site, which stores carcase parts for feeding to hounds kept at the site. It is understood that this site is known as an intermittent source of offensive odours, but at the time of writing, this site has not been visited by Public Health officers in order to differentiate it from the Applicant's current operating site as a source of odour giving rise to complaints in the locality.

This Odour Plan will form part of the site's operational management system and formalises how odours would be dealt with at the site when it is in operation. It identifies possible receptors of odours and describes the control measures that will be in place and protocols to be implemented in the event of out-of-boundary odour impacts being experienced.

All fluid trade effluent from the proposed use would be collected internally and piped to a buried tank. It should also be noted that this use requires separate licensing from the Animal & Plant Health Agency (APHA) which requires regular inspections to ensure compliance with the set standards. The Agent has confirmed that water supplies required for the operation of the site would be from rainwater harvesting, with a borehole back up.

As such, it is not considered that the development would give rise to any complex or hazardous effects in respect of natural resources or present significant risk of accident

The consultation response from the Council's Public Health and Protection section noted that the existing site had been served with an abatement notice as odours were likely to have emanated from the site could be considered to be a statutory nuisance.

Subsequently, a meeting was held between the Planning Officer and Environmental Health Officer (EHO), who confirmed that odours had been experienced on site at the time a delivery was taking place.

However, the EHO explained that he was confident that for the proposed site, subject to compliance with the Odour Management Plan and APHA regulations, there shouldn't be an odour problem. The site had also been visited in the presence of a representative from APHA and there was satisfaction with measures that had been taken in response to the complaint.

The EHO advised that no further odour nuisances had been established since and, noting that the site has been operating for several years as a fallen stock yard, also confirmed that there had been no record of any odour complaints received by Public Health until the first planning application was submitted.

Disease/Infection

A number of objectors raised concerns about the risk to health from a variety of diseases and conditions associated with livestock.

Whilst it should be noted that no objection was received from NRW and that the operations at the site would be regulated and inspected by the APHA, a Veterinary Assessment was provided to address those concerns. The Author of the Assessment advised that information had been made available regarding the inspections undertaken by APHA in 2018, 2019, 2020 and 2021, and has provided the following comments:

Escherichia coli (E. coli)

The toxin producing strains of E. coli are the producers of ill health in humans and these strains are sometimes present in faeces from grazing livestock. Wherever the dung from cattle or cows and calves or sheep is present there be these harmful strains. Human hands can then become contaminated by something as simple as tending to livestock (farmers) or persons visiting farms and walking in the countryside. Most illness in humans results from not removing these E. coli bacteria from hands and then contamination of human foodstuffs. The harmful strains are then consumed with food and can produce severe food poisoning. Hand washing and hygienic food preparation will prevent this form of severe E. coli infection.

The area around both the existing fallen stock facility and any new facility will be no more likely to be an E. coli risk than surrounding fields and walkways where there are animal droppings (cow pats and sheep faeces and/or manure spreading)

Alabama Rot

This can be very severe in dogs, but it is not a condition in humans. The disease in dogs causes marks, sores or ulcers on the skin and then vomiting with kidney failure. There is no risk to humans and no risk from fallen stock yards, knacker yards or hunt kennel facilities.

Blue Tongue

Blue tongue is a disease of sheep, cattle and goats, the virus of which can only be spread by insects. In the UK the insects responsible are mosquitoes. The disease is not contagious between animals and does not affect human beings. Farmers with sheep, goats and cattle should consult with their vet about vaccinating their stock against the strains of Blue Tongue. This disease is only spread by the insects feeding on the live animal and during the feeding process infecting the animals. Any fallen stock yard, knacker yard or hunt kennel yard will pose no risk to animals nor to human beings.

Covid 19

Various strains of the Covid type viruses (coronavirus) similar to that causing the pandemic world-wide in humans have been found in animals. Covid 19 is a risk factor in mink in some countries. However, Covid 19 is a disease of humans and spread from human to human by close contact. Animals in the UK, live or dead are not involved in the spread of this disease. The fallen stock yard's existence and the plan for any further yard poses no threat to the human population.

Foot and Mouth disease

Any signs of unexplained lameness in cloven footed animals especially if such animals are dribbling and unwell must be reported to DEFRA (Department of Environment, Food and Rural Affairs). It is referred to as the most contagious animal disease since the virus can spread exceptionally quickly. This virus does not produce disease in humans. There is a disease in humans referred to as "hand foot and mouth" which is a mild treatable condition and common in children under 5. The condition is produced by a virus different to Foot and Mouth in cattle, sheep, goats, and pigs. There is no foot and mouth infection in the UK. With any future outbreak, farms in the outbreak area will be virtually closed as will knacker yards and fallen stock yards and other connected industries. Foot and Mouth is a disease in cloven footed animals and poses no risk to humans

BSE

Any signs of BSE in cattle must be reported to DEFRA. There were 16 cases between 2011 and 2015. One case was identified in Scotland in 2018 and the most recent case discovered in England in September 2021. Material from cattle over 48 Months of age is screened in abattoirs and at fallen stock yards. The records following the inspections and testing of cattle tissue from over 48 months of age in the fallen stock yard have been seen and are all negative. The 15 routine visit inspection reports confirm that BSE is under constant surveillance and testing. The disease does not spread from animal to animal and was caused by the inclusion of meat and bone meal as a supplement in cattle feed. This procedure has been legally banned for many years.

Humans cannot be affected by any disease associated with BSE by being in the proximity of any fallen stock yard or knacker facility.

Anthrax

This is a rare bacterial disease from which cattle tend to die very quickly - any such animal is sampled on the farm to eliminate anthrax. Human anthrax used to infect workers in the hide and wool trades when anthrax spores were breathed in or when entering by mouth and can be successfully treated with penicillin. The most recent cases in humans were in 2010 when heroin users in Scotland were infected by injecting contaminated heroin. Spores can last for decades in soil and when deep excavations take place over previous cattle burial sites animals may eat the exposed spores and develop anthrax. The disease does not spread from animal to animal or from animals to humans. The persons at remote risk are the personnel who work with carcasses i.e., vets and fallen stock persons. This is only possible if in the very exceptional circumstance a carcass has not been tested before collection. If a case did emerge in such a facility, the business would be closed and only allowed to resume trade after a most thorough deep cleansing and disinfection. Any rare human disease is likely to be confined to the skin and can be treated. The last human case in the UK was in Wiltshire in 2015 and before that in South Wales in 2006.

Bovine TB

This is confirmed occasionally in humans after consumption of unpasteurised milk. Almost every human case of TB in the UK is caused following infection by the human form of TB bacteria which is different to the bovine type. This bacteria thrives and spreads in close knit communities in towns and cities. Persons cannot contract bovine TB by living in the vicinity of fallen stock facilities.

Foot and Mouth disease, BSE, Anthrax and Bovine TB are all notifiable to the animal health authorities in the UK, the reporting and control of them is thoroughly regulated

Physical Impact

Since the development would be in excess of 150m from the nearest dwelling, it is considered that the new building would not be detrimental to outlook, be capable of overshadowing neighbouring properties, or enabling intrusive views to the detriment of the amenity or privacy of existing residents.

Traffic

It is acknowledged that the proposed development may have the potential to give rise to nuisance arising from vehicular movements to/from the site which requires navigating narrow country lanes.

However, this would be similar to or no greater than that which already takes place at the existing adjacent site and neighbouring farms throughout the wider area which share the same network of country lanes.

The Applicant's Agent has confirmed that fallen stock and casualty animals are collected from sites around South Wales and stored prior to onward carriage to a licensed disposal site located in Staffordshire. The building is not normally used at weekends and there are usually up to four vehicle movements a day, on and off the site, with collections for onward transit in the region of once a week. The existing facility is too small to allow the doors to be shut during loading operations.

Conclusion

On balance, in terms of wider public health issues and the impact on the amenity of neighbouring residents, the application is considered to be acceptable, subject to compliance with the Odour Management Plan, for which condition 6 is recommended.

Access and highway safety

The submitted site plan indicates that access to the proposed development will be from Croft yr Haidd Road. The plan indicates that the existing means of access to the plot is to be improved. The improved access provides vision splays of circa 2.4m x 56m to the left and 2.4m x 84m to the right.

These vision splays are considered adequate considering that traffic speeds on Croft yr Haidd Road are limited due to its narrow width. In addition, there is sufficient space within the site to ensure vehicles are able to enter and exit the site in a forward gear.

The Council's adopted SPG for Access, Circulation and Parking Requirements has no specific requirement for a fallen stock yard. Nevertheless, there is ample space within the proposed development for off-street parking to be provided. The proposed development gives no undue cause for concern with regard to off-street parking provision.

Consequently, the Council's Highways and Transportation Section has advised that it has no objection to the proposal, subject to the condition referenced further above.

National Sustainable Placemaking Outcomes

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

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

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

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

- **Facilitating Accessible and Healthy Environments:** The type and purpose of the development does not require trips to be made by private car and does not need to be accessible by active travel means or public transport.
- **Growing Our Economy in a Sustainable Manner:** The development would have a positive effect in its support of the rural economy and would utilise rainwater harvesting.
- **Maximising Environmental Protection:** The development would include a condition for biodiversity enhancement measures by way of bat and bird roosting provision, together with additional landscaping.

In respect of the other national outcomes listed the development would be considered to have a neutral impact.

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 concerns raised by the closest neighbouring residents are acknowledged, particularly in relation to the status and operation of the current site, it is considered that matters relating to public health and odours have been addressed, being controllable either by condition or within the scope of other statutory regimes.

The proposal is comparable in scale and appearance to that of a relatively small agricultural barn and would not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties.

In addition, although a B2 Use, the nature of the development, essentially a one-man business with limited vehicle movements, means that its location away from the settlement boundary can be considered an acceptable exception to Policy AW2, for the reasons outlined previously.

On account of the above the application is therefore considered to comply with Policies AW5, AW6, AW8, AW10, and SSA23 of the Rhondda Cynon Taf Local Development Plan.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

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

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

2. The development hereby approved shall be carried out in accordance with the approved drawings and documents:
 - RAC/8770/2 Rev 2
 - RAC/8770/3 Rev 1
 - RAC/8770/4 Rev 1

and details and documents received on 5th August 2021, 30th September 2021, 18th October 2021.

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

3. i) No development shall commence until:
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

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

Reason: In the interests of public safety, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) Details of a scheme for the stone wall/hedgerow translocation and new hedgerow provision (to include only hawthorn and hazel in its composition),

including details of how protected species will be appropriately considered in these works.

b) Details of a scheme for habitat and species mitigation as set in Section 4 and 5 of the Preliminary Ecological Assessment (BE Ecological, dated September 2020).

These measures shall be provided prior to beneficial occupation of the building and maintained in good order in perpetuity.

Reason: In the interests of biodiversity and nature conservation in accordance with PPW11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. The means of access and off-street parking provision shall be provided on site in permanent materials in accordance with submitted drawing no. RAC/8770/2 Rev 2 prior to beneficial occupation of the proposed building. The off-street parking area shall remain for vehicular parking only.

Reason: To ensure adequate access and that 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.

6. The development shall be operated wholly in accordance with the Odour Management Plan (Reading Agricultural Consultants, dated September 2021), received by the Local Planning Authority on 30th September 2021.

Reason: In the interests of residential amenity and public health, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Within one month of the beneficial use of the development commencing, details of a scheme for the removal of the existing buildings identified on drawing reference RAC/8770/2 Rev 2, including a timescale and method statement for their removal, shall be submitted to the Local Planning Authority for approval in writing.

The works shall be carried out in accordance with the approved details.

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

8. The building shall only be used for the purposes of a knackers yard and for no other purposes within Use Class B2. No dissection, processing, or disposal by incineration (or any other means), shall take place within the site.

Reason: The site does not occupy a sustainable location, as defined by Policy AW2 of the Rhondda Cynon Taf Local Development Plan and would

therefore not be suitable for other uses which fall within the scope of Use Class B2.



PLANNING & DEVELOPMENT COMMITTEE

16 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1250/10 (RP)
APPLICANT: Pontypridd Renovations
DEVELOPMENT: Construction of new garage block containing 3 no. single garages (amended and additional plans received 19/10/2021 and 24/11/2021).
LOCATION: LAND ADJACENT TO WOODVILLE,
PANTYGRAIGWEN ROAD, PANT-Y-GRAIG-WEN,
PONTYPRIDD, CF37 2LA
DATE REGISTERED: 14/09/2021
ELECTORAL DIVISION: Town (Pontypridd)

RECOMMENDATION: Approve

REASONS:

The proposed garage block and its associated structures are considered to be acceptable in appearance and their siting would not cause significant detriment to the amenity of neighbouring residents and highway safety.

The development is therefore considered to comply with Policies AW5, AW6 and AW10 of the policies of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning consent is sought for the construction of a new garage block on land that lies adjacent to Woodville, a semi-detached dwelling located on Pantygraigwen Road, Pontypridd.

The application details that the block would contain 3 no. single garages each with an internal floor area measuring approximately 12.5sqm. The block itself would measure 9.4m in length by 4.9m in depth and would extend to 2.45m in height when viewed from Pantygraigwen Road incorporating a flat roof design.

Of blockwork construction and render finish, each garage would be accessed via a set of metal roller shutter doors from a new apron and vehicular crossover from Pantygraigwen Road.

To facilitate the construction of the garage block, it is proposed to build up the level of the ground to meet with existing levels found at Pantygraigwen Road via the development of a reinforced masonry retaining wall that would measure approximately 11.7m in length and would extend to a maximum of 3.45m in height.

SITE APPRAISAL

The application site relates to a grassed embankment that is triangular in plan and which fronts Pantygraigwen Road, Pontypridd.

The land is bound on its south-eastern side by the residential dwelling 'Woodville' and tapers to the north-west where it meets the entrance to an access lane that serves those properties found at Heath Crescent and Graigwen Road.

The topography of the area falls from north to south and as such the site is set at two separate terraced levels. The northern section is located at the same level as Pantygraigwen Road with the southern section being located at a lower level where it abuts the aforementioned access lane.

PLANNING HISTORY

There are no recent applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to neighbouring properties and the erection of site notices. Three letters of objection have been received from neighbouring residents following this exercise, the comments of which are summarised below:

- There is already a lack of on-street parking on Pantygraigwen Road for existing residents. The development of the garages will automatically decrease the available parking for residents of the area, where garage access will need to be kept clear.
- My concerns are not so much against the building of the garages but on the parking problems this will cause.
- My concerns relate to the proposed entrance doors to this garage block being sited on Pantygraigwen Road and the obvious impact this will have on an already exceptionally busy junction that can easily be described as hazardous. I have witnessed numerous crashes at this junction including having had vehicles collide into the side of my property, causing damage whilst attempting to turn left out of Pantygraigwen Road to ascend Graigwen Road. Turning right out of Pantygraigwen Road is also hazardous due to the lack of visibility of

oncoming traffic on Graigwen Road. This junction is made all the more dangerous as a result of pedestrians needing to cross the junction to walk up or down Graigwen Road due to there being insufficient pavement on one side of the road. With the proposed garage block being in such close proximity to the junction, I believe that having the garage doors opening onto Pantygraiwen Road is an obvious road safety hazard.

CONSULTATION

Highways and Transportation: No objection subject to condition.

Public Health and Protection: No objection.

RCT CBC Structural Engineer: No objection subject to condition.

Welsh Water: No objection.

Countryside, Landscape and Ecology: No objection.

Flood Risk Management: No objection subject to condition.

No other consultation responses have been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

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

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

Policy SSA13 – Development within Settlement Boundaries

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

This application seeks full planning permission for the construction of a new garage block and associated works on a vacant plot of land that is located on Pantygraigwen Road, Pontypridd.

As the site is located within the settlement boundary the principal of the proposed development is acceptable. However, this would be subject to the assessment of a number of site-specific criteria identified below.

Impact on the character and appearance of the area

It is not considered the finished structure would result in an overly prominent addition to the street scene, or an impact significant enough to warrant refusal of the application.

Whilst it is acknowledged that the proposed garage block would form a visible feature along Graigwen Road, Pantygraiwen Road and Heath Crescent, the proposal is considered to be of an acceptable domestic scale and would be of a comparable design to other domestic garage blocks located in the wider area and throughout the County Borough. Furthermore, the development would be finished in appropriate external materials that would match that of many other buildings in the locality.

Due to the topography of the site, the proposal would involve the construction of retaining walls to enable the existing embankment to be built-up, and it is acknowledged these have the potential to become prominent features when viewed from the rear access lane and when approaching the site on Pantygraiwen Road from the west.

However, it is considered the retaining walls would be read as a continuation of the existing build development and rear boundary treatments that bound Heath Crescent and would not exceed their built form in a significant way. Furthermore, the choice of finishing material for the roof would ensure the block would be quite low in height, which would help to reduce the overall massing of the development.

Consequently, it is not considered that the scale and appearance of the proposed garage block and its associated structures would result in significant material harm to the character of the area.

