



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: Kate Spence - Gwasanaethau Democrataidd (07747485566)

Bydd cyfarfod hybrid o'r **Pwyllgor Cynllunio a Datblygu** yn cael ei gynnal ar **DYDD IAU, 24AIN CHWEFROR, 2022** am **3.00 PM**.

Bwriedir i'r cyfarfod yma gael ei weddarlledu'n fyw, mae rhagor o fanylion am hyn [yma](#).

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, 22 CHWEFROR 2022, 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'r 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 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 13.01.22**

Cadarnhau cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 13 Ionawr 2022 yn rhai cywir.

5 - 12

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

5. **CAIS RHIF: 21/1081**

Troi'r garej ddwbl bresennol wrth y fynedfa i'r cytiau cŵn yn dderbynfa, newid cynllun y maes parcio presennol (Derbyniwyd yr Adroddiad Ystumod ar 7/1/22), **Cytiau Cŵn Cynllan Lodge, Heol Llanhari, Llanhari, Pont-y-clun.**

13 - 22

6. **CAIS RHIF: 21/1095**

Cais am faterion wedi'u cadw'n ôl yn unol ag amod 9 o 19/0380/15 ar gyfer Cam 4 – dymchwel pont bresennol y rheilffordd ac adeiladu pont newydd gan gynnwys lifftiau, **Gorsaf Drenau Ffynnon Taf, Heol Caerdydd, Ffynnon Taf, Caerdydd.**

23 - 34

7. **CAIS RHIF: 21/1456**

Annedd â thair ystafell wely, **Tir ger 2 Heol Cas-gwent, Cwm-parc, Treorci.**

35 - 46

8. CAIS RHIF: 21/1474

Adeiladu uned ddiwydiannol ysgafn (Dosbarth Defnydd B1) (Derbyniwyd Aseiad Risg Mwyngloddio Glo (CMRA) ar 07/12/2021), **Uned G J M Upholstery Ltd, Uned 35, Ystad Ddiwydiannol Ynys-wen, Ynys-wen, Treherbert, Treorci.**

47 - 56

9. CAIS RHIF: 21/1475

Newid defnydd garej/swyddfa gymeradwy i lety gwyliau â 2 ystafell wely gyda newidiadau, **Fferm Gwrangon Isaf, Cwm Isaac, Rhigos, Aberdâr.**

57 - 68

10. CAIS RHIF: 21/1498

Newid defnydd siop gardiau (Dosbarth A1) i siop gludfwyd (Dosbarth A3), **27B Stryd Rhydychen, Aberpennar.**

69 - 78

11. CAIS RHIF: 21/1546

Datblygiad defnydd cymysg (gan gynnwys dymchwel rhan o adeilad) sy'n cynnwys man masnachol (swyddfa a manwerthu) a datblygiad preswyl (adeilad 5 llawr sydd â 52 fflat, 7 ohonyn nhw ar gyfer cynllun anawsterau dysgu yr Awdurdod Lleol), man troi newydd, draenio, tirweddu, maes parcio, gwasanaethu, a gwaith cysylltiedig (Derbyniwyd yr Aseiad Risg Mwyngloddio Glo diweddaraf ar 15/12/21, yr Aseiad Ecolegol Rhagarweiniol a'r Adroddiad Arolwg Ystlumod diweddaraf ar 28/01/22 a'r Aseiad Effaith Sŵn diweddaraf ar 01/02/22), **Hen Co-Operative, Stryd Dunraven, Tonypandy.**

79 - 100

12. CAIS RHIF: 21/1574

Datblygiad arfaethedig o unedau Dosbarth B2 a/neu Ddosbarth B8, mynediad, maes parcio, tirweddu a gwaith cysylltiedig **Plot F, Dolydd Felindre, Parc Technoleg Pencoed, Llanharan, Pen-y-bont ar Ogwr.**

101 - 116

13. CAIS RHIF: 22/0114

Garej ddomestig ar wahân i gefn eiddo, **33 Stryd y Wern, Cwm Clydach, Tonypandy.**

117 - 122

ADRODDIAD ER GWYBODAETH

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

Rhoi gwybod i'r Aelodau am y canlynol, am y cyfnod 31/01/2022 – 11/02/2022.

Penderfyniadau Cynllunio a Gorfodi – Apeliadau a Dderbyniwyd.
Penderfyniadau Dirprwyedig, Ceisiadau wedi'u Cymeradwyo a'u
Gwrthod gyda Rhesymau.
Trosolwg o Achosion Gorfodaeth.
Gorfodi Penderfyniadau Dirprwyedig.

123 - 136

15. MATERION BRYS

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

Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu

Cylchrediad: -

Aelodau o'r Pwyllgor Cynllunio a Datblygu:

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

Y Cynghorydd J Barton, Y Cynghorydd D Grehan, Y Cynghorydd G Hughes,
Y Cynghorydd P Jarman, Y Cynghorydd W Lewis, Y Cynghorydd W Owen,
Y Cynghorydd S Powderhill, Y Cynghorydd J Williams and Y Cynghorydd D Williams

Pennaeth Cynllunio

Cyfarwyddwr Materion Ffyniant a Datblygu

Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu

Pennaeth y Gwasanaethau Cyfreithiol

Pennaeth Datblygu Mawr a Buddsoddi

Uwch Beiriannydd

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

Cofnodion o gyfarfod rhithwir y Pwyllgor Cynllunio a Datblygu a gynhaliwyd Dydd Iau, 13 Ionawr
2022 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 D Williams Y Cyngorydd S Powderhill

Swyddogion oedd yn bresennol: -

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

Y Cyngorwyr Bwrdeistref Sirol eraill oedd yn bresennol: -

Y Cyngorydd D Owen-Jones Y Cyngorydd J Brencher
Y Cyngorydd S Bradwick Y Cyngorydd M Forey

159 DATGAN BUDDIANT

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

**160 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.

161 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.

162 COFNODION 25.11.21

PENDERFYNWYD cadarnhau'r cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 25 Tachwedd, 2021 yn rhai cywir.

163 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.

164 CAIS RHIF: 21/1102

Adeilad i hwyluso'r broses o adleoli'r iard stoc drig (Derbyniwyd y Cynllun Rheoli Aroglau ar 30 Medi 2021, Derbyniwyd Datganiad gan y Milfeddyg a chynlluniau diwygiedig, gan leihau maint yr adeilad a gwella'r dirwedd ar 18 Hydref 2021) CAE, CROFT YR HAIDD, CASTELLAU, BEDDAU, PONT-Y-CLUN.

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

Mr Ieuan Williams (Asiant)
Mr Bob Stephenson (Asiant)
Ms Susan Morris (Gwrthwynebydd)
Mr Simon Young (Gwrthwynebydd)
Mr Matthew Paul, Bargyfreithiwr ar gyfer Mr Robert Bevan (Gwrthwynebydd) – Cyflwyniad wedi'i Recordio

Nododd y Pwyllgor nad oedd Ms Carol Feehan (Gwrthwynebydd), a oedd wedi gwneud cais i annerch Aelodau ar y cais, yn bresennol i wneud hynny.

Arferodd yr Asiant, Mr Ieuan Williams, yr hawl i ymateb i'r sylwadau a wnaed gan y gwrthwynebwyr.

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

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

Amlinellodd y Pennaeth Materion Datblygu a Buddsoddi Sylweddol gynnwys 12 llythyr 'hwyr' a ddaeth i law ynghylch y cais. Derbyniwyd deg llythyr 'hwyr' yn gwrthwynebu'r cais, gan gynnwys llythyr oddi wrth yr Aelod Lleol, y Cynghorydd D Owen-Jones, a'r gweddill gan drigolion lleol. Derbyniwyd dau lythyr 'hwyr' pellach yn cefnogi'r cais, gan gynnwys llythyr oddi wrth Mr I Williams (Asiant) a

thrigolyn lleol.

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.

165 CAIS RHIF: 21/0773

Parhau i ddefnyddio'r llawr gwaelod at ddibenion manwerthu, newid defnydd ac ailddatblygu lloriau uchaf yr eiddo i ddarparu 6 fflat preswyl ag 1 ystafell wely ac un fflat â 2 ystafell wely. NEW LOOK, 58 STRYD CAERDYDD, ABERDÂR, CF44 7DG.

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

Siaradodd yr Aelodau Lleol, Cyngorwyr y Fwrdeistref Sirol S. Bradwick ac M Forey, nad yw'n aelod o'r Pwyllgor, am y cais gan fynegi eu pryderon ynglŷn â chyfleusterau storio gwastraff a pharcio yn y datblygiad arfaethedig.

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.

(Nodyn: Ymatalodd Cyngorwydd y Fwrdeistref Sirol S Powderhill rhag pleidleisio ar yr eitem hon oherwydd nad oedd yn bresennol ar gyfer y ddadlawn).

166 CAIS RHIF: 21/0946

Gwaith peirianeg y priffyrdd arfaethedig gan gynnwys y fynedfa i'r safle (derbyniwyd cynllun y safle p21/0946 ar 27/10/21) TIR AR SAFLE HEN YSBYTY ABERDÂR, HEOL ABER-NANT, ABER-NANT, ABERDÂR

Yn unol â'r gweithdrefnau a gafodd eu mabwysiadu, derbyniodd y Pwyllgor Mr Rob Davies (Asiant). Cafodd e bum munud i gyflwyno'r cais uchod i'r Aelodau.