Impact on residential amenity and privacy

Any impact upon residential amenity would be greatest upon nos. 25-27 Heath Crescent given the proximity of their respective rear elevations and gardens to the application site.

However, when considering the proposal in relation to the scale, siting and elevated nature of the pair of semi-detached bungalows 'Woodville' and 'Waldrast' and their proximity to existing dwellings at Heath Crescent, it is not considered that any adverse impacts that would be presented as a result of the development would be significantly different to those that already exist in the vicinity of the site.

Consequently, it is not considered that the size, scale and position of the garage block and retaining walls, when compared with the arrangement of surrounding development, would physically detract from the amenities of neighbouring occupiers in terms of outlook and overbearing impacts; neither would significant shading of their rear gardens take place, noting that the application site is positioned to the north of these properties and as non-habitable structures, would not affect residential privacy.

Notwithstanding the above, to ensure that the garages would not be used for commercial uses or non-domestic storage and generate additional high number of

vehicle movements or activities that might disturb residents, a condition is recommended restricting their use to that of a domestic nature only.

Therefore, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

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

The proposal would be served off an adopted highway, Pantygraigwen Road, which has a carriageway width of 7.9m and a dedicated pedestrian footpath to the development side of the road, being 2.1m in width.

There are limited off-street car parking facilities available in the vicinity of the site leading to on-street car parking, narrowing the available width of carriageway to the detriment of safety of all highway users. The proposal would lessen this detriment.

It is anticipated that the proposed garages would be used for domestic purposes, which can be secured via a suitably worded planning condition. As such, the proposal is considered acceptable in terms of access.

Parking

In accordance with the Council's adopted SPG, 1-2 bedroom dwellings have a requirement of 2 spaces each and 3+ bedroom dwellings have a requirement of 3 spaces each in this parking zone.

The submitted information indicates that the applicant is also in ownership of Woodville Bungalow. It is expected that the proposed garages would be used for residential parking purposes.

The submitted information does not advise the size of the dwelling within the applicant's ownership. As such, the proposal's SPG off-street parking requirement cannot be determined, but is estimated as three off-street parking spaces.

As three spaces would be provided however, no objections are raised with regard to the parking provision provided.

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.

Other Issues:

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

Drainage

The proposal has been assessed by the Council's Flood Risk Management team and their response does not raise any significant concerns. However, a condition is recommended to ensure the development in compliant with Section 8.3 of Technical Advice Note 15.

Issues raised by objectors

The comments raised by the neighbouring residents are appreciated and duly noted.

However, whilst the concerns made in relation to the impact of the proposal on highway safety and parking issues at and in the vicinity of the site are acknowledged, no objection to the scheme has been raised by the Council's Highways and Transportation Section, subject to condition.

It is noted that concerns have been raised regarding the dangers posed at this junction for vehicles and pedestrians. Upon review of accident data, no accidents at this junction/area were recorded for the period 01/01/2016 to 31/12/2020. That is not to say that there were no accidents, it is just that they would not have been of a severity whereby the appropriate services were called, and this data recorded.

Furthermore, it is also noted that although two, off-street car parking spaces are to be lost as a result of the proposal, the garages would result in the net gain of a single space.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

It is considered the proposal would not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties and highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5, AW6 and AW10).

RECOMMENDATION: Grant subject to the conditions below.

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans and drawings:

- Drawing no. MCS21/115/01 001 Revision D

and documents received by the Local Planning Authority on 09th September 2021 and 24th November 2021 (as amended), 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. Notwithstanding the submitted plans, development shall not commence until details of the garage apron and tie-in detail with the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site to the satisfaction of the local Planning Authority prior to beneficial use of the development.

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

5. The use of the garages hereby approved shall be solely for the parking of motor vehicles and/or domestic storage, and for no other purposes commercial or otherwise.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of amenity and the safety of all highway users, in accordance with Policies AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the commencement of the development, a structural report relating to the construction and stability of the proposed retaining walls shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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PLANNING & DEVELOPMENT COMMITTEE

16 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1267/10 (KL)
APPLICANT: Mr N Tuchli
DEVELOPMENT: Conversion of property to 8 studio flats, including a two-storey rear extension, internal alterations and off-street car parking to rear (amended plans rec. 18/10/21 and amended description 18/10/21).
LOCATION: GWYNFA HOUSE, MAIN ROAD, CHURCH VILLAGE, PONTYPRIDD, CF38 1RN
DATE REGISTERED: 18/10/2021
ELECTORAL DIVISION: Church Village

RECOMMENDATION: Approve, subject to S106 and conditions

REASONS: The conversion of the application property to 8 no. studio flats is considered to be acceptable in principle. The site is situated on the fringe of a Local and Neighbourhood Centre however all reasonable attempts have been made to let the premises for retail use without success. Furthermore, planning permission has recently been granted for the conversion of the property to a single dwelling.

Whilst the loss of the commercial unit would run counter to the general thrust of the retail strategy of the LDP and National Policy, it is considered the additional supporting information that has been submitted with the application overcome the previous concerns shown.

Consequently, when considered as a whole, the policies contained within the LDP supports the loss of this facility from the retail centre, as its replacement with residential accommodation, together with its extensions and alterations, would make an effective and acceptable use of the building, whilst its location and its proximity to other dwellings would mean the proposal would not conflict with the surrounding land use. Furthermore, the proposal would reinstate the original use of the building whilst ensuring it does not fall into a state of disrepair.

As such, the application is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan and it is therefore recommended for approval, subject to conditions.

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 conversion of Gwynfa House, Main Road, Church Village from offices to 8 studio flats. The proposal includes the construction of a two-storey extension and the provision of off-street-car parking at the rear of the property.

The proposal would provide 8 no. self-contained studio flats with 4 at ground floor and 4 at first floor. Four of the flats would be contained within the proposed two storey extension at the rear of the building. Each flat would have a single room incorporating a living/sleeping and kitchen area with a separate shower room/WC. The proposed floor area of each flat is as follows:

- Flat 1: 32.55 sqm
- Flat 2: 22.75 sqm
- Flat 3: 29.55 sqm
- Flat 4: 29.35 sqm
- Flat 5: 19.57 sqm
- Flat 6: 22.89 sqm
- Flat 7: 29.72 sqm
- Flat 8: 32.40 sqm

The flats would all be accessed via a main entrance door to the front of the property however, the two ground floor flats at the rear (flats 3 & 4) would benefit from a secondary rear access. Flat 1, which would be situated within the existing single storey front projection, would also benefit from a secondary access.

The proposed two-storey rear extension would extend across the full width of the existing property, measuring 9.7 metres in width by 7.5 metres in depth. It would incorporate a hipped roof design that would measure 7.9 metres in height to the ridge and 5.8 metres to the eaves. External materials would consist of render, concrete roof tiles and upvc windows and doors (graphite).

The area at the rear of the property would be utilised as a parking area for the residents with 8 off-street car parking spaces being provided. The existing access alongside the south-west facing side elevation would be retained.

A communal laundry room would be provided at ground floor as well as a small communal garden at the rear of the property.

SITE APPRAISAL

The application site relates to an existing detached property, known as Gwynfa House, which is located on the main road through the village of Church Village. The property currently appears to be vacant however, it is understood that it was most recently used as offices.

The property is set within a rectangular shaped plot with the north-west facing front elevation being set back from the highway by a small outdoor area. A yard and off-street car parking area is situated to the rear of the building with access to this area running along the south-west facing side elevation.

The property is of a two-storey scale with a traditional design featuring a single storey extension to the front elevation. It has a rendered finish with a tiled roof and upvc windows and doors.

The surrounding area is characterised by both commercial and residential properties. Properties either side of the site are both commercial whilst those opposite and to the rear of the site are residential.

PLANNING HISTORY

The following applications are on record for this site:

21/1005	Gwynfa House, Main Road, Church Village	Change of use from B1 (office) to C3 (dwelling), construction of two storey extension and detached garage (resubmission)	Granted 31/08/21
21/0516	Gwynfa House, Main Road, Church Village	Change of use from B1 (office) to C3 (dwelling), construction of two storey extension and detached garage	Refused 04/06/21

PUBLICITY

The application has been advertised by means of direct neighbour notification as well as through the erection of site notices in the vicinity of the site. No representations have been received from local residents in response to this exercise.

The application was advertised for a second time following the submission of amended plans to overcome some concerns raised in relation to the initial plans submitted. The amendments included the reduction in the number of flats from 9 to 8 and an increase in the number of off-street car parking spaces from 6 to 8. No representations were received from local residents in relation to the second exercise.

CONSULTATION

Countryside, Ecology and Landscape: No objection or survey requested.

Flood Risk Management: No objection or condition recommended.

Highways and Transportation: No objection, subject to condition relating to the parking spaces being implemented prior to beneficial occupation.

Public Health and Protection: No objection. Comments received in relation to hours of operation, noise, dust, waste and lighting.

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

No other responses have been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located inside the defined settlement boundary and in the defined Local and Neighbourhood Centre for Church Village. The following policies are considered to be relevant in the determination of this application:

Policy CS2 – Development in the South: sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy AW1 – Supply of New Housing: states that the supply of new housing will be met by the conversion of suitable structures to provide housing.

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

Policy AW4 – Community Infrastructure & Planning Obligations: details the criteria for planning obligations, including Community Infrastructure Levy (CIL).

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.

Policy AW11 – Existing Employment and Retail Uses: development proposals promoting alternative uses for employment units will be permitted where the site is not identified by the allocating policies and the retention of employment sites have been fully explored without success by way of marketing for appropriate employment purposes at a reason market rate for a minimum of 12 months.

Policy SSA11 – Housing Density: requires a minimum of 35 dwellings per hectare.

Policy SSA12 – Affordable Housing: requires the provision of 20% affordable housing on sites of 5 or more units.

Policy SSA13- Housing Development within Settlement Boundaries: permitted development within the defined settlement boundary where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

Policy SSA16 – The Retail Hierarchy: sets out the retail hierarchy in the Southern Strategy Area and defines Church Village as a Local and Neighbourhood Centre.

Supplementary Planning Guidance

Design and Placemaking

Affordable Housing
Planning Obligations
Access Circulation and Parking
Development of Flats

Licensing of Houses in Multiple Occupation – A Landlords Guide to Standards in HMOs (2019)

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 2: Planning and Affordable Housing;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application seeks to convert the property from offices to 8 self-contained studio flats. The proposal includes a two-storey extension at the rear of the property.

The site is located within the defined settlement boundary and is within the defined Local and Neighbourhood Centre of Church Village, as set out in Policy SSA16 of the Rhondda Cynon Taf Local Development Plan. Due to its location, the site has good access to a number of key local services and facilities and is accessible by sustainable transport options. The site is also conducive to travel on foot and bicycle. Whilst the development would consist of highly vulnerable development, the site is not situated within Zone C2 floodplain. The site is therefore considered to be situated within a highly sustainable location, as defined by Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

Whilst the site is situated within the defined Local and Neighbourhood Centre for Church Village where the retention of retail/commercial uses should prevail, the proposal to convert the property for residential purposes is considered to be acceptable. The property is situated on the fringe of the retail centre and is understood to have been vacant for over a year. The applicant has provided evidence which demonstrates that the property had been marketed by professional agents since March 2020, prior to the applicant purchasing it in March 2021. It is therefore considered that the application complies with Policy AW11.

The COVID -19 pandemic has also had a major impact upon the economy and retail activity with a significant increase in online shopping. Whilst it is likely that there would be an economic recovery, the prospect of this property being occupied by an A1, A2 or A3 use is unlikely, given the scale of the property. It is also considered unlikely that the property would be reutilised as an office space. As such, there is a great possibility that the site could remain vacant for quite some time and it is considered that the conversion of the building to 8 residential units would provide some support to existing businesses within the retail centre. Whilst the loss of a commercial unit in the Local and Neighbourhood Centre is regrettable, when weighed against the evidence provided by the applicant and the possibility of the property remaining vacant for a long period of time and subsequently falling into a poor state of repair, the proposal is considered to be acceptable.

Furthermore, a planning application for the conversion of the property to a single residential dwelling (planning ref. 21/1005) has recently been approved and so the principle of using the site for residential purposes has already been established. The previously approved application included an extension of a similar scale to that currently proposed.

Policy SSA11 seeks to ensure that residential development has a minimum of 35 dwellings per hectare. The proposal would provide a density of 100 dwellings per hectare (on the basis of 8 units on a parcel of land measuring 0.07 hectares) and the application would therefore comply with this policy.

Policy SSA12 seeks a provision of 20% affordable housing on sites of 5 units or more. The Council's Housing Strategy team have reviewed the application and advise that a financial contribution for the provision of affordable housing off-site rather than on site social housing provision would be appropriate in this case.

In light of the above, the principle of converting the property to 8 self-contained residential flats is considered to be acceptable, subject to consideration of the criteria set out in the subsequent sections below.

Impact on the character and appearance of the area

The front of the property would remain largely unaltered with the only visible alterations being the reduction in size of the window in the existing single storey projection and the construction of a 1.5 metre high wall and gate to enclose the front garden area. Neither of these alterations would have a significant impact upon the character and appearance of the property or the wider street scene.

The proposed two-storey extension at the rear would form a sizeable addition to the property however it is not considered that it would be unacceptable when considering the scale of the existing building and the fact that it would not be visible from the street scene. The extensions would be in-keeping with the scale and design of the application property and materials of render, concrete roof tiles and upvc windows and doors would ensure that it would not appear to be visually prominent within the wider area. Furthermore, there are extensions of a similar scale and design at the rear of other properties along this row.

As such, it is considered that the proposal would have a positive impact upon the character and appearance of the application property and the wider area and the application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taff Local Development Plan.

Impact on residential amenity and privacy

Existing Residents

As indicated previously in this report, the proposed two storey extension is of a similar scale and design to that previously approved under planning application ref. 21/1005. The only visible difference is that the extension currently proposed extends to the full depth of 7.5 metres at both ground and first floor, whereas the extension previously approved was set back at first floor on one side to provide for a balcony from the master bedroom. The difference between that currently proposed and that previously approved in terms of impact would be minimal with the first floor projecting 2 metres beyond that previously approved. Furthermore, given the off-set relationship between the application property and the neighbouring property to the west, the extension would be unlikely to give rise to any significant overbearing or overshadowing impact.

In terms of overlooking, the fenestration detailing of the extension has been changed in comparison to the extension previously approved. The extension would now incorporate standard casement windows rather than large bi-fold doors that would open onto a garden/balcony. This would reduce the level of actual and perceived level of overlooking from the extension towards properties at the rear of the site. Furthermore, the distances between the extension and the rear elevations of the nearest residential property (no. 17 Brookdale Court) would be approximately 31 metres with any views between habitable windows being oblique rather than direct. There may be views towards the rear garden of no. 17 however the distances between the extension and the boundary would be approximately 20m and is considered to be acceptable.

There is some concern that the proposal could result in some degree of noise and disturbance as a result of the comings and goings of future residents of the flats however, given that the site is located in a retail area with commercial properties either side of the property, it is considered that existing residents in the area (i.e. residential properties opposite the site) would already be accustomed to some degree of noise and disturbance from the mixed character of the area.

Future Occupiers of the Flats

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

Whilst the floor areas for each studio flat, which vary between 19.57 sqm and 32.40 sqm, are considered to be on the small side, these dimensions are greater than the requirement set out in the Council's guidance document – 'A Landlords Guide to Standards in HMOs'. Whilst the document specifically relates to HMOs, Appendix 3 of the document provides minimum sizes for units of accommodation with some shared basic facilities, such as bedsits. It states that a unit for a single person with 1 room only, which includes kitchen facilities, is 13 sqm. In the case of this application, each flat would incorporate kitchen facilities with a communal laundry room at ground floor and would therefore comply with the minimum requirements.

Furthermore, each studio flat would be served by a window which would ensure that a reasonable level of natural daylight and ventilation could be achieved whilst also providing a reasonable outlook. All 8 flats would be accessed via pedestrian access door to the front whilst 3 of the flats would also have a secondary access either to the front or the back of the property. There is also a small area proposed at the rear for use as a communal garden and whilst the area is not considered to be particularly spacious or inviting (given that it would be located adjacent to the 8 off-street car parking spaces), the size of the space provided would not warrant the refusal of the application, particularly given that there are a number of public amenity spaces in the wider area.

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

Access and highway safety

The proposal has been assessed by the Council's Highways and Transportation section and no objection has been raised. The comments received indicate that the application site is served via an existing dropped kerb off Main Road which is proposed to remain unchanged and is considered to be acceptable. It is also noted that the site is situated within Parking Zone 3 and that the proposal for 8 studio flats would require two off-street car parking spaces per flat (total no. required: 16). The proposal would provide 8 off-street car parking spaces which would lead to a shortfall of 8 spaces. However, given that car ownership rates for residents of flats is considered to be lower and that the proposed development is situated in a sustainable location with both bus and rail stops being within reasonable distance, the shortfall in spaces is considered to be acceptable in this regard.

In light of the comments received from the Council's Highways and Transportation section, it is not considered that the proposal would have an adverse impact 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.

Drainage

The Council's Flood Risk Management team have not raised any objection to the proposal or recommended any condition in relation to land drainage. The response received indicates that the development would encompass works that would have drainage implications over 100 sqm and it is therefore considered that the developments surface water risk will be adequately managed by both Schedule 3 of the Flood and Water Management Act 2010 and by Building Regulations.

The application is therefore considered to be acceptable and in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

Ecology

The proposal would not result in any works to the roof or roof space and the Council's Ecologist has not requested any bat or ecological surveys.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £30,469.83

Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables Local Planning Authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

The Welsh Government Development Management Manual and Welsh Office Circular 13/97 Planning Obligations provide procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

Policy SSA12 of the Rhondda Cynon Taf Local Development Plan seeks a provision of 20% affordable housing on sites of 5 units or more. The Council's Housing Strategy team have reviewed the application and advised that a contribution to the provision of affordable housing off-site rather than on site social housing provision would be appropriate in this case.

Conclusion

The principle of converting the property to a residential use is considered to be acceptable. It is not considered that the works to facilitate the proposed 8 no. studio flats would have an adverse impact upon the character and appearance of the site or surrounding area, nor would they or the proposed use adversely impact upon the amenity and privacy of neighbouring occupiers. The proposal would provide 8 off-street car parking spaces at the rear of the property and whilst this would create a shortfall in parking, no objection has been raised by the Council's Highways and Transportation section in terms of the potential impact of the proposal upon highway safety in the vicinity of the site. The proposal is therefore considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan and it is recommended that the application is approved, subject to conditions and a Section 106 Agreement for a contribution to the provision of off-site affordable housing.

RECOMMENDATION: Approve, subject to condition and S106 Agreement

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority on 18th October 2021, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. NT003 Rev B. Proposed Elevation Plans;
- Drawing No. NT004 Rev B: Proposed Elevation Plans;
- Drawing No. NT005 Rev C. Site Plan, Proposed Front Wall Plan and Proposed Block Plan;

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

3. The 8 parking spaces shown on the submitted plan (NT 005 C) shall be implemented to the satisfaction of the Local planning Authority prior to beneficial occupation. The parking spaces shall be retained in perpetuity in connection with the flats unless otherwise agreed in writing by the Local Planning Authority.

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

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PLANNING & DEVELOPMENT COMMITTEE

16 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1310/10 (GH)
APPLICANT: Cynon Taf Community Housing
DEVELOPMENT: Demolition and redevelopment to provide residential dwellings and associated works. (Historic Building Recording Report received 22nd November 2021)
LOCATION: PENYGRAIG INFANTS SCHOOL, HENDRECAFN ROAD, PEN-Y-GRAIG, TONYPANDY, CF40 1LJ
DATE REGISTERED: 24/09/2021
ELECTORAL DIVISION: Penygraig

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS AND SECTION 106 AGREEMENT

REASONS: The site layout and the design of the development would provide an attractive and appropriate use of the former school site and would be of an appearance and scale sympathetic to the surrounding properties and street scene.

Furthermore, the 100% affordable dwellings would also provide a helpful contribution towards local housing needs as identified by the Council's Local Housing Market Assessment 2017-2023.

Given the position of the site within the settlement boundary, its sustainable location and the beneficial re-use of this previously developed land, the development would comply with the Northern Strategy Area policies of the Rhondda Cynon Taf Local Development Plan and align with the National Sustainable Placemaking Outcomes set out within PPW11.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal constitutes major development, which is not covered by determination powers delegated to the Director of Prosperity & Development

APPLICATION DETAILS

Full planning consent is sought for the demolition of the former Penygraig Infants School, Hendrecafn Road, and the construction of 12 affordable dwellings on behalf of a Registered Social Landlord (RSL).

It is proposed to provide the following accommodation:

Block 1: 4 x one-bedroom apartments

Block 2: 4 x one-bedroom apartments

Block 3: 1 x three-bedroom 'Bariatric' ground floor apartment
2 x two-bedroom apartments

Bungalow: 1 x three-bedroom adapted for wheelchair use

The apartment blocks would be aligned with the northern and western site boundaries adjacent to Station Street and Hendrecafn Road. They would be of two storey height and walk-up type, i.e., each apartment would have its own external front door rather than a communal entrance. In respect of the bungalow, this would occupy the southern, narrowest part of the site.

The proposed vehicular access would be from Hendrecafn Road, and this would lead to a small car park providing fourteen off-street spaces. Pedestrians could also enter the site at this point, in addition to a new pedestrian access onto Station Street. The submitted details also includes space for a cycle store and a communal drying area.

Although the bungalow would benefit from a separate enclosed garden, the proposed site layout plan incorporates three rain gardens and a bio-retention swale. Alongside a number of specimen trees and grassed areas, these features would provide amenity space and interest for residents as well as delivering the required elements for the sustainable drainage scheme.

With regard to external finishes, the development's elevations would comprise larch cladding over white render, with the structures to be enclosed by a dark grey standing seam metal roof. Fenestration and fascias would be light grey PVCu. Each first floor flat would also benefit from a small balcony.

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

- Preliminary Ecological Assessment
- Ecological Impact Assessment
- Bat Surveys
- Heritage Statement
- Pre-Demolition Survey
- Asbestos/Refurbishment Demolition Survey Report
- Pre-Application Consultation Report (PAC)
- Planning Design and Access Statement
- Drainage Strategy

- Geotechnical/Geo-environmental Reports
- Historic Building Recording Report

SITE APPRAISAL

The application property is a large, Victorian school building located in the centre of the settlement of Penygraig. The property formerly accommodated Penygraig Infants School, but since closure has become vacant.

This prominent structure, which comprises an irregular, h-shaped footprint, occupies the northern end of this constrained site; whilst that to the south of the building is of hardstanding and was previously used as a playground.

The former school is characterised by the surrounding topography in that there is a marked fall towards the north-east. The school boundaries are formed by Hendrecafn Road to the south-west and Station Street to the north, and to the eastern side, by the properties located along Tylacelyn Road.

The majority of the properties in close proximity to the site are typical Victorian terraces, mostly in residential use and with some retail units. However, the rear elevation of the listed Pysgah Chapel almost intersects with the rearmost wing of the School building.

The site, which is within the defined settlement boundary, is located within a High Risk Coal Area, and part of a Registered Landscape of Outstanding Historic Interest in Wales.

PLANNING HISTORY

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

19/5041/41: Pre-application advice – residential development.
Decision: 01/07/2019, Raise No Objections.

PUBLICITY

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

Furthermore, in accordance with the Development Management Procedure Order (Wales) the relevant press notice was published on 11th October 2021 identifying that the proposal constitutes major development.

One letter of objection has been received raising concerns about the number of dwellings being proposed and that insufficient parking provision would cause overspill onto local roads that are already oversubscribed by parking demand.

CONSULTATION

Highways and Transportation

No objection subject to conditions in respect of site access and parking, a construction method statement, surface water drainage, and footway reinstatement.

Flood Risk Management

The proposal concerns the demolition and redevelopment of Pen-y-Graig Infants School, Hendrecafn Road to provide residential dwellings. A total site area of 1784 sq. metres has been identified by the applicant.

Natural Resources Wales' Surface Water Flood Risk maps have been used to review the site's surface water flood risk, as per Paragraph 8 of Tan 15. The review concluded that the site is not within an area of surface water flood risk.

Given the total construction area is greater than 100m², under Schedule 3 of the Flood and Water Management Act 2010, the applicant will be required to submit an application to the SuDS Approval Body (SAB). The applicant is also required to comply with Part H of the Building Regulations.

Whilst the applicant has effectively outlined how surface water will be managed and disposed of at the site, the applicant will also need to provide detailed drainage calculations to support the proposed scheme. Therefore, I would recommend that the application be conditioned in that regard.

Public Health and Protection

No objection although conditions are recommended in respect of demolition, noise, dust, waste, and lighting. However, given that these matters will fall within either the scope of existing Public Health powers, or a Construction Method Statement, it is considered that an informative note is appropriate.

Glamorgan Gwent Archaeological Trust

The submitted Historic Building Recording Report is appropriate and will be added to the GGAT Historic Environment Record (HER). There is no need for a condition in this regard.

Natural Resources Wales

No objection to the development as submitted.

NRW notes that the report submitted in support of the application has identified that bats are present at the application site but does not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned, at a favourable conservation status in its natural range.

No conditions are recommended; however, an informative note should be appended to any planning permission to advise that a European Protected Species Licence is required for this development.

Dwr Cymru Welsh Water

Dwr Cymru Welsh Water has confirmed it has been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

DCWW has reviewed the information submitted as part of this application with particular focus on the Drainage Layout Drawing No. S.7700-06 revision E and advises that foul water flows can be accommodated in the public sewer system.

However, a condition is recommended for the submission of details in respect of a potable water scheme for approval, together with an advisory note in respect of sewer provision.

Western Power Distribution

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

Streetcare – Waste and Recycling

It is not known whether vehicles could access the internal part of the site and the Waste Team advises that bin collection points can be reviewed as work progresses.

Countryside – Ecologist

The Council's Ecologist has reviewed the various ecology surveys for this site including the January 2020 and August 2021 bat surveys and the September 2021 Ecological Impact Assessment, all produced by Ecological Services Ltd. The building also supports small common and soprano pipistrelle bat roosts. A NRW European Protected Species Licence will therefore be required.

Consequently, the Ecologist has advised that enough survey work has been done, and the application can proceed subject to a condition for all ecological mitigation/enhancement measures identified in the ecology reports, together with replacement roost/nest provision for both tawny and barn owls.

The Coal Authority

The application site falls within the defined Development High Risk Area and The Coal Authority advises that its records indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of the planning application – specifically that the site has been subject to historic recorded underground shallow coal mining.

The Coal Authority notes the supporting Geotechnical and Geo-environmental Report (April 2019, prepared by Terra Firma Ltd), the contents of which confirm the results of an intrusive site investigation undertaken. On the basis that the boreholes identified sufficient competent rock cover above the shallow coal mine workings, the Coal

Authority is satisfied the site is safe and stable to accommodate the proposed development and has no objections to this planning application.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Penygraig

Policy CS1 - Emphasises sustainable growth in the northern strategy area, achieved by promoting residential development in locations which support and reinforce the roles of Key Settlements, and ensuring the removal and remediation of dereliction by promoting the re-use of previously developed land.

Policy CS5 - Identifies that there is a need to provide 1770 affordable housing units over the plan period.

Policy AW1 - Concerns the supply of new housing within the Borough and stipulates that the supply will be met by the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

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

Policy AW4 - Identifies a range of community infrastructure and planning obligations that may be sought, including affordable housing.

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

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

Policy AW8 - Seeks to protect the natural environment from inappropriate development unless there would be no unacceptable impact upon the features of importance to landscape or nature conservation, including locally distinctive trees and woodland.

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

Policy NSA10 - Stipulates that the net residential density must be a minimum of 30 dwellings per hectare, and lists criteria where lower density levels are permitted.

Policy NSA11 - Seeks a provision of at least 10% affordable housing on sites of 10 or more units.

Policy NSA12 - Requires housing development within the settlement boundary to be accessible to local services by a range of sustainable transport modes without

adversely affecting the highway network or provision of car parking in the surrounding area. Contaminated land must also be adequately remediated.

Supplementary Planning Guidance

- Design and Place-making
- Access, Circulation and Parking Requirements
- Affordable Housing
- Planning Obligations
- The Historic Built Environment
- Nature Conservation
- Development of Flats

National Guidance

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

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

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

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

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

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 5: Nature Conservation and Planning

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

Permission is sought to demolish the former Penygraig Infants School and develop 12 dwellings in its place. The development would consist of 8 one-bed flats, 2 two-bed flats, 1 three-bed flat, and 1 three-bed bungalow.

The site is situated in the Northern Strategy Area within the defined settlement boundary as per Policy NSA 12. Consequently, a minimum provision of 10% affordable housing is required in order to comply with Policy NSA11.

The applicant is proposing 100% of the units to be affordable dwellings, and the Council's Housing Strategy Team has advised that the unit mix and tenure would accord with the Local Housing Market Assessment 2017/23. This clearly satisfies the requirements of Policy NSA11 and makes a contribution to the affordable housing need identified by policy CS5.

The minimum net residential density permitted by Policy NSA10 is 30 dwellings per hectare. The site is approximately 0.178 hectares, therefore resulting in a net residential density of approximately 78 dwellings per hectare. The proposal subsequently complies with Policy NSA10.

The development of unallocated sites within the defined settlement boundary is supported by Policies AW1 and AW2. The proposal also complies with Policy CS1 and PPW11, particularly in relation to the national sustainable placemaking outcomes, both of which promote the redevelopment of previously used land in preference to Greenfield sites.

The site is within the defined settlement boundary and is accessible by sustainable transport modes including bus, foot and bicycle. The site also has good access to key services and facilities, being located close to the retail centre of Penygraig. The site can therefore be considered a sustainable location in accordance with the other relevant criteria of Policy AW2.

In principle therefore, the development would be considered acceptable, subject to the consideration of the material matters below.

Impact on the character and appearance of the area

It is noticeable that the footprint of the four buildings which comprise the proposed housing scheme are comparable with that of the former school, and thus the space around the buildings and proportions of undeveloped land are similar.

Therefore, since all but one of the new units are flats and the site is in an urban location the density of the development, at approximately 78 dwellings per hectare, is appropriate to the setting and there is no sense of overdevelopment.

Likewise, the massing of the development would also compare well with the school buildings since none of the new dwellings exceed two storeys. Blocks 1 and 2 in particular, would be set back from and below the level of Hendrecafn Road, with some defensible space between the elevations of habitable rooms and the boundary with the highway.

In terms of the latter, the stone boundary walls are proposed to be retained as per the existing, or where the school elevations were directly adjacent to footways, these would be lowered and topped with metal railings, thus preserving some of the character of the site, and softening the impact of the contemporary development design.

As seen from Station Road, the falling land levels towards the east means that Block 3 will appear to rise above the boundary, as is currently the case for the school, whereas the dwellings on the opposite side are staggered so they sit at ground level. Nonetheless, given the domestic scale and dimensions of the block, it would not be considered to appear incongruous. With regard to the bungalow, its single storey height means that it would have minimal impact on the street scene and would mostly be screened from adjoining land.

The internal arrangement of the development would see the four new buildings set around a car park with planted areas as part of the sustainable drainage scheme. Both this and the variety of surface finishes would create an interesting and attractive shared space and represent a considerable improvement on the current appearance of the site. This outlook and provision of natural light and drying space accords with the aims of the Council's SPG for the development of flats.

Consideration was also given to the impact of the development on the neighbouring Pispah Chapel which, as outlined above, is a Listed Building. The current school elevations are very close to the rear of the Chapel and obscure views. However, post development this would no longer be the case, which would be considered to a betterment to its setting.

Consequently, the proposed development is considered to be acceptable in terms of its design, siting, massing, scale, materials, and overall visual appearance.

Impact on neighbouring occupiers

The physical relationship between the school buildings and surrounding dwellings at this site is long established and given that the proposed new buildings are of a similar scale and mass to those which would be demolished, there are few concerns that their replacements would result in unacceptable detriment to outlook or create overshadowing.

However, whilst there is no question about the compatibility of having one residential land use alongside another, the development of the site for this purpose still requires careful consideration.

School buildings tend only to be occupied at certain times of the day during term time, unlike dwellings. Therefore, whether a classroom window overlooks a garden or benefits from intrusive views towards habitable rooms of neighbouring dwellings is less of a concern than it might be if those views were from another house or flat.

At their closest point the elevations of Block 1 would be 13m away from the existing houses on the opposite side of Hendrecafn Road. Nevertheless, the ground floor of Block 1 would have a datum level of 160.55, which means that its first floor would be at a similar level as the ground floor of those houses (estimated at a minimum of 162.78) and therefore no intrusive views from the flats, or their small balconies, could occur.

In respect of the properties at Tylacelyn Road to the east, the closest part of the new development, other than the bungalow, would be Block 3. Block 3 would be positioned side-on to their rear gardens so only very skewed views might be possible from a first floor flat. The distance from the closest flat to the rear elevations of no's 99-100 Tylacelyn Road is estimated at around 20m, which given the angle of skew, is considered sufficient to prevent harm to amenity.

Lastly, there are six terraced properties opposite the northern site boundary on Station Street immediately adjacent to the highway. Five of these appear to be dwellings and the sixth a veterinary practice. Blocks 2 and 3 would directly face those dwellings and both new and existing development would have reciprocal views, which causes some concern when the gap between opposing elevations would be no greater than 14m.

Nonetheless, given the small number of relevant windows and affected properties, and in the absence of any neighbour representations to the contrary, these concerns are not considered to be of significant detriment set against the wider benefits of the scheme. It is also noted that this relationship of opposing elevations separated only by the width of the highway is commonplace within the surrounding area.