Siaradodd yr Aelodau Lleol, y Cyngorwyr Bwrdeistref Sirol S Bradwick ac M Forey, nad ydyn nhw'n Aelodau o'r Pwyllgor, ar y cais, gan ddweud eu bod nhw'n cefnogi'r datblygiad arfaethedig. Serch hynny, nodwyd pryderon a godwyd gan drigolion Aber-nant ynghylch datblygiad y safle yn y dyfodol a diffyg ymgynghori cyhoeddus gan WDL Homes Ltd.

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.

167 CAIS RHIF: 21/1449

Amrywio Amodau Caniatâd Cynllunio 17/0246/10 - 1. Ymestyn y terfyn amser a 2. Amnewid y cynllun sydd wedi'i gymeradwyo (gweithredu cynllun diwygiedig B hdw.ph/may.2001 yn lle cynllun diwygiedig A hdw/ph/may.2001). HEULWEN DEG, BYTHYNNOD Y GRAIG, GRAIG-WEN, PONTYPRIDD, CF37 2EF

Yn unol â'r gweithdrefnau a gafodd eu mabwysiadu, derbyniodd y Pwyllgor Mr Rob Hathaway (Asiant). Cafodd e bum munud i gyflwyno'r cais i'r Aelodau.

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.

168 CAIS RHIF: 20/0806

Cyflwyno manylion cais materion wedi'u cadw'n ôl (yn unol ag amod 9 o ganiatâd cynllunio 19/0380/15) ar gyfer Cam 2 gwaith y priffyrdd, sy'n cynnwys gwaith ailfodelu Ffordd Bleddyn a Heol Caerdydd, gan gynnwys adeiladu pontydd i hwyluso mynediad i'r depo trenau arfaethedig yn Ffynnon Taf; ynghyd â chyflwyno deunyddiau a manylion triniaeth ffiniau, sy'n berthnasol i Gam 2 (yn unol ag amodau 28 a 30 o ganiatâd cynllunio 19/0380/15); a chynllun cam wrth gam wedi'i ddiweddarau (yn unol ag amod 41 o ganiatâd cynllunio 19/0380/15).

(Derbyniwyd gwybodaeth ychwanegol a/neu newydd: 14/09/21 (Astudiaeth Ddichonoldeb Maes Parcio Gorsaf Drenau Ffynnon Taf (05/08/21)) TIR AR SAFLE YSTAD DDIWYDIANNOL GARTH WORKS A GORSAF DRENAU FFYNNON TAF, I'R GORLLEWIN O'R A470

Ar yr adeg yma, penderfynodd y Pwyllgor y byddai'r cyfarfod yn parhau am fwy na 3 awr.

Yn unol â'r gweithdrefnau a gafodd eu mabwysiadu, derbyniodd y Pwyllgor Mr Sam Taylor (Ymgeisydd). Cafodd bum munud i gyflwyno'r cais uchod i'r Aelodau, a chais 21/0568 sydd wedi'i nodi yng nghofnod 169 isod.

Cyflwynodd Pennaeth Materion Cynllunio y cais i'r Pwyllgor. Ar ôl trafod y cais, **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr - Materion Ffyniant a Datblygu, yn amodol ar gwblhau cytundeb adran 106 sy'n gofyn am:

- Talu swm ariannol (yr union ffigur i'w gytuno) tuag at gostau'r Cyngor o ran penodi swyddog rheoleiddio/gorfodi traffig i helpu i orfodi unrhyw orchmynion rheoli traffig sydd mewn grym yn Ffynnon Taf yn ystod cyfnod adeiladu'r holl ddatblygiad (nid yn unig y gwaith priffyrdd Cam 2)
- Bod yr ymgeisydd/datblygwr yn darparu o leiaf 178 o leoedd parcio

i wasanaethu Gorsaf Drenau Ffynnon Taf. Bod yr ymgeisydd/datblygwr yn cadarnhau pa un o blith pedwar opsiwn a gyflwynwyd y bydd yn mynd ar ei drywydd erbyn 30 Ebrill 2023, a darparu'r lleoedd parcio hyn erbyn diwedd cyfnod prydles bresennol y maes parcio. Na fydd y datblygiad yn gweithredu oni bai bod lleiafswm o 178 o leoedd parcio cyhoeddus ar gael i wasanaethu Gorsaf Drenau Ffynnon Taf.

Cytunwyd hefyd y byddai'r Pennaeth Cynllunio'n cyflwyno llythyr i Drafnidiaeth Cymru ar ran y Pwyllgor i fynegi'r angen am waith ymgysylltu llawn a phriodol â'r gymuned leol yn ystod y broses adeiladu.

(Nodwch: Ar y pwynt yma, gadawodd Cynghorydd y Fwrdeistref Sirol D. Williams y cyfarfod (6.13pm))

169 CAIS RHIF: 21/0568

Cais materion wedi'u cadw'n ôl (yn unol ag elfen amlinellol o gais 19/0380/15) a gafodd ei gyflwyno mewn perthynas â Cham 3 y datblygiad - adeiladu Prif Adeilad y Depo ar gyfer Rheilffyrdd Craidd y Cymoedd, Metro De Cymru (bydd yn cynnwys sied cynnal a chadw, adeilad sy'n cynnwys swyddfeydd; cyfleuster sandio; adeilad golchi cerbydau ac ystafell beiriannau; cyfleuster golchi a glanhau'r ffrâm isaf; seilwaith trydanol cysylltiedig (generadur, ystafelloedd trydan foltedd isel a foltedd uchel); porthdy; maes parcio i staff ac ymwelwyr; traciau mewnol, man cadw trenau a seilwaith llinell drydan uwchben cysylltiedig, nenbontydd a mannau archwilio) ynghyd â gwaith ategol sy'n cynnwys gwaith ffensio, goleuadau, diogelwch a thirlunio.

(Derbyniwyd gwybodaeth ychwanegol a/neu newydd: 08/07/21 (Cynlluniau trefniant cyffredinol y priffyrdd, cynllun(iau) trawstoriad y droedffordd a chynllun(iau) ar gyfer troedffordd/llwybr beicio a rennir/ar wahân; 14/09/21 (Astudiaeth Ddichonoldeb Maes Parcio Gorsaf Drenau Ffynnon Taf (05/08/21)) TIR YN HEN SAFLE YSTAD DDIWYDIANNOL GARTH WORKS.

Amlinellodd Pennaeth Materion Cynllunio gynnwys llythyr 'hwyr' gan drigolyn lleol yn gwrthwynebu'r cais, gan nodi pryderon am waith yn ystod y nos.

Cyflwynodd y Pennaeth Materion Cynllunio y cais i'r Pwyllgor. Ar ôl trafod y cais, **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr - Materion Ffyniant a Datblygu, yn amodol ar yr Amodau a amlinellir yn yr adroddiad, yn ogystal ag amod ychwanegol i sicrhau maes parcio

(Nodwch: Gadawodd Cynghorydd y Fwrdeistref Sirol W Owen y cyfarfod yn ystod yr eitem yma (6.22pm) ac felly ni phleidleisiodd ar yr eitem).

170 CAIS RHIF: 20/0682

Creu tair llain i deithwyr gan gynnwys carafán sefydlog, carafán deithio ac ystafell ddydd/amlwrpas fesul llain a sefydlu gwaith trin (yn rhannol ôl-weithredol). (Derbyniwyd yr Adroddiad Ecolegol diwygiedig ar 1/9/20; Derbyniwyd Adroddiadau Pathewod ac Ystlumod a chynllun safle diwygiedig/cynlluniau'r ystafell ddydd ar 24/11/10) STABLAU BROAD

OAKS, HEOL LLANHARI, LLANHARI, PONT-Y-CLUN, CF72 9LY

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

171 CAIS RHIF: 21/1511

Adeiladu parc sglefrio concrit newydd o fewn Parc Tyn-y-Bryn, SAFLE O FEWN PARC TYN-Y-BRYN, HEOL TYN-Y-BRYN, TONYREFAIL.

Ar ôl datgan buddiant yn y cais uchod yn gynharach (Cofnod Rhif 159), arferodd Cynghorydd y Fwrdeistref Sirol D Grehan yr hawl i siarad ar y cais cyn gadael y cyfarfod am hyd y drafodaeth.

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.

(Nodwch: Ailymunodd Cynghorydd y Fwrdeistref Sirol W Owen â'r cyfarfod (6:39pm) ond ymataliodd rhag pleidleisio oherwydd nad oedd yn bresennol ar gyfer y ddadl lawn).

172 CAIS RHIF: 21/0687

2 bâr o dai pâr, TIR I'R DE O DERAS TAF, CLYDACH, TONYPANDY

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.

(Nodwch: Ar y pwynt yma, gadawodd Cynghorydd y Fwrdeistref Sirol P. Jarman y cyfarfod (6.44pm))

173 CAIS RHIF: 21/0466

Trosi eglwys yn 8 fflat (Ailgyflwyno 19/0829/10), EGLWYS CALFARI, HEOL Y COED, TREFFOREST, PONTYPRIDD

Cyflwynodd y Pennaeth Cynllunio'r cais, a gafodd ei gyflwyno'n wreiddiol i'r Pwyllgor ar 21 Hydref 2021, pan wrthododd yr Aelodau'r cais yn groes i argymhelliad y Cyfarwyddwr - Materion Ffyniant a Datblygu (Cofnod 94).