Subsequently, the application is considered acceptable in terms of the potential impact on the amenity and privacy of neighbouring residents.

Access and highway safety

Access

There are two existing access points onto the site for both vehicles and pedestrians, one from Station Street and one from Hendrecafn Road. The application proposes direct pedestrian access from Station Street with vehicular and pedestrian access off Hendrecafn Road, and with vehicular parking served via a private parking court.

Hendrecafn Road

This has a carriageway width of 6.3m with footway width varying between 1.6m-1.8m, which is acceptable for safe vehicular and pedestrian movement. There are existing Traffic Regulation Orders on Hendrecafn Road preventing on-street car parking on the opposite side to maintain the free flow of traffic, and restrictions for car parking outside peak times which are appropriate to remain.

The proposed vehicular access from Hendrecafn Road is acceptable, having taken into account the horizontal geometry of Station Street and the high on-street car parking demand opposite the entrance, where a residential permit holder parking scheme operates.

There is an existing vehicular crossover serving the school which will become redundant as part of the proposal and should therefore be reinstated in full footway construction, for which a condition is recommended.

Station Street

Station Street measures 6.1m in width, has parking restrictions on the development side and resident only car parking opposite. There is high on-street car parking demand due to the surrounding terraced dwellings having no off-street car parking provision or opportunity to provide any.

Pedestrian access to the site would be gained via 1.8m wide continuous footways which is acceptable for safe movement. However, similar to that on Hendrecafn Road, there is an existing vehicular crossover which would become redundant as part of the proposal and the aforementioned condition will also secure footway reinstatement here.

Internal Layout

The applicant has submitted a scheme for 12 dwellings with a parking court providing 14 off-street car parking spaces. The access serving this would be 4.8m wide which is acceptable for safe two-way vehicular movement. Circulation within the car parking court is acceptable with a 6m reversing aisle width for safe vehicular movement.

The access off Hendrecafn Road should provide un-controlled pedestrian crossing facilities, demarcation kerbing to denote the extent of adopted highway and vision splays of 2.4m x 25m in accordance with Manual for Streets for a 20mph speed limit area, for which a condition is recommended.

Parking

The proposed development provides accommodation for 8 x one-bed apartments, 2 x two-bed apartments and 2 x three-bed units (bungalow & apartment), for which the Council's SPG identifies a maximum off-street car parking provision of 26 spaces for residents and 2 spaces for visitors (28 spaces).

The proposed off-street car parking comprises 1 space per one and two-bed apartment (10 spaces) and 2 x spaces per three-bed units (4 spaces), in addition to the potential for short term visitor parking on the access road whilst maintaining vehicular access.

Since the site is located within a sustainable location within easy walking distance of public transport links and Penygraig retail area, the proposed 14 off-street parking spaces are considered to be acceptable.

Cycle Parking

The proposed development provides for secure cycle storage to promote sustainable modes of transport.

Active Travel

Planning Policy Wales and the Active Travel (Wales) Act 2013 set out walking, cycling and public transport at the top of their hierarchy of sustainable modes of travel. As a former school site the proposed housing development is within an area with good links to public transport with safe walking routes, which would accord with the aim to promote sustainable modes of transport.

SAB Layout (Drainage)

The Highways and Transportation Section has noted that the manhole proposed to connect to the surface water drainage to is a combined Dwr Cymru Welsh Water manhole and connection / approval should be sought from that statutory undertaker. The Section is not aware of any highway surface water drain within the vicinity.

National Sustainable Placemaking Outcomes

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

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

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

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

- **Creating and Sustaining Communities:** The development density is appropriate for an urban location and would contribute to the overall housing requirement within the Northern Strategy Area. As a social housing scheme, it is of particular relevance in meeting a society need.
- **Facilitating Accessible and Healthy Environments:** The application site is close to a bus route with some services and facilities located within walking distance and being within the settlement boundary is considered to be a sustainable location.
- **Making Best Use of Resources:** The development accords with the aim to prioritise the use of previously developed land.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and create footfall for local businesses.
- **Maximising Environmental Protection:** The development would include biodiversity enhancement measures by way of bat and owl roosting provision.

In respect of the other national outcomes listed the development would be considered to have a neutral impact.

Community Infrastructure Levy (CIL) Liability

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

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

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 S106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is only intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

In this case the proposed development, on behalf of the Registered Social Landlord Cynon Taf Community Housing, would provide 100% affordable housing for social rent.

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

Conclusion

The application site is located within the settlement boundary and the principle of residential development would therefore be acceptable and accord with both the Core, Area Wide and Northern Strategy Area policies of the Rhondda Cynon Taf Local Development Plan.

The proposed redevelopment of the School site is considered to be acceptable in principle and the new dwellings would be compatible with neighbouring mixed land uses. Furthermore, the proposed housing development has been designed for and in accordance with a registered social landlord and will provide beneficial re-use of an existing brownfield site in a sustainable location.

RECOMMENDATION: GRANT SUBJECT TO SECTION 106 ABOVE AND CONDITIONS BELOW

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

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

2. The development hereby approved shall be completed in accordance with the approved drawings and documents:
 - A002 Rev C
 - A003 Rev B
 - A004 Rev B
 - A005 Rev B

- A006 Rev C
- A007 Rev B
- A008 Rev C
- A009 Rev B
- A010 Rev C
- A011 Rev B
- A012 Rev C
- Landscape Planting LA.02
- Site Cross Sections S.7700-10

and details and documents received on 24th September 2021 and 22nd November 2021.

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

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

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

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

4. No development shall commence, other than demolition, until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of the first unit. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply, in accordance with Policies AW2 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence, other than demolition, until details of how the development will comply with the requirements of Section 8.3 of PPW Technical Advice Note 15 have been submitted to and approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and prior to beneficial occupation of the first unit.

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

6. No development shall commence, other than demolition, until design and details of the following have been submitted to and approved in writing by the Local Planning Authority:

i) Reinstatement in full footway construction of the two existing vehicular crossovers.

ii) The new vehicular access, to include:

a) vision splays of 2.4m x 25m with no planting or obstruction above 0.9m within the vision splay area.

b) demarcation kerbing and un-controlled pedestrian crossing point have been submitted to and approved in writing by the Local Planning Authority.

The approved details shall be implemented prior to beneficial occupation of the first unit.

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

7. Prior to beneficial occupation of the development, the means of access, together with the parking and turning facilities, shall be laid out in accordance with layout drawing A002 and surfaced in permanent materials. The car parking spaces shall remain for the parking of vehicles thereafter.

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

8. All species mitigation and enhancement measures identified within Sections 4 and 5 of the Ecological Impact Assessment (Ecological Services Ltd, dated 20th September 2021), shall be provided and implemented on site, including the temporary and permanent roost/nest measures relating to tawny and barn owls (as identified within an email from Liam Griffiths of Asbri Planning to the Local Planning Authority, dated 4th November 2021).

All permanent mitigation and enhancement measures shall be provided prior to the beneficial occupation of the first unit and maintained in good order in perpetuity.

Reason: In the interests of biodiversity and nature conservation in accordance with PPW11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

9. No surface water run-off from the proposed development shall discharge onto the public highway or be connected to any highway drainage system.

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

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PLANNING & DEVELOPMENT COMMITTEE

16 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1330/10 (GH)
APPLICANT: RHA Wales
DEVELOPMENT: Affordable housing development, comprising of 11 no 1 bed apartments and 2 no 2 bed fully adapted apartments together with car parking, landscaping, ancillary works.
LOCATION: 122-126 DUNRAVEN STREET, TONYPANDY, CF40 1QB
DATE REGISTERED: 01/10/2021
ELECTORAL DIVISION: Tonypany

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS: The site is located within the settlement boundary and the principle of residential development would therefore be acceptable and compatible with surrounding land uses.

The new dwellings would benefit from being sustainably located and convenient for public transport and links for onward travel. They would also be within immediate walking distance of a range of shops, services and facilities, thus bringing additional footfall and contributing to the vitality and viability of the retail zone.

The proposed development would provide a valuable contribution towards addressing local housing needs as identified by the Council's Local Housing Market Assessment.

In addition, the design and scale of the development would be sympathetic to the surrounding built environment and contribute towards an attractive street scene making use of a previously developed brownfield site.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning consent is sought for the construction of an affordable housing development on the site of the former property at 122-126 Dunraven Street.

As Members will be aware, what remained of the fire-damaged structure at this central town centre site has since been demolished and in its place a four storey residential building is proposed on behalf of Rhondda Housing Association.

The new building would be of a contemporary style, with external elevations mainly of face brickwork and render. Its layout would make use of a split-level approach to manage the north-easterly fall towards Dunraven Street and maximise the use of the site.

The design would incorporate interesting design features such as twin parapet gables to the front, a double height hanging bay to the side, a section of split-face stone to the front, and a metal clad window surround to the side/rear. The size and positioning of fenestration would be of a regimented form, but would include Juliet balconies to most, if not all, apartments.

The southern part of the building, being set back a little further from Dunraven Street and with a lower ridge and hipped roof gives the impression of a subordinate wing, whilst the rear offshot section would project over the rear yard, small parking area, and bin/cycle stores.

Externally, the boundary features would make use of pennant stone and metal railings and would enclose an area which would both be accessible to residents as amenity space and provide a sustainable surface water drainage feature. The vehicle and pedestrian entrances to the site would be from Eleanor Street to the rear/side.

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

- Pre-Application Consultation Report (PAC)
- Design and Access Statement
- Drainage Strategy
- Sustainability and Parking Statement

SITE APPRAISAL

The application site formerly accommodated a large, three-storey detached Victorian building, located at Dunraven Street in the centre of Tonypany.

The building, which comprised retail units at ground floor level and residential accommodation above, was gutted by a fire. The remaining structure comprised the shell and part of the roof and was subsequently demolished.

The site occupies a prominent position in the public realm and is directly adjacent to the main shopping street to the north-west, a pedestrian passage to the south-east, and by Eleanor Street and a service lane to the south-western rear.

Being both within the settlement boundary and the defined retail centre, the town centre location means that the surrounding uses are mixed, and there are a range of residential and retail uses within a short walking distance.

Other than for the retail centre location, there are no other specific policy or environmental designations that are of particular relevance to the site.

PLANNING HISTORY

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

- 21/5078/41:** Pre-application advice - Redevelopment of site to provide 13no. affordable apartments, landscaping, car parking, drainage infrastructure and associated works. Decision: 22/07/2021, Raise No Objections.
- 20/1374/23:** Demolition of buildings. Decision: 13/01/2021, Permission not required.
- 20/1419/23:** Demolition of fire damaged structure at 122-126 Dunraven Street. Decision: 12/01/2021, Permission Required.
- 09/5521/25:** External alterations. Decision: 20/08/2009, Permission Required.
- 06/0875/10:** Fit a new shop front. Decision: 26/07/2006, Grant.

PUBLICITY

The application has been advertised by direct notification to 24 neighbouring properties and notices were displayed on site.

Furthermore, in accordance with the Development Management Procedure Order (Wales) the relevant press notice was published on 8th October 2021 identifying that the proposal constitutes major development.

One objection was received raising the following concerns:

- We were initially led to believe that the building would be replaced as before with shops on the ground floor and flats above. Tonypany is a shopping town, and the emphasis of the Council should be on bringing new business to the town, although not takeaways, there are too many already. The building should not be solely residential.
- There is already a problem with drugs in the town and a number of 1 bedroom flats will only exacerbate that problem.

CONSULTATION

Highways and Transportation

No objection, subject to conditions.

Flood Risk Management

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

Public Health and Protection

No objection although conditions are recommended in respect of demolition, noise, dust, waste, and lighting. However, given that these matters will fall within either the scope of existing Public Health powers, or a Construction Method Statement, it is considered that an informative note is appropriate.

Natural Resources Wales

No objection or comment.

Dwr Cymru Welsh Water

No objection subject to an informative note regarding the position of a sewer crossing the site.

Western Power Distribution

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

South Wales Fire and Rescue Service

Advice has been provided for the benefit of the Developer relating to adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances.

Countryside – Ecologist

No objection, subject to a condition for the submission of mitigation measures for bats and nesting birds.

Waste and Recycling

Initially there was a concern regarding the location of the proposed bin stores in relation to Dunraven Street and collection by waste crews. Subsequently, a meeting took place with the Waste Team, Case Officer, Agent and Applicant at which it was resolved that it would be acceptable for waste to be placed at the side lane and that this would be managed by RHA.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Tonypanydy

Policy CS1 - emphasises sustainable growth in the Northern Strategy Area, achieved by promoting residential development in locations which support and reinforce the roles of Key Settlements, and ensuring the removal and remediation of dereliction by promoting the re-use of previously developed land.

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

Policy AW1 - sets out how the housing requirement figure will be met during the plan period. This includes but is not limited to the development of unallocated land in the settlement boundary and through the provision of affordable housing.

Policy AW2 - seeks to ensure that development is in sustainable locations. The policy sets out criteria which defines these locations, these include but are not limited to the following:

- Are within the defined settlement boundary.
- Would not unacceptably conflict with surrounding uses.
- Have good accessibility by a range of transport options.
- Have good access to key services and facilities.
- Support the roles and functions of the Principal Towns and Key Settlements and smaller settlements.

Policy AW4 - notes that planning obligations may be sought to make development proposals acceptable in land use terms.

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

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

Policy AW8 - seeks to protect the natural environment from inappropriate development unless there would be no unacceptable impact upon the features of importance to landscape or nature conservation.

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

Policy AW11 - alternative uses for existing retail sites will be supported where the redevelopment of vacant or derelict land will have significant regeneration benefits, and where compliance with Policy NSA19 can be demonstrated.

Policy NSA2 - proposals for residential and commercial development in Tonypanydy will be permitted where they support the role of the Key Settlement, are of high design standards and support the provision of local services.

Policy NSA10 - permits proposals with the net residential density is a minimum of 30 dwellings per hectare.

Policy NSA12 - permits residential development within the defined settlement boundaries subject to criteria.

Policy NSA18 - identifies the hierarchy of retail centres and the designation of Tonypanyd as a key settlement.

Policy NSA19 - supports development proposals for Class A1, A2, A3 and other uses which add footfall and contribute to the viability and vitality of the retail centre of Tonypanyd.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements
- Affordable Housing
- Planning Obligations
- Design in Town Centres
- Nature Conservation
- Development of Flats

National Guidance

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

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

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

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

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

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 5: Nature Conservation and Planning
PPW Technical Advice Note 12: Design
PPW Technical Advice Note 18: Transport

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The site is within the settlement boundary and within the retail centre of Tonypany where residential development would accord with LDP Policies CS1, AW1 and NSA12.

Policy AW2 lists a number of criteria that identify whether a site can be considered a sustainable location and, in this case, the key services and facilities within the retail centre of Tonypany would be within a very short walking distance. The development would also be accessible by sustainable transport modes including bus, train, foot, and bicycle.

Furthermore, PPW11 recognises that retail and commercial centres are the most sustainable places to live and notes that while A1 retail uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy.

Dunraven Street is the main street of the retail centre of Tonypany and provides the retail frontage. Therefore, whilst the principle of residential development above ground floors is fully supported, the preference would be to have a commercial unit (not necessarily retail) on the ground floor.

Policy NSA18 identifies that the site is within the retail centre of Tonypany where national policy would normally require retail use of ground floor premises to prevent the fragmentation of the retail offer and enhance vitality and viability. This is especially important in Key Settlements like Tonypany.

The Applicant's Agent has advised that RHA has deliberately excluded commercial uses from this application and focused on a solely residential scheme due to their ongoing commitment to regenerate the town. In partnership with others RHA is working on a number of regeneration projects within the town and their focus is to bring existing empty properties back into use, and to complement the existing offering rather than to compete.

The Agent noted that the former buildings that occupied the site had commercial units on the ground floor which had sat empty for a number of years which evidenced the demand for commercial premises was low, and therefore adding to the commercial units within the town would likely increase the vacancy rate with the potential of long term voids which wouldn't contribute in any way to the wider regeneration of the town. As such the proposals would bring a sustainable development which will positively impact on the town from an economical and regeneration perspective.

In addition, it has been confirmed that the social rented scheme has been designed by RHA Wales in dialogue with the Council's Housing Strategy Team to help address the need for additional affordable housing within Tonypany. The unit mix and tenure proposed are in accord with the Local Housing Market Assessment 2017/23, and, as such, this proposal satisfies Policy NSA11 of the adopted Local Development Plan.

Given the above, it is considered that the benefits from regeneration, taken into account with existing town centre vacancy rates, where just over 1 in 6 units are vacant, are sufficient to meet the requirements of Policies AW11 and NSA18.

Lastly, the minimum net residential density permitted by Policy NSA10 is 30 dwellings per hectare. The site is approximately 0.082 hectares, therefore resulting in a net residential density of approximately 162 dwellings per hectare, which would be well in excess of that required.