Rhoddodd yr Aelodau ystyriaeth i'r adroddiad pellach, gan dynnu sylw at gryfderau a gwendidau posibl gwrthod cais yn groes i argymhelliad swyddogion, ac yn dilyn trafodaeth, **PENDERFYNWYD** gwrthod y cais yn groes i argymhelliad y Cyfarwyddwr - Materion Ffyniant a Datblygiad:

Byddai nifer yr unedau arfaethedig yn golygu bod y safle'n cael ei orddatblygu, a fyddai'n arwain at unedau sy'n darparu ansawdd ac amodau bywyd gwael i drigolion y dyfodol, yn groes i Bolisi AW5 o Gynllun Datblygu Rhondda Cynon Taf.

174 CAIS RHIF: 21/1179

Dymchwel The Dragon (The Bridge Inn gynt) a Rhif 1 Stryd Saron, a chodi 5 uned bwrpasol i fyfyrwyr (sui generis). Cynlluniau diwygiedig a dderbyniwyd 19/01/21, THE DRAGON INN A RHIF 1 STRYD SARON, TREFFOREST, PONTYPRIDD

Cyflwynodd Pennaeth Materion Datblygu a Buddsoddi Sylweddol y cais, a gafodd ei gyflwyno'n wreiddiol i'r Pwyllgor ar 2 Rhagfyr 2021, pan wrthododd yr Aelodau'r cais yn groes i argymhelliad y Cyfarwyddwr - Materion Ffyniant a Datblygu (Cofnod 134).

Rhoddodd yr Aelodau ystyriaeth i'r adroddiad pellach, gan dynnu sylw at gryfderau a gwendidau posibl gwrthod cais yn groes i argymhelliad swyddogion, ac yn dilyn trafodaeth, **PENDERFYNWYD** gwrthod y cais yn groes i argymhelliad y Cyfarwyddwr - Materion Ffyniant a Datblygiad.

O ganlyniad i faint ac edrychiad y bloc llety myfyrwyr arfaethedig, ystyrir y byddai'r datblygiad yn ymddangos yn anghydnaws â chymeriad ac edrychiad y datblygiad presennol yng nghyffiniau'r safle a'r ardal gadwraeth ehangach. Ystyrir felly bod y cynnig yn groes i bolisiâu AW5, AW6 ac AW7 o Gynllun Datblygu Lleol Rhondda Cynon Taf a Pholisi Cynllunio Cymru.

175 CAIS RHIF: 12/1250

Adeiladu garejys newydd sy'n cynnwys 3 garej sengl (derbyniwyd y cynlluniau wedi'u diwygio a'r cynlluniau ychwanegol ar 19/10/2021 a 24/11/2021), TIR GYFERBYN Â WOODVILLE, HEOL PANTYGRAIGWEN, PANT-Y-GRAIG-WEN, PONTYPRIDD.

Cyflwynodd y Pennaeth Cynllunio'r cais, a gafodd ei gyflwyno'n wreiddiol i'r Pwyllgor ar 16 Rhagfyr 2021 pan wrthododd yr Aelodau'r cais yn groes i argymhelliad y Cyfarwyddwr - Materion Ffyniant a Datblygu (Cofnod 154).

Rhoddodd yr Aelodau ystyriaeth i'r adroddiad pellach, gan dynnu sylw at gryfderau a gwendidau posibl gwrthod cais yn groes i argymhelliad swyddogion, ac yn dilyn trafodaeth, **PENDERFYNWYD** gwrthod y cais yn groes i argymhelliad y Cyfarwyddwr - Materion Ffyniant a Datblygiad.

1. Byddai'r garejys arfaethedig yn arwain at gynnydd yn y gwrthdaro rhwng defnyddwyr y briffordd oherwydd agosrwydd safle'r datblygiad at gyffordd Ffordd Graigwen a Heol Pantygraigwen, sydd â diffyg darpariaeth barhaus o lwybrau troed ac sy'n dioddef o ormodedd o barcio ar y stryd. Byddai hyn yn arwain at risg uwch o berygl i ddiogelwch priffyrdd a cherddwyr, a llif rhydd traffig. 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.
2. Ni ystrir bod gosod y bloc modurdai yn ôl o'r briffordd yn fesur digonol er mwyn lliniaru'r gwrthdaro posibl rhwng cerbydau sy'n mynd i mewn ac allan o'r modurdai a cherddwyr a cherbydau sy'n defnyddio Heol

Pantygraigwen. 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.

176 CAIS RHIF: 21/1267

Trosi eiddo yn 8 fflat stiwdio, gan gynnwys estyniad deulawr y tu cefn i'r eiddo, addasiadau mewnol a chyfleusterau parcio oddi ar y stryd y tu cefn i'r eiddo (derbyniwyd cynlluniau diwygiedig ar 18/10/21 a derbyniwyd y disgrifiad diwygiedig ar 18/10/21). GWYNFA HOUSE, YR HEOL FAWR, PENTRE'R EGLWYS, PONTYPRIDD.

Cyflwynodd y Pennaeth Cynllunio'r cais, a gafodd ei gyflwyno'n wreiddiol i'r Pwyllgor ar 16 Rhagfyr 2021, pan wrthododd yr Aelodau'r cais yn groes i argymhelliad y Cyfarwyddwr - Materion Ffyniant a Datblygu (Cofnod 155).

Rhoddodd yr Aelodau ystyriaeth i'r adroddiad pellach, gan dynnu sylw at gryfderau a gwendidau posibl gwrthod cais yn groes i argymhelliad swyddogion, ac yn dilyn trafodaeth, **PENDERFYNWYD** gwrthod y cais yn groes i argymhelliad y Cyfarwyddwr - Materion Ffyniant a Datblygiad.

Byddai'r cynnig yn golygu gorddatblygu'r safle gan y byddai'n darparu llety byw o ansawdd gwael i breswylwyr y dyfodol. Byddai'r datblygiad felly yn groes i Bolisiau AW5 o Gynllun Datblygu Lleol Rhondda Cynon Taf

177 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 rhwng 06/12/2021 a 31/12/2021.

Daeth y cyfarfod i ben am 7.00 pm

**Y Cyngorydd S Rees
Cadeirydd.**

PLANNING & DEVELOPMENT COMMITTEE

24 FEBRUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1081/10 (GH)
APPLICANT: Hope Rescue
DEVELOPMENT: Convert the existing double garage at the entrance to the kennels into a reception area to serve the kennels, amend the layout of the existing car park. (Bat Report received 7/1/22)
LOCATION: CYNLLAN LODGE DOG KENNELS, LLANHARRY ROAD, LLANHARRY, PONTYCLUN, CF72 9NH
DATE REGISTERED: 30/07/2021
ELECTORAL DIVISION: Llanharan

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS: The proposed development would result in the conversion and reuse of a dilapidated outbuilding. This would provide flexible additional accommodation for Hope Rescue, which would improve the appearance of the site and its new use would have no impact upon the amenity of the closest neighbouring occupiers.

Therefore, the application is considered to be in accordance with Policies AW5, AW6, AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- Objections have been received from three neighbouring properties.

APPLICATION DETAILS

Full planning consent is sought to convert an unused garage at Hope Rescue's dog kennels at Cynllan Lodge, Llanharry Road, Llanharry.

The existing double garage, which is currently unused, would improve the facilities for staff and volunteers, by providing a more suitable public reception with tea-making and toilet facilities.

The scale and form of the garage would not be altered, although its existing double doors would be replaced with windows and an entrance door and window would be installed within the eastern elevation.

Currently, the garage has a masonry finish which is proposed to be clad with a composite material, and the structure would be re-roofed. In addition, a store for bins and the rainwater tank, with external doors and the same cladding finish, is proposed to be erected and attached to the rear.

Lastly, the proposed site plan includes details for the formal arrangement of parking within the existing car park area, resulting in the removal of a belt of large conifer trees and demonstrates that twenty off-street parking spaces can be provided.

In addition to the plans and elevation drawings accompanying the application, a Design and Access Statement has been submitted. This was later supplemented by a Bat Report as a response to consultee comments.

SITE APPRAISAL

The application site is the premises of the Hope Rescue Dog Kennels, and although it has a postal address at Llanharry, is actually located within open countryside a short distance to the east of Llanharan.

The property is accessed via a private lane leading directly from the Llanharry Road, and comprises a large barn style building, within which the animals are accommodated.

There are a cluster of other structures, including the current reception area, together with a store and the disused garage, the latter being the subject of this application.

Off-street car parking is provided within a forecourt to the front of the barn, and to its rear there is an exercise area. The property Cynllan Lodge, a detached two storey house, is located immediately adjacent to the site entrance.

PLANNING HISTORY

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

- 20/1136/10:** Proposed new Kennel block. Decision: 14/12/2020, Grant.
- 17/0100/09:** Certificate of Lawful Development for a change of use to an animal rescue centre. Decision: 17/08/2017, Grant.
- 98/2865:** Proposed cattery. Decision: 26/02/1999, Grant
- 88/0421:** Boarding Kennels (Reserved Matters). Decision: 04/08/1988, Grant.
- 86/0227:** Boarding kennels and training (Outline). Decision: 20/05/1986, Grant.
- 79/0084:** Erection of bedroom and dining room. Decision: 22/02/1979, Grant.