Consequently, and subject to the material matters below, the development is considered to be acceptable in principle.

Impact on the character and appearance of the area

The proposed development is considered to be acceptable in terms of the design, siting, massing, scale, materials and overall visual appearance. This view is taken for the following reasons:

Following discussions at pre-app stage some initial concerns were raised with regards to the proposals; these were focused primarily on materials and the extent of render proposed, together with building height and lack of amenity space.

As a result, the elevational treatment was re-considered, with large proportions of the elevations reverting to brickwork, and sections of render proposed to pick up the feature gable projections. These materials are similar to others located along Dunraven Street and would assimilate better.

The building height was reviewed by the Applicant, but no alterations have been made, due to the necessary floor height spacing to enable the provision of services commonly required in apartment schemes, e.g., water, heat and power infrastructure. This is recognised and scale and height of the building would not be incongruous in the central part of Tonypany where there are other tall buildings.

Furthermore, the scale of the new building would be comparable with what has been demolished and with some of the building forms, such as the feature gables being reproduced in the new proposals. The existing building also had some ornate date stones and it's proposed that these are retained and re-used on the new building.

The building has been designed to include active frontages and windows to all outward facing facades to ensure natural surveillance is achieved. Previously, this was not the case to the rear of the site, and both this and the widening of the side lane should help to deter anti-social behaviour including vandalism which is visible to walls.

Therefore, it is considered that the proposals will introduce an attractive building of an appropriate civic scale, that will enhance the character or appearance of the area.

Impact on the amenity of residents

As noted above the position and scale of the building is similar to that which formerly occupied the site so in terms of outlook from neighbouring properties, given that this is a town centre site with some flats above commercial ground floor units, the development would be acceptable.

There is no development immediately and directly to the rear of the site and with regard that on the opposite side of Dunraven Street and the lane to the side, any flats above ground floor level will have the same reciprocal views as those which occupied the previous building. In other words, there is potential for overlooking, given the relatively small distances between neighbouring structures, but to no worse a degree than before and that wouldn't be expected to occur in a denser urban location.

In terms of future residents, the Council's SPG for the Development of Flats is a key consideration and this relates particularly to the quality of life and amenity standards of future residents.

There is a concern that habitable rooms front Dunraven Street at the lower floor level, in respect of privacy and the potential for noise disturbance, although the set back from the highway, which was increased slightly as a result of pre-app discussion, and the boundary treatments should help to mitigate this.

The pre-app discussions also resulted in a small amenity space for residents being incorporated into the scheme, which would be within the landscaped area adjacent the lane with access from the private car park. This would provide a decked seating area with garden steps taking users down to the lower levels where the SuDs features are proposed.

In light of the above, and in terms of the impact on the amenity and privacy of neighbouring and future residents, the application is considered to be acceptable.

Access and highway safety

Access

Primary access for the previous retail / commercial facilities was served from Dunraven Street, which is a one-way street offering satisfactory access for both vehicles and pedestrians with traffic regulations in place for limited waiting/loading for service and delivery vehicles.

This residential scheme proposes primary access from Eleanor Street which is lacking in width for safe two-way vehicular movement due to the extensive on-street car parking and absence of turning facilities. This results in all service and delivery vehicles servicing the dwellings having to reverse along the highway to perform a turn, to the detriment of safety of all highway users and free flow of traffic.

Service and delivery vehicles would be forced to reverse some 30m along Eleanor Street to the junction of Compton Road to perform a turn or alternatively drive through the public car parking which has restrictions between 6:00pm-08:00am Monday to Saturday and all day Sunday and therefore cannot be guaranteed for use.

TRICS Trip Rate Information Computer System

The associated vehicular trips to and from the proposed development indicate that it would generate in the region of 12 arrivals and 12 departures on a daily basis, which includes residents and service delivery vehicles. Taking into account the limited additional vehicular movements using Eleanor Street (8 two-way peak hour) with a small percentage of these being service and delivery vehicles, the concern regarding reversing movements on Eleanor Street alone would not warrant a highway objection.

Parking

The Council's SPG for Access, Circulation & Parking identifies that the site is located in Zone 2 Tonypany, where the 13 one and two-bed apartments would require a maximum of 26 spaces for residents and 3 spaces for visitors, with 4 spaces provided.

The Applicant has submitted a Sustainability and Parking report to accompany the application to justify the departure from the maximum standards as set out in the Council's SPG, which includes an assessment of the existing sites parking requirement for the previous building prior to demolition:

Whilst the ancillary floorspace of the commercial units and number of bedrooms of the flats is unknown, as a minimum the car parking requirements would have required:

- A2 (Financial Services): 6 spaces
- A1 (Retail): 7 spaces
- C3 (Residential): 16 spaces

Therefore, the total car parking requirement for the previous use is 29 spaces with none provided.

There is concern regarding the shortfall of provision. However, taking into account the previous car parking requirement for the site, which provided no off-street parking, and that social housing generates a lesser car parking demand than private dwellings, this shortfall is acceptable.

In addition, the sustainable location in the centre of Tonypany retail area and close to public transport, with both bus and rail stops within walking distance, will place less reliance on the private motor vehicle as the primary mode of transport.

Cycle Parking

It is noted that secure cycle stands are proposed which will go some way to mitigate the impact of the proposal and promote sustainable modes of transport.

Public Car Park

The site is served from Eleanor Street with an adjacent public car park which will be acceptable for visitors during the day. However, the car park is gated with restrictions in place between 6:00pm-08:00am Monday to Saturday and all day Sunday, which would restrict its use for potential overspill car parking from the proposed development.

Parking Permit Zone 206.

The proposed residential units would be registered with Royal Mail into Eleanor Street and would therefore be entitled to apply for resident parking permits at a minimum of 1 per apartment.

Retaining Walls

Design and detail will be required of any retaining walls abutting the public highway.

Conclusion

There is concern with the use of Eleanor Street as a primary access to the proposed residential development. However, taking into account the limited additional traffic movements associated with the proposal, it is acceptable on balance.

National Sustainable Placemaking Outcomes

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

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

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

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

- **Creating and Sustaining Communities:** The development density is appropriate for this town centre location and as a social housing scheme would contribute to the affordable housing requirement within the Northern Strategy Area.
- **Facilitating Accessible and Healthy Environments:** The application site is in a very sustainable location, being close to a bus route, a railway station, and with many services and facilities located within walking distance.
- **Making Best Use of Resources:** The development accords with the aim to prioritise the use of previously developed land and buildings.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and create town centre footfall.
- **Maximising Environmental Protection:** The development would include a condition for biodiversity enhancement measures by way of bat and bird roosting provision.

In respect of the other national outcomes listed the development would be considered to have a neutral impact.

Community Infrastructure Levy (CIL) Liability

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

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

Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables Local Planning Authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms,
2. directly related to the development; and,

3. fairly and reasonably related in scale and kind to the development.

Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is only intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

In this case the proposed development, on behalf of the Registered Social Landlord Rhondda Housing Association, would provide 100% affordable housing for social rent.

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

Conclusion

The application site is located within the settlement boundary and the principle of residential development would therefore be acceptable and accord with both the core, area wide and Northern Strategy Area policies of the Rhondda Cynon Taf Local Development Plan.

In addition, the Applicant has satisfactorily demonstrated why a 100% residential development is appropriate in the town centre retail zone, and it is considered that the regenerative benefits of the scheme, taken in the knowledge of the commercial property market and existing vacancy rates are of considerable planning weight.

Furthermore, the proposed housing development has been designed for and in accordance with a registered social landlord and will provide beneficial re-use of a previously developed site.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

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

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

2. The development hereby approved shall be completed in accordance with the approved drawings and documents:

- 0001 P3

- 0002 P3
- 0003 P3
- 0004 P3
- 0005 P3
- 0020 P1
- 0021
- 0092
- 80001
- 80002
- 80003
- 80004
- 80005
- 80006

and details and documents received on 30th September 2021.

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 a scheme for the provision of species mitigation and enhancement measures for nesting birds and bats has been submitted to and approved by the Local Planning Authority.

In respect of measures for bats, the developer is advised to consider the requirements of the EPS licence no. S089115/1, as issued by NRW and dated valid from 5th February 2021.

These measures shall be provided prior to the beneficial occupation of the first unit and maintained in good order in perpetuity.

Reason: In the interests of biodiversity and nature conservation in accordance with PPW11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence until design and detail of the tie-in with the public highway at Dunraven Street, Eleanor Street, and the proposed widened walkway to the side, (including retaining walls) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation of the first dwelling.

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

5. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for:

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

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

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

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

6. No surface water run-off from the proposed development shall discharge onto the public highway or be connected to any highway drainage system.

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

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PLANNING & DEVELOPMENT COMMITTEE

16 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO:	19/1082/16	(DJB)
APPLICANT:	Persimmon Homes West Wales	
DEVELOPMENT:	Reserved Matters application for Phases 3 and 4 of Parc Llanilid (submitted pursuant to outline (hybrid) planning permission 10/0845/34) to include 494no. residential units and associated infrastructure. Amended plans and/or additional/updated information received 24/06/21 (updated application form, site layout plan (rev 'K'), landscaping plans and strategy, Thetford and 1 bed DQR unit plans); 20/07/21 (site layout plan (rev 'L') and accommodation schedule); 22/07/21 (updated urban design statement); 27/07/21 (updated Movement Plan); 03/08/21 (engineering plans and updated Noise Report); 28/09/21 (updated plans to reflect new house types); 12/10/21 (updated landscape plans); 18/11/21 (site layout plan (rev 'N')) and 23/11/21 (revised/updated engineering layout plans, landscape strategy and landscape planting plans).	
LOCATION:	LAND AT FORMER OPEN CAST COAL SITE AND LAND TO THE NORTH OF THE A473, LLANILID	
DATE REGISTERED:	28/09/2021	
ELECTORAL DIVISION:	Brynna	

RECOMMENDATION: Approve

REASONS: The application site constitutes part of one of the Council's Strategic Sites (Policy SSA9 refers) as identified in the Rhondda Cynon Taf Local Development Plan. This scheme represents the third (Phases 3 and 4) submission of reserved matters pursuant to the outline element of the 'hybrid' permission granted for up to 1850 new dwellings across the Llanilid site.

The principle of the development of this site for residential purposes was accepted by the Council in the granting of the hybrid application 10/0845 in January 2016.

The proposed scheme will deliver 494no. modern, high quality new homes in an area of high demand.

The proposal is considered to comply with the relevant policies of the Council's LDP as well as national planning policy and guidance.

REASON APPLICATION REPORTED TO COMMITTEE

The application seeks reserved matters approval for 10 or more dwellings and therefore is for a scale of development for which powers are not delegated to the Director of Prosperity and Development.

APPLICATION DETAILS

Wider Context and Background to the Application

In 2010 an application (10/0845) was submitted to the Council for a far larger area than the area covered by this 'second phase' of reserved matters. That 'hybrid' planning application sought a combination of both outline and full planning permission for a large scale development on a site which incorporates part of the former Llanilid Open Cast Coal Site (OCCS), together with land to the north of the A473. The whole 10/0845 site has an area of 75.35 hectares, of which approximately 50 hectares is considered to be developable.

The first phase (Phase 1 – 18/0334) reserved matters submission, for 216no. new housing units was approved by a meeting of this Committee on 21 March 2019. Site construction works on that first phase of the development are currently well underway.

The second phase (19/1081/16) reserved matters submission for 421no. new housing units was approved by a meeting of this Committee on 29 April 2021. The earthworks associated with the hybrid planning permission referred to above were commenced this year further to extensive ecology works (a 'capture and release' exercise and a 2-stage clearance of vegetation carried out under respective GCN and Dormice licences issued by NRW) with housing construction works imminent.

The current reserved matters application represents the third submission (Phases 3 and 4) of reserved matters pursuant to the granting of application 10/0845.

In total it is anticipated that the whole site will be developed in 8 residential phases, a primary school and a mixed use area (10 phases in all). In line with condition 21, as imposed on 10/0845, a revised phasing plan was submitted and approved as part of the 18/0334 submission made in respect of Phase 1. This current Phases 3 and 4 submission locationally accords with that plan in terms of the development progression of the overall site.

The current application

This application seeks reserved matters (access, appearance, landscaping, layout and scale) approval for a scheme of 494no. new dwellings together with associated infrastructure.

Members are advised that when initially received the submission proposed a layout of 510no. units. However, as a consequence of issues that became evident through the planning consultation and assessment process there was the need to reduce the number of units in order to mitigate any potentially adverse impacts, these being primarily the potential to impact on interests of ecology and biodiversity. Accordingly, the scheme layout was amended, reducing the number of properties from 510no. to 494no.

Within the 494no. units the proposed scheme proposes a mix of housing types – 1 bed apartments to terraced, semi and detached 2, 3 and 4 bed properties, comprising:

- 444no. open mix Persimmon house types (spread across 13 different house type styles/designs of 2 bed (90 units), 3 bed (262 units) and 4 bed (92 units) size); and
- 50no. Affordable Housing house types (spread across 4 different unit types – providing 1bed (18 units), 2 bed (25 units) and 3 bed (7 units) accommodation).

SITE APPRAISAL

The site the subject of this submission of reserved matters lies entirely within the much larger site, which was subject to a hybrid application 10/0845 (part full/part outline) approval in January 2016. The site identified by this current submission of reserved matters comprises the remaining greenfield land on the northern side of the A473 and lies at the north eastern quarter of the wider site defined by the 10/0845 permission.

The whole of the wider 10/0845 site had an area of just over 75 hectares (185 acres). The area of the site defined by this reserved matters submission amounts to 18.45ha (44.61 acres), with a net developable area of 11.02 hectares (27.24 acres).

Finished floor levels (FFLs) of the properties range from approx. 51m AOD (on the north western side) up to 60.3m AOD (plot 342) in the centre of the site. The majority of the site is relatively flat, but generally falls towards the north west corner and, indeed, the northern half of the site falls slightly towards the boundary with the railway line.

The entire site lies on the northern side of the A473 to the north eastern extent of the wider Llanilid outline permission (10/0845) site. The site is bounded to the south by the hedgerow running along the A473 highway verge; to the south west by the Nant Y Gofer watercourse (with phase 1 of the development beyond this); the railway line lies to the north of the site; whereas the eastern boundary is characterised by mature vegetation (heavily wooded area within the north east corner of the site) with the development known as Trens Gardens beyond and the individual properties known as Trens Farm and Ty Anedd.

Vehicular access to the development will be achieved from the west via the spine road leading from Phase 1 and from the south via a new traffic light junction on the A473.

Green habitat corridors surround the housing along the site boundaries. Hedgerows and treelines within the development site are also proposed for retention, including the hedge recently translocated from Phase 1 as part of the relevant Dormouse Licence pertaining to the phase.

PLANNING HISTORY

The planning history below refers to only the main permissions/approvals (including and following the full/outline hybrid permission 10/0845) granted and does not include every specific discharge of condition submission etc. that has been made across the whole wider site.

Reserved matters submissions (pursuant to 10/0845) have also been made in respect of the subsequent phases of development, as follows (these applications currently remain under assessment and have yet to be reported to Committee for Members consideration and determination):

- 19/1200: Phases 5/6/7/8
- 19/1258: New primary school
- 19/1299: Village centre

In addition the following discharge of condition (as imposed on 10/0845) application, relevant to Phases 3 and 4, has been submitted and is currently under consideration:

- 21/0976: Conditions 32 (management strategy for POS), 41 (protected species), 42 (wildlife protection plan), 43 (POS, green corridors/nature conservation) and 44 (tree and hedgerow management)

19/1082	(Phase 2) Reserved Matters for 421no. residential dwellings	Cond. Perm. 19/05/21
18/0334	(Phase 1) Reserved matters for 216no. new residential units.	Cond. Perm., subject to a S.106 Deed of Variation 24/04/19
10/0845:	Comprehensive development comprising residential development of up to 1850 dwellings; neighbourhood centre to include Class D1 and D2 community/leisure facilities, Class D1 medical centre, Class D1 primary school, Class A1, A2 and A3 retail/services/food and drink floorspace; Class B1 office/commercial floorspace; new drainage services, transport and highways infrastructure, strategic landscape areas and public open space.	Cond Perm, subject to a S.106 28/01/16

PUBLICITY

The application has been advertised by means of direct neighbour notification letters, site notices and the insertion of a press notice.

No third party representations (letters/emails – either in support or objection) have been received in respect of the application.

CONSULTATION

Initially highway objections were raised to the application. However, following the receipt of revised plans it is now confirmed (in further observations dated 08/12/21) that **no objections** are raised to the proposed development, subject to conditions.

Within their consultation response the Transportation Section make comments are made in respect of issues of:

- Site location and the application red line boundary;
- Internal estate roads; • Levels of parking provision;
- Phasing Plan;
- Travel Plans and Safe Routes in Communities; and,
- Commuted Sums.

It is also noted that the Highway Authority will require the Developer to enter into legally binding agreements (S38 and S278 of Highways Act 1980) to secure the proper design and implementation of the proposed works to the existing highway and the internal roads, footways and highway drainage including an appropriate bond. In addition, the Highway Authority will require the developer to undertake Statutory Consultations in respect of any Traffic Orders associated with the proposed development including the implementation of such orders granted

Natural Resources Wales (NRW) – NRW continue to have concerns with regard to the application as submitted on the grounds that inadequate information has been submitted regarding European protected species. Notwithstanding this, the information requested by NRW has already been submitted by the applicant under the relevant Discharge of Condition application which is currently under consideration (21/0976: Conditions 32 (management strategy for POS), 41 (protected species), 42 (wildlife protection plan), 43 (POS, green corridors/nature conservation) and 44 (tree and hedgerow management). As per Phase 2 of this development site, the discharge of these conditions is required before development can be started on site.

It should be noted that a Dormouse Licence was recently granted by NRW to enable the removal of vegetation to facilitate the access into Phases 3 and 4 from the A473. This licence was predicated, in part, on NRW's acceptance of the conservation strategy for the wider development site. Indeed, a further Dormouse Licence will also be required from NRW before any further vegetation can be cleared from this site.

Health & Safety Executive (HSE) – the proposed development lies within the consultation distance of a high-pressure natural gas pipeline (ref. 1556: Nantgarw/Brynna (VS014) – which is currently operated by Wales & West Utilities.

HSE have confirmed that they are aware that that this pipeline was laid in thick-walled pipe in the vicinity of the proposed development site. As a result of the additional protection which the thick-walled pipe provides, the consultation distances which apply in this area are smaller than those which apply to the rest of the pipeline. However, reduced consultation zones associated with thick-walled sections of pipeline are not currently included in the HSE Planning Advice Web App, so HSE's original (15/10/19) advice was determined using the consultation zone distances which apply to the full length of the pipeline.

The reduced consultation zone distances which apply have now been taken into account in reconsidering HSE's advice. Consequently, HSE **does not advise, on safety grounds, against the granting of planning permission.**

Dwr Cymru/Welsh Water – raise **no objection** to the application, subject to the imposition of conditions.

The domestic foul flows proposed by this development can be accommodated within the public sewerage system via the dedicated 500mm combined sewer at manhole SS97818801, as indicated on the extract of public sewer records. This connection point has been identified as an appropriate location to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Notwithstanding the above, please note the applicant has not gained approval under Section 104 of the Water Industry Act 1991 for the full development of Phase 2 (in relation to the adoption of new sewers to serve the site), and therefore amendments may be required through this process. The applicant will be responsible for notifying the Local Planning Authority of any amendments made through this process.

Investigations have previously been undertaken in relation to the capacity to provide a potable water supply to this development. Any increased demand on the local system would adversely affect our service to existing and future customers and as a consequence reinforcement works to the system, which shall be secured and implemented via appropriate planning conditions set out below, are required in advance of the first occupation at the site. The Applicant has since been advised of this position and we are proactively engaged to ensure that the works are delivered in accordance with the proposed build out of the site.

Public Health & Protection – raise **no objections** to the application.

However, it is noted that records suggest that potentially contaminated past land uses have resulted in spoil/refuse on the site and accordingly it is considered that the potential for contamination exists. Accordingly relevant conditions to address this issue are recommended.

Comments are also offered in respect of noise, demolition, dust, disposal of waste and lighting.

Countryside Section (Landscape & Ecology) – No response to date.

Flood Risk Management Section (Drainage) – **no objections** have been raised.

The Coal Authority – **no objection** is raised.

Glamorgan Gwent Archaeological Trust Ltd – **no objections** are raised.

Western Power Distribution – raise **no objection**. Request that the applicant is advised that if they require a new connection or a service alteration, they will need to make a separate application to WPD.

Wales & West Utilities – raise **no objection**. Provide information as to the location of existing W&WU apparatus and advise that the applicant contact them prior to any works commencing.

South Wales Police (Designing Out Crime Officer) – raises **no objection** to the application. Further comment indicates satisfaction with the proposed layout, with all vehicle parking bays within curtilage and/or overlooked. In addition advice is offered in respect of issues of lighting, boundary identification, landscaping/planting, vehicle parking, garage security, bin and cycle stores, window/door security and intruder alarm systems.

(Note: a full copy of the comments received has been provided to the applicant for their information/action)

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS2 – confirms that in respect of development in the Southern Strategy Area the emphasis will be on sustainable growth that benefits the County Borough as a whole. Key criteria that will be considered in seeking to achieve this aim are identified.

Policy CS3 - in order to promote sustainable growth this policy allocates a number of specific 'Strategic Sites' across the County Borough for the development of a mixture of large scale residential, employment, retail and recreational purposes (Former OCC Site, Llanilid, Llanharan is identified as site no. 8 (Policy SSA9)).

Policy CS4 – sets down the requirement for the development of new dwellings within the County Borough during the LDP plan period. Of the 5,000-5,450 units identified to be provided across the Strategic Sites the Llanilid site should provide 1,950-2,100. *(Note for Members: 248 dwellings have already been approved, as 'enabling development', on a different part of the Llanilid site under ref: 06/1485 (outline) and ref: 07/2152 (reserved matters). Hence the reason that the hybrid (part outline/part full) application sought to gain permission for the balance of 1,850 dwellings).*

Policy CS5 – confirms the need for the housing requirements identified in Policy CS4 to contribute to the provision of affordable housing over the plan period.

Policy AW4 – confirms that the Council may seek planning obligation contributions in association with new development.

Policy AW6 - supports development that promotes high quality design which makes a positive contribution to place making.

Policy AW7 - seeks to protect and enhance the built environment.

Policy AW8 - seeks to protect and enhance the natural environment.

Policy AW10 – confirms that development will not be permitted where it would cause or result in an unacceptable risk of harm to health and/or local amenity (identified issues include air pollution, light pollution, noise pollution, water pollution, contamination, landfill gas, land instability and flooding or any other identified risk to the environment, local amenity and public health or safety).

Policy SSA6 - identifies criteria for new development in the key settlement of Llanharan.

(Supporting paragraph 6.125 states “Through the identified Strategic Site at Llanilid, which includes large-scale residential and commercial proposals, Llanharan will continue to experience significant new development. The Council recognises that new development must be supported by appropriate local services and infrastructure in order to meet the needs of the existing and future community.”)

Policy SSA9 - allocates the site (as a Strategic Site, as identified under Policy CS3) for the residential development of between 1,950-2,100 dwellings, together with provision of 2500sq.m. (net) of retail floor space, a medical centre, library/community centre, a new primary school and associated public open space.

Policy SSA11 – identifies the need for new residential development to achieve satisfactory levels of build density. (Justification has to be provided for a build density of <35 dwellings per hectare).

Policy SSA12 – identifies the need for new developments of 5 dwellings or more to provide 20% affordable housing.

Supplementary Planning Guidance (SPG)

Rhondda Cynon Taf LDP SPG – Design and Placemaking (March 2011)

Rhondda Cynon Taf LDP SPG – Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011)

Rhondda Cynon Taf LDP SPG – The Historic Built Environment (March 2011)

Rhondda Cynon Taf LDP SPG – Nature Conservation (March 2011)

Rhondda Cynon Taf LDP SPG – Affordable Housing (March 2011)

Rhondda Cynon Taf LDP SPG – Planning Obligations (December 2014)

Rhondda Cynon Taf LDP SPG – Employment and Skills (June 2015)

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
- Policy 2 – Shaping Urban Growth
- Policy 3 – Supporting Urban Growth
- Policy 7 – Delivering Affordable Homes
- Policy 9 - Resilient Ecological Networks and Green Infrastructure

Planning Policy Wales Technical Advice Notes (TANs):-

TAN 2: Planning and Affordable Housing (2006)

TAN 5: Nature Conservation and Planning (2009)

TAN 11: Noise (1997)

TAN 12 Design (2016)

TAN 15: Development & Flood Risk (2004)

TAN 16: Sport, Recreation and Open Space (2009)

TAN 18: Transportation (2007)

Government Circulars

Welsh Government Circular 016/2014: The use of Planning Conditions for Development Management

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for purposes of any determination to be

made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

Principle of the proposed development

This application is a submission of reserved matter details, which represent the third phase of residential development at the Llanilid site that benefits from an outline permission for up to 1850 new dwellings.

It should be recognised that the principle of residential development has already been established, by the Council's granting of the hybrid application 10/0845 in January 2016. The consideration of this application relates to the details submitted pursuant to the outline element of that permission.

The reserved matters scheme proposed

The proposed development layout incorporates 494no. new dwellings.

All plots will be Persimmon house types (no Charles Church house types proposed within these two phases), within which 50 plots (nos. 30-35, 83-94, 116, 117, 249, 250, 253, 254, 255-266, 273, 274, 412-417 and 494) will comprise the units of affordable housing. The 444no. open mix Persimmon house types are spread across 13 different house type styles/designs of 2 bed (90 units), 3 bed (262 units) and 4 bed (92 units) houses. The 50no. Affordable Housing house types (spread across 4 different unit types – providing 1bed (18 units), 2 bed (25 units) and 3 bed (7 units) accommodation).

In respect of external finishes the proposed dwellings across the development will incorporate the use of 'Hovingham, Anston or Cusworth Riven' Persimmon brick and slate/natural natural colour 'Fortcrete Pentstone' or grey reconstituted stonework and Marley Modern Duo smooth grey roof tiles.

A Local Equipped Area for Play (LEAP) is proposed within the centre of the site. It is proposed that the delivery (including the timing of the delivery) of this LEAP facility be controlled through the imposition of a condition, as was the case with the LEAP within Phases 1 and 2 (18/0334 and 19/1081 respectively).

Condition 25, as imposed on 10/0845 requires an urban design statement to accompany each reserved matters submission and within the document demonstrate how the design complies with the DAS and Design Codes documents considered at the outline stage (10/0845). The Urban Design Statement submitted with this application has been appropriately updated (now rev 'A', July 2021) to reflect the revisions made to the scheme during the course of its assessment process.

The 2011 Design Codes document identified that the aspirations were to deliver clear design guidance for the planning of the Parc Llanilid scheme in order to achieve legible and coherent development within clearly defined parameters.

The main aims of the 2011 Design Code are:

- establish a clear framework for future development when implementing the vision for the site;
- be the starting point for dialogue and interaction between housing developers and the Council;
- illustrate what is anticipated in each of the identified character areas without prejudicing innovation and adapting to changing needs and available technologies;
- ensure coordination between each of the housing developers and character areas, providing a level of certainty as to the quality, legibility and character of adjacent development;
- provide a level of confidence between all parties engaged in this large urban extension;
- inspire housing developers to innovate and look for solutions towards delivery of an exemplary development.

The 2011 Design Code identified the area covered by the current reserved matters submission as comprising both 'Middle Village' 'Park Edge' and 'Village Edge' character areas. The Middle Village areas were identified, as the name would suggest, as delivering a more urban, tighter knit grain neighbourhood environment, with the use of key buildings at nodes and vistas, generally on the corners of perimeter blocks; The Park Edge generally fronts onto more formal open spaces with housing with strong unifying elements and key buildings identified at nodes and vistas generally on the corners of perimeter blocks; whilst the Village Edge character area would deliver a medium and coarse grain development with a higher proportion of detached dwellings than the other character areas.

The area of the current reserved matters submission is identified in the 2011 Design Code as 'Parcel 3'. It is considered that the submitted Urban Design Statement is in broad compliance with the aims and objectives of the 2010 DAS and 2011 Design Code.

It is considered that the proposed design and layout of Phases 3 and 4 complies with policies AW5 and AW6 of the LDP and the broad principles established under the outline element of permission 10/0845.

Highways/access/parking

As noted earlier in this report vehicular access to the development will be achieved from both the existing spine road leading from Phase 1 of the development and from the south directly from the A473 Trunk Road (via a traffic light junction) – effectively providing a loop. Eventually, this junction will enable pedestrians and vehicles to cross the A473 and connect to the Spine Road previously approved as part of the hybrid planning permission (providing access to the proposed District Centre, School and remaining residential phases).

Within the phase of development currently under consideration, a bus loop with associated bus stop facilities is provided leading from Phase 1 to the west, travelling eastward to plot 464, turning northward to plot 435, eastward to the proposed LEAP,

southward to 95-100 before existing the site at the aforementioned traffic light junction at the A473. The associated bus stop facilities are provided between plots 29 and 30-35 and at the LEAP in the centre of the site.

Generally, it is envisaged that the spine road will be built in full prior to the occupation of any dwellings on this phase of the development. Thereafter, the sequence of the build will generally follow a west to east direction. This will enable the spine road and bus facilities to be provided early on in the development.

Amendments have been made to the layout further to input from the Highways Officer in his comments dated 11 November 2021 pertaining to matters such as junction geometry along the proposed bus route, junction plateaus, provision of bin storage areas, private drive geometry, level of off-street parking, visitor parking and the phasing of the development. It is considered that the latest layout has adequately addressed the concerns of the highways department.

It should also be noted that the matters relating to the phasing of the build and the provision of a travel plan will be provided separately as part of discharge of conditions applications pertaining to conditions 22 and 33 (respectively) of the hybrid planning permission (10/0845).

Impact on residential amenity and character of the area

The proposed development comprises the third phase (494 dwellings) of a much larger site (for up to 1850 new dwellings) which has the benefit of outline planning permission and allocation as a Strategic Site (SSA9) within the Council's LDP.

It is accepted that the character of this site and the wider Llanilid site will change. However, this impact and consequence was fully and properly considered at the outline stage (under 10/0845), meaning the principle of residential development on this site is established.

For a significant size development the Phases 3 and 4 site is relatively separated from existing development, only having existing housing standing to the west at Phase 1 of the development and to the east at Trenos Gardens/Trenos Place as well as the individual properties at Trenos Isaf, Trenos Ganol and Ty Annedd. A significant gap will be maintained between the proposed and existing dwellings respecting the established acceptable back to back and back to side distances. It should also be noted that the eastern boundary of the site is characterised by a line of mature vegetation – growing increasingly thick in the vicinity of Trenos Gardens and Trenos Place. The indications below demonstrate the separation distances at points between proposed and existing properties to the eastern boundary of the site:

- Plot 151 to Trenos Isaf – 30m
- Plot 216 to Ty Annedd – 22m (mature boundary vegetation)
- Plot 218/219 to 37 Trenos Gardens – 25m (mature boundary vegetation)
- Plot 251 to 25 Trenos Gardens 32m (mature boundary vegetation)

It is considered that with such distances of separation there will be no significant impacts on the level of residential amenity currently enjoyed by existing residents within the existing developments referenced above.

Accordingly, it is therefore considered that the proposal will comply with Policy AW5 of the Council's LDP.

Trees/Hedgerows and Ecology/Biodiversity

On 23 October 2019 Welsh Government's Chief Planner wrote to all LPA Heads of Planning advising that Planning Policy Wales (PPW) 10 (since superseded by Edition 11 – February 2021) sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*". This policy and subsequent policies in PPW respond to the Section 6 Duty of the Environment (Wales) Act 2016.

The letter clarified that in light of the legislation and Welsh Government policy outlined above, where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.

It is important that biodiversity and ecosystem resilience considerations are taken into account at an early stage in development plan preparation and when proposing or considering development proposals. Planning authorities should be proactive and embed appropriate policies into local development plans to protect against biodiversity loss and secure enhancement.

Securing a net benefit for biodiversity within the context of PPW requires a pragmatic response to the specific circumstances of the site. Working through the step wise approach and if biodiversity loss cannot be completely avoided (i.e. maintained), and has been minimised, it is useful to think of net benefit as a concept to both compensate for loss and look for and secure enhancement opportunities.

At the 10/0845 hybrid (part full/part outline) planning consideration stage issues of ecological species and landscape/habitat importance at the site were identified by Countryside Council for Wales (CCW) (now NRW) and the Council's Ecologist. Through the current assessment of this reserved matters submission those issues and interests and the need to ensure full and proper mitigation is secured, have again been highlighted.

In the case of Phases 3 and 4 there are significant European Protected Species (EPS) and habitat issues to address, primarily related to the presence of Dormice and Bats.

The applicant has been required to secure the necessary EPS Licence from NRW to be able to undertake the access into the site from the A473. That Licence was granted in respect of Dormice was issued by NRW on 22 October 2021 and remained in force until 31 October 2021 – the works to remove the vegetation were carried out within

this short timeframe as agreed. A further EPS Licence will be required before any further vegetation is removed from this site – an appropriate licence application will be submitted to NRW upon approval of this reserved matters submission.

In addition to securing that EPS Licence the applicant has also lodged a discharge of condition application ref 21/0976 seeking to discharge Conditions 32 (management strategy for POS); 41 (protected species); 42 (wildlife protection plan); 43 (POS, green corridors/nature conservation) and 44 (tree and hedgerow management). These conditions were imposed on 10/0845 which will need to be agreed before works on this phase of residential development can proceed.