PUBLICITY

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

Letters of objection or representation were received from three properties raising the following issues:

- The trees were planted as part of the original planning permission for the previously run boarding kennels business, 35 years ago before they were taken over by Hope Rescue, and way before we moved here.
- The trees play a significant role in sound proofing the noise from the dogs barking. Even so some days they can still be heard depending on the wind direction, this absolutely affects the enjoyment of our property especially when we are outdoors as, as you can imagine the sound of dogs barking constantly is very annoying, and without the trees this would be intolerable. I also feel that felling so many well-established trees would be an environmentally drastic step, as they have become part of the beautiful landscape.
- Felling of the trees without re-instatement of a suitable sound barrier would make the noise unbearable to us local residents.
- When Hope Rescue have carried out previous works to their drainage system and their sensory garden etc large heavy lorries have been driven up and down this lane frequently, causing noise and dust disruption, damage to the repaired surfaces mentioned above and congestion in passing neighbours vehicles when going about their business.
- Given the scope of the works I would like to raise my concern about how this building project is going to safely deliver to and service the development for the duration of the works? What are the plans for getting building materials etc to site?
- What reparation works are going to be carried out by Hope Rescue on the lane to counter the inevitable further damage caused by vehicles servicing their business/charity?
- A recent ecological survey allied to the proposed Llanharan by-pass has indicated a large and significant colony of bats in various properties along the lane including Hope Rescue. In the application Hope Rescue have indicated that there will be no disturbance of protected wildlife.
- None of us have been told where the bat roosts are, (probably for good reason) and I would like to be assured that bats are not roosting in the existing garage before it gets knocked around by building contractors etc.

CONSULTATION

Highways and Transportation

No highway objection is raised, or condition suggested.

Flood Risk Management

No objection or recommendation for condition.

Public Health and Protection

Conditions are recommended in respect of noise, dust, waste, demolition and hours of operation.

However, these matters can be controlled under existing public health legislation, and Welsh Government Circular 016/2014 advises that such conditions would be unnecessary as a duplication of existing powers. Consequently, an informative note is proposed to be appended to any consent.

Dwr Cymru Welsh Water

Since the proposal intends utilising an alternative to mains drainage, DCWW advises that the applicant seeks 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 bat report records a low number of bat roosts found for common and soprano pipistrelle. This is likely to be licensable by NRW and confirmation should be sought from them that this is the case.

Natural Resources Wales

No objection. NRW confirms that an EPS Licence will be necessary for the development to be carried out due to the presence of bat roosts.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within open countryside to the east of Llanharan.

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 option.

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 which 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 SSA22 - identifies those areas that have been designated as Green Wedge in order to prevent coalescence between and within settlements.

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 – Employment / Housing / Infrastructure

SE Wales Policies

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 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 relates to the conversion of an outbuilding within the curtilage of an existing animal rescue centre and a revision to the layout of the car park.

The site is located outside of the settlement boundary and within an area of land designated as Green Wedge. However, the development would not alter or enlarge either the mass or footprint of the property and would not, therefore, represent an encroachment into the countryside or prejudice the open nature and characteristics of the Green Wedge.

It is noted that the location could not be reasonably described as a sustainable one, particularly in relation to LDP Policy AW2. Nonetheless, taking into account that such a land use is best accommodated away from existing settlements and that the proposal would not result in an intensification of use, the principle of development is considered to be acceptable.

Impact on the character and appearance of the area

The site contains some large structures, primarily the main kennel building in which the animals are accommodated. The garage is located in the centre of the grounds, between these kennels and Lodge, and is of a small domestic scale. Its conversion would therefore have a minimal effect on the overall character of the site and the surrounding area, albeit the refurbishment of the structure would be beneficial to its appearance.

In respect of the car park area, most of this land, between the large kennel building and access track, is already used for such a purpose, although it is appreciated that the existing large conifers, which form a dense continuous screen to the front of the site, are so thick that they have reduced the depth of the available parking area. Consequently, vehicles have to park at an angle.

The application details, as subsequently confirmed by the Agent, require the removal of this large hedge. As acknowledged by neighbouring residents, this screens the kennel building from the access track which also leads to the dwellings to the north-east. Whilst the track is not part of the adopted highway network, it is a Public Right of Way RAN/15/1.

Nonetheless, the conifer trees are not statutorily protected and therefore do not form part of a group Tree Preservation Order. Therefore, no planning consent would be required to remove them and formally arrange the car park area.

The objection letters also refer to the trees being subject to a condition of an earlier consent; although, it has not been possible to verify such a condition and the Applicant has subsequently advised that the trees were planted seven or eight years after the centre was built.

However, the removal of the trees would leave a void between the access track and right of way, and it is considered that a replacement boundary fence or hedge would be visually beneficial as a screen between the development and open countryside. Subject to a condition in that regard, the application is considered to be acceptable in terms of its impact on the appearance of the site and surrounding area.

Impact on neighbouring occupiers

The location of the garage means that its conversion would have no meaningful impact upon the amenity of the closest neighbouring occupiers. Similarly, the same principle applies to any considerations in respect of the car park since this land is already used for such a purpose.

With regard to the hedge, and suggestions from objectors that it screens noise from the kennels, it is noted that the closest dwelling to the site, relative to the position of the hedge, is approximately 180m to the north-east. On the opposite side of the track to the hedge, the land is wooded.