It is noted that NRW still retain significant concerns, although these are being addressed through the aforementioned discharge of condition application. Notwithstanding this, it is reasonable to require that any consent should reference the relevant landscape strategy and planting plans/documents within a condition identifying the approved plans and documents on the decision notice. Members are advised that such a condition is recommended (as condition 1).

Provision of Affordable Housing

At the time the hybrid application (10/0845) was considered the Council, having regard to a report produced by the applicant outlining site development viability and affordability issues, agreed an affordable housing provision of 10% for the first 1000 dwellings to be developed across the site (*After the 1000th dwelling the S.106 requires that a further market assessment is undertaken to establish whether the development can support the 20% provision requirement as identified in the LDP*). To this end, subsequent phases on this site (phases 5, 6, 7, 8 and the mixed use area) will have regard to this requirement.

The layout incorporates the provision of 50no. Affordable Housing house types spread across 4 different unit types – providing 1bed (18 units), 2 bed (25 units) and 3 bed (7 units) accommodation.

The mix of the affordable housing units proposed reflects the demands identified through the Local Housing Market Assessment and the mix of unit size/types sought by the Council's Housing Strategy team. Accordingly, given that the mix of units is as the Council has sought and the required 10% is incorporated it is considered the application is acceptable in this regard.

Other Matters

Railway Crossing

The Railway Crossing is in the process of being designed by Network Rail. The latest layout plan provides an annotation setting out the location of the proposed crossing. It is appropriate as part of any Reserved Matters permission that the design details of any infrastructure is first agreed by the Authority by way of a suitably worded planning condition prior to its installation.

Drainage/Flood Risk

In respect of drainage arrangements proposed to serve the development no objections have been raised by the Council's Flood Risk Management (FRM) Section. DCWW have also raised no objection to the application, subject to the imposition of conditions, with which the applicant is agreeable.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85/sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL for this development is expected to be £5,187,581.27 however, social housing relief may be claimed on those 50 dwellings that comprise the affordable housing element of the development.

(The social housing relief on the 50 AH dwellings is expected to be £350,631.71. This leaves a payment of £4,836,949.56 in respect of the market dwellings).

(It should be noted 15% of the £4,836,949.56 chargeable amount for the market housing must be passed to the Community Council (In this case Llanharan Community Council) (Regulation 59A – duty to pass to local council) and therefore £725,542.43 will be required to be paid in cash. Accordingly, the market housing balance of £4,111,407.13 will then be taken from the Infrastructure Payment Agreement total/balance, as agreed as part of the approval of the Phase 1 reserved matters 18/0334 (together with a S.106 Deed of Variation) until the total Infrastructure Payment Agreement balance is £0. Payments will then be in cash).

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:

- i) necessary to make the development acceptable in planning terms;
- ii) directly related to the development; and,
- iii) fairly and reasonably related in scale and kind to the development.

Planning Policy Wales advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also

contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 and IPA requirements in this case

As indicated earlier in this report the Section 106 Agreement which accompanied the hybrid permission (10/0845) ensured that the whole Llanilid development (up to 1850 new dwellings, with village centre) delivered the following elements:

- the provision of a new primary school;
- a leisure/recreation and ecology biodiversity contribution;
- the provision of affordable housing across the site;
- a 'Local Road Contribution' (£170k) for Bridgend CBC;
- a 'Rail Contribution' (£350k - for works to establish a bridged crossing over the main London – Swansea railway line that runs immediately to the north of the boundary of the site) for Network Rail
- the provision of the village/district centre;
- landscape management;
- provision of the Community Building; and,
- the provision of Changing Rooms.

The S.106 Deed of Variation agreed prior to the issue of the Phase 1 reserved matters approval (18/0334) recognised that it is now intended that the developer (Persimmon) build the school provision, unlike the previously proposed arrangement (when the applicant was Cofton (Wales) Ltd) that a financial sum of £5,784,092 (paid as a CIL contribution) be paid at the outset and the Council be responsible for building the school.

(As Members may well be aware the Council have already taken the initial steps in respect of formal consultation and served the necessary statutory notice (giving opportunity for objection to be made) with regard to the proposed new school provision).

Persimmon have indicated that they would intend to build the school provision in a single 540 pupil place build phase, unlike previously when the provision was anticipated to come forward in two phases of construction.

The other elements of provision required (as identified above) remain as set out in the initial S.106 Agreement.

Conclusion

Having taken into account all of the issues identified above, it is considered that the proposed second phase of development of this important wider residential allocation site, will make an important contribution to increasing housing land supply, in an area of high demand, without having any significant adverse impact on highway safety, the character and appearance of the area or residential amenity. Whilst some concerns have been expressed regarding interests of ecology it is considered that the proposed measures of mitigation (which extend across the wider Parc Llanilid site) negate any impacts to a level which is not significant. The proposed development is therefore considered to comply with the relevant policies of the Local Development Plan.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby approved shall be carried out in accordance within the following approved plans/drawings/documents:

- Site Location Plan LP01
- Planning Layout PL01 Rev N
- Engineering Plans –
- Landscaping Strategy
- Landscape Planting
- Housetype Plans and Elevations:
 - 1 bed DQR Affordable Apartment
 - AP01 Rev A
 - AP02 Rev A
 - AP03 Rev A
 - Thetford Apartment
 - Staircore SCWD11 Rev A
 - Thetford and Staircore Block (Stone Front) TFWD14 Rev A
 - Thetford and Staircore Block (Brick) TFWD13 Rev A
 - Thetford and Planning Elevations (Stone Front) TFWD12 Rev A
 - Thetford and Staircore Block (Brick) TFWD11 Rev A
- Alnmouth AMWD11 Rev A
- Barton BRWD06 Rev A
- Epping EPWD11
- Danbury DYWD11 Rev A
- Dalby DBWD11
- Sherwood
 - Brick – SWWD11
 - Stone Front – SWWD13
- Windermere WMWD08 Rev A
- Charnwood

- Brick CWWD11
- Corner (Brick) CWWDC11
- Corner (Stone) CWWDC12
- Saunton
 - Brick SNWD11 Rev A
 - Stone Frost SNWD12 Rev A
- Gisburn
 - Brick GBWD11
 - Stone Front GBWD12
- Whiteleaf
 - Brick WLWD11
 - Stone Front WLWD13
 - Full Stone WLWD12
- Garages (single and double garage)
- Boundary Treatment Details (BT-00Rev A, Close Board Fence, Close Board Gate)
- Phasing Plan PHNAB01 Rev B
- Urban Design Statement (Rev A, July 2021)
- Tree Survey and Tree Constraints Plan (Treescene, September 2018)
- Noise Report (TetraTech,(Second Issue 28th July 2021)

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

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

2. 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 Local Planning Authority.

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety, having regard to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

3. A Safe Routes in Communities Assessment shall be carried out in accordance with the relevant Local Authority Road Safety Officers'

Association (LARSOA) guidelines/Learner Travel and Active Travel Wales (Guidance) 2014, to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved mitigation measures required shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with the policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and national planning policy.

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

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

5. The Local Equipped Area Play (LEAP) shall be laid out and landscaped and made available for use within a timetable to be first agreed in writing with the Local Planning Authority. The LEAP shall thereafter be maintained in accordance with a Management Plan which shall be submitted to and approved in writing by the Local Planning Authority within one month following beneficial occupation of the first dwelling within the development.

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

6. Full details of the proposed landscape and open space management regime and Estate Management Company (including timescales for future management) shall be submitted to and agreed in writing by the Local Planning Authority prior to occupation of the first dwelling within the development hereby approved.

Reason: In the interests of ecology and maintaining ecology in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence on site until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be fully implemented on site in accordance with the approved details and to the satisfaction of the Local Planning Authority prior to beneficial occupation of the first dwelling

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

8. No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site and where necessary, a scheme to re-enforce the existing public water supply network in order to accommodate the site shall be delivered prior to the first beneficial occupation of any building. The agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure that the site can be satisfactorily served by the local water supply system and to ensure no detriment to existing residents and/or the environment, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No part of the development affecting the PRow (RAN/20/1 & RAN 21/1) shall take place until the PRow is/are formally stopped up or diverted.

Reason: In the interest of public safety.

10. Prior to its installation the design of the proposed railway crossing (located to the north of plots 281-286) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be completed in accordance with the approved details and retained as such in perpetuity.

Reason: in the interest of the visual amenities of the area.

11. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing.

a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.

b) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (a) above.

c) A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No

deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in Condition (11 above) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering design and details of, the internal roads, traffic calming, footpath links, highway structures, street lighting, and highway drainage including longitudinal and cross sections and construction 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 engineering to the satisfaction of the Local Planning Authority.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety, having regard to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

15. No works shall commence on site until a geotechnical report incorporating any mitigation measures required to deal with ground conditions, mine workings and mine shafts affected by the proposed road layout have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation of the first dwelling.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety, having regard to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2021-2022:

**PLANNING AND
DEVELOPMENT COMMITTEE
16th DECEMBER 2021**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

	Agenda Item No.
	<p>APPLICATION NO: 21/0256 - Partial change of use from commercial to residential to create two commercial premises and eight flats, along with associated works (Flood Consequence Report received 05/07/2021, Amended Plans received 07/07/2021), 22-22A Cardiff Street, Aberdare</p>

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Planning & Development Committee on 16th September 2021, following consideration of the matter a decision was deferred to allow a site visit which took place on 5th October 2021 and the matter was subsequently reported back to the Planning & Development Committee at the 4th November 2021 meeting with an officer recommendation of approval. A copy of the original report is attached as Appendix A. At the meeting, Members were minded to refuse the application against officer recommendation. Members raised concerns that the proposed development would result in a lack of amenity for future occupiers of the flats.

As a consequence, it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

4. PLANNING ASSESSMENT

The application proposes the development of eight residential flats within the ground, first and second floors of the building, in addition to commercial floor space within the ground floor and storage space within the basement.

Six of the flats would contain two bedrooms, whilst two of the flats would contain three bedrooms. Neither local or national planning policy provides a minimum internal floor space standard and 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 flat would be served by windows that would provide acceptable levels of outlook and natural light. In addition, the same openings would provide for sufficient levels of ventilation.

Notwithstanding the above, it is acknowledged that with the exception of the basement storage spaces, there are no internal communal areas (such as a communal lounge or laundry facilities) for residents to share. There is however no policy requirement for the Developer to provide such communal spaces.

It is acknowledged that no outdoor amenity space would be provided for any of the flats. The Council's Supplementary Planning Guidance *'Development of Flats'* states that whilst private or communal outdoor space should be provided for residents, *'Flats without outdoor space are more likely to be acceptable where high quality public open space is located close by.'* Notably, Aberdare Park is located to the north west of the application site and is approximately twenty minutes away by foot. In addition, Dare Valley Country Park and Gravity Family Bike Park, also positioned to the north west of the application site, is approximately thirty minutes away by foot. Accordingly, it is considered that occupants of the flats would have access to high quality open space within walking distance of the application site.

Moreover, future residents of the flats would have ready access to the formal and informal recreational opportunities available at the Sobell Leisure Centre, which is only a seven minute walk away from the application site.

5. RECOMMENDATION

If, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reason for refusal would be appropriate:

- 1. The proposed development would result in a lack of amenity space for future occupiers of the flats. As such, the application would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.**

PLANNING & DEVELOPMENT COMMITTEE

16 SEPTEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0256/10 (CA)
APPLICANT: Mr D Demery
DEVELOPMENT: Partial change of use from commercial to residential to create two commercial premises and eight flats, along with associated works (Flood Consequence Report received 05/07/2021, Amended Plans received 07/07/2021).
LOCATION: 22-22A CARDIFF STREET, ABERDARE, CF44 7DP
DATE REGISTERED: 07/07/2021
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

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

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 conversion and partial change of use from a commercial premises to eight residential flats at 22-22a Cardiff Street, Aberdare.

The layout of the building is proposed as follows:

Basement:

- Commercial floor space accessed from Duke Street.
- Storage space accessed from Duke Street.

Ground Floor:

- Commercial floor space accessed from Cardiff Street.
- Bike and refuse storage space.
- 2 no. two bedroom flats

First Floor:

- 2 no. two bedroom flats.
- 2 no. three bedroom flats.

Second Floor:

- 2 no. two bedroom flats.
- Bedroom space associated with two of the first floor flats.

Whilst one of the commercial spaces would be accessed via Duke Street, the residential space would be accessed via Cardiff Street with access to the upper floor flats via an internal stairwell.

To facilitate the proposed change of use, an additional storey would be added to the existing rear flat roof extension. The additional storey would incorporate a pitched roof design. In addition, several new window openings would be created in the north, south and east elevations of the building.

External materials proposed include smooth render finish and concrete roof tiles.

The application is accompanied by a Flood Consequences Assessment (FCA).

SITE APPRAISAL

The application site consists of a mid-terraced property which is positioned directly adjacent to Cardiff Street to the west and Duke Street to the east. The property is split level to accommodate the topography of the land which slopes gently from west to east.

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

In addition, the site is partially located within the C2 Flood Zone.

PLANNING HISTORY

20/0823/10	Proposed partial change of use from commercial to create 8 flats and associated works.	Refused 16/10/2020
06/1530/10	New restaurant frontage with roller shutters incorporated behind fascia. (Re-submission). Amended plans received 15/11/06.	Granted 05/12/2006

06/0519/10

New restaurant frontage with roller shutters
incorporated behind fascia

Refused
14/06/2006

PUBLICITY

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

Although no letters of objection or representation were received directly by Planning Services, the department was made aware, via the Local Member, of the following concern raised by a local resident:

1. There is a lack of car parking within Aberdare to accommodate the proposed flats.

CONSULTATION

Highways:

No objections, no conditions recommended.

Drainage:

No response received.

Public Health and Protection:

No objections, conditions recommended.

Ecology:

No objections.

Waste Services:

No objections.

Dwr Cymru Welsh Water:

No objections, conditions recommended.

Natural Resources Wales:

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 Principle Town Centre within the retail hierarchy, and is partially located within the C2 Flood Zone.

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 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 NSA18 – The Retail Hierarchy: This policy sets out the retail hierarchy for the Northern Strategy Area and defines Aberdare as a Principal Town. It continues that proposals for Class A development will be permitted where it enhances a centre's role in the retail hierarchy.

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 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) 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 site is located within the defined settlement boundary and is therefore generally supported by Policies AW1, AW2 and NSA12.

The site is situated within the Principal Town of Aberdare (as defined by Policy NSA18) and is therefore considered to be a highly sustainable location with good access to a number of key local services and facilities as well as good access to a range of sustainable modes of transport, with both a bus and train station located within easy walking distance. The site is also conducive to travel to and from on foot and bicycle. The proposal would therefore comply with the key sustainability objectives of Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

Further requirements of Policy AW2 seek to ensure that proposed developments would not conflict with existing uses in the area and given the town centre location of the site, the proposed commercial use within the lower floors of the building would be typical of the surrounding area. Furthermore, residential flats on upper floors are generally supported as they provide a sustainable form of living whilst also contributing to the daytime and evening economy of the centre and subsequently adding to the vitality and viability of the town. It is therefore not considered that the part-residential use of the site would unacceptably conflict with the predominantly retail character of the town, particularly given there are already a number of flats above shops in the immediate and wider vicinity.

Policy CS1 (Development in the North) further promotes residential and commercial development in locations which support and reinforce the roles of Principal Towns as well as the removal and remediation of dereliction by promoting the re-use of under used and previously developed land and buildings, such as the existing building, which currently does not add any aesthetic value to the wider area.

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).

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:

Several properties within the immediate locality contain commercial units on their ground floors with flats above. As such, the proposed use of the building would not be out of character with the surrounding land use. The plans do not however specify what use class the commercial units would fall within and in order ensure they are appropriate to the location it is considered fitting to condition them as either A1 or A2.

In terms of the front façade of the building, this would remain largely as existing and it is not considered that the overall appearance of Cardiff Street would significantly differ as a result of the change of use and associated works.

The extension to the rear of the property would however be a notable addition to the street scene and would be widely visible from the immediate area due to its prominent location which directly backs onto Duke Street. The rear of the site currently contains a substantial flat roof modern addition which has no architectural or visual merit and is not considered to positively contribute to the character and appearance of the area. It is this aspect of the building that would be extended through the addition of another storey which would incorporate a pitched roof. Although the building would increase in height, it would be set down from the main part of the building which fronts Cardiff Street and would also be lower in height than several other properties within the immediate area. In addition, it is considered that the pitched roof design would represent a visual improvement when compared to the existing flat roof.

It is also noted that the existing building is vacant and in a poor state of repair that is likely to further deteriorate should the building remain unused. The proposal would bring this building back to beneficial use and also enable its long term maintenance.

Based on the above, it is considered that the proposal would not adversely impact upon the character and appearance of the area but would rather have the potential to improve it.

Impact on Amenity:

It is acknowledged that this application is a re-submission of a previously refused application (Ref: 20/0823/10) whereby concerns were raised regarding the quality of the accommodation for the occupiers of the flats. The previous concerns included the fact that accommodation was proposed within the building's basement and that many of the new windows faced into the shared access stairwell, thereby providing poor outlook. In addition, concerns were raised regarding the location of the bike and bin storage within the rear of the basement. Based on the current plans, it is considered that the concerns relating to the refused application regarding residential amenity have been overcome as no residential accommodation is proposed within the building's basement and no windows now face the shared access stairwell. In addition, bike and bin storage has been moved to the front of the building.

The SPG relating to the development of flats provides support where a high quality of accommodation and amenity can be provided for residents. It is considered that the property is of a sufficient scale to provide its occupiers with an acceptable standard of

accommodation whereby there would be adequate natural light serving habitable rooms as well as sufficient ventilation and a reasonable outlook. In addition, the SPG indicates that flats should have a main entrance to the front of the building and have access to either private or communal outdoor space. All eight of the flats would be accessed via a shared entrance to the front of the building which would be separate from the main shop front. It is noted that the site is not capable of providing outdoor private or shared amenity space, however given the building is located in close proximity to a number of public amenity spaces, it is not considered that this issue would be significant enough to warrant the refusal of the application.

The SPG 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. Whilst the proposed use would reflect surrounding land uses, it is accepted that a degree of noise/disturbance would inevitably occur from the development. It is however considered that a greater degree of general noise it is to be expected within a town centre location when compared to a purely residential location. As such it is not considered that any adverse impact relating to noise/disturbance would be so severe as to warrant the refusal of the application.

There is some concern that the additional windows positioned on the side elevations of the building would result in some overlooking to adjacent properties. However, buildings within this section of Cardiff Street are located within close proximity to one another and mutual overlooking between buildings currently already occurs. It is not considered that the level of overlooking would be exacerbated to such a degree that it would warrant the refusal of the application. It is however considered appropriate to apply a condition restricting the windows to be inward opening only.

The application incorporates the extension to the existing building through the addition of a further storey. As such, the height of part of the building would increase and some additional overshadowing would therefore occur to adjacent properties. It is not however considered that the additional overshadowing would be severe. In addition, the finished height of the extension would be reflective of existing buildings within the street and is not considered to form an overbearing feature.

It is noted that no letters of objection have been received from the occupiers of surrounding properties following the consultation process.

Overall, in terms of the impact on the amenity and privacy of neighbouring residents, as well as the suitability of the proposed flats for their occupiers, the application is considered to be acceptable as it would not result in an undue loss of light or privacy or have any overbearing impacts.

Impact on Highway Safety:

The Council's Highways Department have been consulted on the proposal and raise some concern that long term residential parking would take place in the residential streets which surround the application site, which would be detrimental to the safety of all highway users and the free flow of traffic.

However, taking into account the sustainable location of the application site, which is situated in Zone 1 and is a Principle Town, as well as the existing restrictions which prevent on-street parking and the close proximity of the public car park which can be utilised free of charge from 6pm until 8am, no objections are raised. As such, the impact upon highway safety is not considered to be so severe as to warrant the refusal of the application.

Flood Risk:

The application proposes highly vulnerable development within an area that is confirmed to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN 15: Development and Flood Risk. The policy guidance set out in TAN 15 prohibits highly vulnerable development in Zone C2 and this is echoed in Policy AW2 of the Rhondda Cynon Taf Local Development Plan. However, the highly vulnerable element of the proposal is situated on the upper floors and therefore likely to be above any potential flood depths should a flood event occur at this location. In addition, access to the residential accommodation would be located outside of Zone C2 and therefore should a flood event occur, occupiers of the flats would have a means of escape. It is noted that the basement level of the property and partial ground floor would contain a retail use, which is considered to be less vulnerable development.

Whilst it is acknowledged that the proposal cannot meet the tests set out in paragraph 6.2 of TAN 15, the site is clearly previously developed land within a densely developed area and the proposal would have inevitable regeneration benefits in terms of bringing a vacant site back into use. Furthermore, the application is supported by a Flood Consequences Assessment (FCA) which fully considers the issues of flooding. Based on this and the above, NRW have raised no objections to the proposal.

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 proposed conversion and extension of the building is considered to be acceptable in principle. 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. The proposed use of the site would not raise any compatibility issues in the surrounding area.

The proposal would be in-keeping with the general character, scale, design and overall visual appearance of existing properties in the surrounding area and the reuse of the site would inevitably improve the visual appearance of the immediate and wider area.

The building would have a limited impact upon the occupants of surrounding properties whilst potential future occupiers of the flats would benefit from adequate living accommodation.

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

RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

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

- Location Plan and Proposed Site Plan (shown on Drawing No: 2020-06-03 Rev A), dated 07/07/2021;
- Proposed Elevations, Floor Plans & Sections (Drawing No: 2020-06-02 Rev A), dated 07/07/2021

and documents received by the Local Planning Authority on 22/02/2021 and 05/02/2021, 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. Notwithstanding the approved plans, building operations shall not be commenced until details of the finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The proposed development shall be finished and maintained in accordance with the approved details.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the basement and ground floor retail units hereby approved shall be restricted to uses falling within Class A1 or Class A2 only.

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

5. The public opening hours of the basement and ground floor retail units hereby approved shall be as follows:

Monday to Saturday:	09:00 Hours to 22:00 Hours
Sunday:	10:00 House to 20:00 Hours
Bank Holidays:	Closed

Reason: To define the scope of the permitted use and in the interest of the amenity of neighbouring occupiers in accordance with Policies AW2, AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. The windows to be created in the side (south east and north west) elevations shall be inward opening only and permanently retained in that condition thereafter.

Reason: To protect the amenities of nearby occupiers, in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

7. The storage area located within the basement of the development hereby approved shall only be used for purposes incidental to the approved uses within 22-22a Cardiff Street, Aberdare. As such, it shall not form a separate planning unit and no separate trade or business shall be carried out therefrom.

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

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PLANNING & DEVELOPMENT COMMITTEE

16 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 22/11/2021 – 03/12//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

16 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

APPEALS RECEIVED

APPLICATION NO: 21/0554
APPEAL REF: CAS-01354-M5J0F1
APPLICANT: Mr N Marchant
DEVELOPMENT: Proposed single storey front extension and off road parking including new vehicle access (Re-submission of 20/1448/10).
LOCATION: 3 BRONHAUL, TALBOT GREEN, PONTYCLUN, CF72 8HW
APPEAL RECEIVED: 26/11/2021
APPEAL START DATE: 26/11/2021

APPLICATION NO: 21/0628
APPEAL REF: D/21/3280161
APPLICANT: S Bashir
DEVELOPMENT: Second and first floor side and single storey rear and side extensions with external alterations.
LOCATION: BRYNSADLER MILL, COWBRIDGE ROAD, PONTYCLUN, CF72 9BS
APPEAL RECEIVED: 03/08/2021
APPEAL START DATE: 23/11/2021

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Report for Development Control Planning Committee

Aberdare West/Llwydcoed

21/0962/10 Decision Date: 02/12/2021
Proposal: Change of house type from bungalow to a two storey house by the addition of a first floor and loft (conversion with garage and garden room).
Location: LAND ADJOINING BRYNYGWAITH VILLAS, LLWYDCOED ROAD, LLWYDCOED, ABERDARE

Aberdare East

21/1364/10 Decision Date: 01/12/2021
Proposal: Single storey rear and side extension.
Location: THE FIRS, MOSS PLACE, ABER-NANT, ABERDARE, CF44 0YU

21/1392/10 Decision Date: 02/12/2021
Proposal: New first floor stair access to rear elevation (retrospective).
Location: 77 GADLYS ROAD, GADLYS, ABERDARE, CF44 8AD

Cwmbach

21/1351/10 Decision Date: 29/11/2021
Proposal: Replace single storey rear extension with double storey extension
Location: 16 BLAENNANTYGROES ROAD, CWM-BACH, ABERDARE, CF44 0EA

21/1354/10 Decision Date: 01/12/2021
Proposal: Three storey extension and two single storey extensions with alterations (Amended plans received 22/11/2021)
Location: 70 GLAS-Y-GORS, CWM-BACH, ABERDARE, CF44 0BQ

Abercynon

21/1352/10 Decision Date: 23/11/2021
Proposal: Construction/installation of a retractable awning in outside seating area of the Jellyfish Cafe.
Location: LAND AT 53 MARGARET STREET, ABERCYNON, MOUNTAIN ASH, CF45 4RB

21/1438/09 Decision Date: 24/11/2021
Proposal: Certificate of lawful development for a proposed single storey extension.
Location: 11 ANN STREET, ABERCYNON, MOUNTAIN ASH, CF45 4NW

Aberaman North

21/1104/10 Decision Date: 22/11/2021
Proposal: New boundary walls to enclose car parking spaces on adjacent land. (Amended plans received 27/10/2021)
Location: 49 NEW STREET, GODREAMAN, ABERDARE, CF44 6DY

Report for Development Control Planning Committee

Ystrad

21/1369/10 Decision Date: 25/11/2021
Proposal: Proposed extension to the existing terrace at front of property.
Location: 99 YSTRAD ROAD, PENTRE, CF41 7PW

Llwynypia

21/1461/01 Decision Date: 01/12/2021
Proposal: Erection of new signage.
Location: THE COURT HOUSE, LLWYNYPYA ROAD, LLWYNYPYA, TONYPANDY, CF40 2HZ

Penygraig

21/1346/10 Decision Date: 26/11/2021
Proposal: Proposed new shop front and entrance doors with new roller shutter doors.
Location: WILLIAMSTOWN POST OFFICE, 29-30 BROOK STREET, WILLIAMSTOWN, TONYPANDY, CF40 1RD

Porth

21/1123/10 Decision Date: 26/11/2021
Proposal: Alterations to shop front to form separate access to first floor flat and creation of new access door and steps to rear.
Location: 43 NYTHBRAN TERRACE, PORTH, CF39 9TP

21/1276/10 Decision Date: 25/11/2021
Proposal: Replacement of four lighting columns and eight lights upon the Llwynycelyn Welfare Ground.
Location: PORTH HARLEQUINS RUGBY CLUB, NYTHBRAN TERRACE, PORTH, CF39 9TW

21/1341/08 Decision Date: 24/11/2021
Proposal: 1.5 metre high aluminium signs fixed to the ground with poles adjacent to roundabout exits.
Location: ROUNDABOUT RHEOLAU BRIDGE, PORTH

21/1344/10 Decision Date: 01/12/2021
Proposal: Operational development, canopy raise from 3.2m to 5.0m underside.
Location: TEXACO PETROL STATION, PORTH SERVICE STATION, LLWYNCELYN ROAD, PORTH, CF39 9SH

21/1374/10 Decision Date: 29/11/2021
Proposal: First floor extension above converted garage.
Location: 25 PLEASANT HEIGHTS, PORTH, CF39 0LZ

Report for Development Control Planning Committee

Cilfynydd

21/0382/10 Decision Date: 29/11/2021
Proposal: Two storey front, side and rear extension (Amended car parking layout received 07/06/21).

Location: 6 HILLTOP AVENUE, CILFYNYDD, PONTYPRIDD, CF37 4HZ

21/1334/10 Decision Date: 25/11/2021
Proposal: Two storey duo-pitch and duo-gable extension to rear of existing dwelling and second storey side extension.

Location: 10 BRYNDERWEN, CILFYNYDD, PONTYPRIDD, CF37 4EX

21/1359/10 Decision Date: 02/12/2021
Proposal: Single storey garage with roof terrace.

Location: 97 WOOD STREET, CILFYNYDD, PONTYPRIDD, CF37 4HA

Glyncoch

21/1432/09 Decision Date: 24/11/2021
Proposal: Certificate of lawful development for a proposed single storey rear extension.

Location: 51 CEFN CLOSE, GLYN-COCH, PONTYPRIDD, CF37 3PR

Town (Pontypridd)

21/1360/10 Decision Date: 01/12/2021
Proposal: Construct single storey flat roof extension to side elevation and modify existing conservatory arrangement to rear elevation.

Location: 49 WHITEROCK AVENUE, GRAIG-WEN, PONTYPRIDD, CF37 2EL

Trallwn

21/1342/08 Decision Date: 25/11/2021
Proposal: 1.5 metre high aluminium signs fixed to the ground with poles adjacent to roundabout exits.

Location: SAINSBURYS ROUNDABOUT, PONTYPRIDD

Hawthorn

21/0668/10 Decision Date: 30/11/2021
Proposal: Firetank, pump house and weighbridges at Veolia Waste Transfer Station. (Coal Mining Risk Assessment Rec 08/10/21)

Location: VEOLIA WASTE TRANSFER STATION, UNIT G1, MAIN AVENUE, TREFOREST INDUSTRIAL ESTATE, PONTYPRIDD, CF37 5YL

Report for Development Control Planning Committee

Ffynon Taf

21/1366/10 Decision Date: 23/11/2021
Proposal: Addition of a pitched roof dormer window to the proposed south elevation with adjustments to approved dormers.
Location: TY NANT COTTAGE, TY RHIW FARM, SOUTH VIEW, TY-RHIW, TAFF'S WELL, CARDIFF, CF15 7RZ

Llantwit Fardre

21/0699/10 Decision Date: 24/11/2021
Proposal: Demolition of existing annexe, single storey addition and porch and the construction of two storey side extension, porch and single storey wrap around extension to main house. Installation of new dormer window.
Location: TY MAWR FARM, HEOL FFRWD PHILIP, EFAIL ISAF, PONTYPRIDD, CF38 1AT

Church Village

21/1417/10 Decision Date: 25/11/2021
Proposal: Side & rear extensions.
Location: 43 THE PADDOCKS, CHURCH VILLAGE, PONTYPRIDD, CF38 1TL

Tonyrefail East

21/1320/10 Decision Date: 02/12/2021
Proposal: Garage to rear.
Location: 46 MILL STREET, TONYREFAIL, PORTH, CF39 8AA

Beddau

21/1281/10 Decision Date: 24/11/2021
Proposal: Proposed two storey extension.
Location: 34 BYRON AVENUE, BEDDAU, PONTYPRIDD, CF38 2TW

Town (Llantrisant)

21/1183/09 Decision Date: 25/11/2021
Proposal: Rear extension and loft conversion.
Location: 14 MAES CEFN MABLEY, LLANTRISANT, PONTYCLUN, CF72 8GA

21/1219/10 Decision Date: 02/12/2021
Proposal: Proposed rear /side extension and garage conversion.
Location: 3 FITZWILLIAM CLOSE, CROSS INN, LLANTRISANT, PONTYCLUN, CF72 8BN

Report for Development Control Planning Committee

Talbot Green

21/1324/10 Decision Date: 01/12/2021

Proposal: Proposed extension and alterations.

Location: BADESWELL COTTAGE, TALBOT ROAD, LLANTRISANT, PONTYCLUN, CF72 8AW

Pontyclun

21/1357/10 Decision Date: 24/11/2021

Proposal: Proposed rear first floor extension.

Location: GREENFIELD HOUSE , LLANTRISANT ROAD, GROES-FAEN, PONT-Y-CLUN, PONTYCLUN, CF72 8NS

Brynna

21/1295/10 Decision Date: 24/11/2021

Proposal: Single storey extension.

Location: 9 FFORDD Y GWAITH GLO, LLANHARAN, PONTYCLUN, CF72 9WW

Total Number of Delegated decisions is 33

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Report for Development Control Planning Committee

Aberdare East

21/1363/19 Decision Date: 22/11/2021

Proposal: Removal of 4 no. Beech trees.

Location: REAR BOUNDARY 12 & 14 THE GLADE, ABER-NANT, ABERDARE, CF44 0NX

Reason: 1 The evidence submitted does not support the felling of the trees and therefore their removal would not be reasonable or appropriate. Consequently, the application is contrary to Policy AW 8 of the Rhondda Cynon Taf Local Development Plan and Technical Advice Note (TAN) 10 of Planning Policy Wales.

Reason: 2 Insufficient information has been submitted to enable a full assessment of the impact of the proposal on protected species. As such the development would be contrary to Policy AW 8 of the Rhondda Cynon Taf Local Development Plan.

Cwmbach

21/1314/10 Decision Date: 25/11/2021

Proposal: Raising of garden level to provide a patio area.

Location: 13 CENARTH DRIVE, CWM-BACH, ABERDARE, CF44 0NH

Reason: 1 By virtue of its elevated height, scale and proximity to neighbouring properties, the proposal is considered to have a significant detrimental impact upon the residential amenity of neighbouring occupiers. It is considered that the proposal would result in a material loss of privacy, an increase in overlooking and an unacceptable overbearing impact. As such, the proposal is contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance contained within the Design Guide for Householder Development (2011).

Total Number of Delegated decisions is 2

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