Whilst the concern is noted, particularly with regard to the conifer hedge to the easterly site boundary, it is considered less likely that that part of the hedge along the southerly front of the site would prevent noise disturbance, especially when the other side of the track is wooded and would also absorb noise.

Nonetheless, a condition for the submission of details of a replacement boundary treatment, for approval, is recommended, both to ensure the car park area is acceptably demarcated from where it abuts the access track, as well as for the visual reasons mentioned above.

In other respects, concerning the amenity and privacy of neighbouring occupiers, the development is considered to be acceptable.

Access and highway safety

Access

The access to Hope Rescue Centre is from a single width track. The lane is unadopted and unnamed, with no footway provision and limited areas for vehicles to pass one another.

The section of single width carriageway gives direct access to a number of residential dwellings and the existing use along with a Public Right of Way. There is ample space within the site for off-street car parking with access / egress in forward gear which is acceptable.

There is concern that the proposal would increase use of the very substandard access; however, as the use of the Kennel / Rescue Centre has been occurring for some time and no expansion of the business is proposed by this application, the use of the lane is. On balance, acceptable.

Parking

Limited information has been submitted regarding the existing amount of designated parking on site. Nonetheless, the proposal only results in the loss of two car parking spaces by way of the garage conversion, with 20 spaces still offered.

Although the Council's adopted SPG has no specific requirement for a Kennel / Rescue Centre, it is considered that there is ample space already allotted within the proposed development for off-street parking. The proposed development gives no undue cause for concern with regard to off-street parking provision.

Drainage

The proposal concerns the conversion of an existing double garage into a reception area and an amendment of the existing car park layout at Cynllan Lodge Dog Kennels, Llanharry.

A total site area of 5200 sq. metres has been identified by the applicant; however, a total construction of less than 100 sq. metres has been determined from the supporting documents provided.

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 there is a small area of high surface water flood risk at the site, but the area of the proposal is not within an area of surface water flood risk.

Based on the information provided, the applicant does not appear to increase the footprint of impermeable surfaces at the site and the Lead Local Flood Authority does

not envisage an alteration of the site's surface and no objection or condition is recommended.

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 application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, and any impact on the character of the area or residential amenity. In addition, the development is not considered to be harmful to highway safety or cause unacceptable detriment to ecology.

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:

- Proposed MP new parking layout
- Proposed Site Plan
- Proposed Floor Plan Rev 1
- Sections Rev 1
- Elevations 1 Rev 1
- Elevations 2 Rev 1

and details and documents received on 31st July 2021 and 7th January 2022.

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 details of a replacement boundary treatment, in place of the conifer hedge which is proposed to be removed, has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in accordance with the approved details within 3 months of the completion of the garage conversion.

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

PLANNING & DEVELOPMENT COMMITTEE

24 FEBRUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1095/16 (JE)
APPLICANT: Amey Infrastructure Wales
DEVELOPMENT: Application for reserved matters pursuant of condition 9 of 19/0380/15 for Phase 4 - demolition of existing railway bridge and construction of new bridge including lifts.
LOCATION: TAFFS WELL RAILWAY STATION, CARDIFF ROAD, TAFF'S WELL, CARDIFF, CF15 7PE
DATE REGISTERED: 03/08/2021
ELECTORAL DIVISION: Ffynon Taf

RECOMMENDATION: APPROVE

REASONS: The proposal represents the fourth submission of reserved matters (pursuant to the outline element of 'hybrid' consent 19/0380/15) and comprises Phase 4 of the wider scheme.

19/0380/15 establishes in principle the establishment of a new rail depot and works to the railway station at the site, to service the needs of the South Wales Metro Core Valley Lines network.

It is considered that the development can be undertaken at the site without having significant adverse impacts upon the character and appearance of the area or the neighbouring amenity. The application proposal is assessed to comply in the main with the relevant policies of the Council's LDP and national planning policy and guidance

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Background and Context to the Application

In July 2018 Committee considered hybrid application 18/0314, (part full and part outline) submitted by Transport for Wales (TfW) for the demolition of the existing building at the Garth Works site and the creation of a rolling stock depot facility together with ancillary works, car parking and improvement works to Taffs Well

Railway Station. That application was approved, with the decision notice dated 1 August 2018.

Subsequently a further s.73 application (19/0380) was submitted following the appointment of KeilosAmey (KA) as the Operator and Development Partner (ODP).

KA reviewed the plans approved under 18/0314 and as a result submitted 19/0380, which proposed a number of changes to the approved indicative masterplan, which would also result in modifications to approved section and elevation drawings.

Application 19/0380 was made under Section 73 of the Planning Act and in effect sought not to comply with condition 10 – list of approved plans (as imposed on 18/0314) by replacing it by a condition which lists the plans of the modified rolling stock depot and Taffs Well railway station, thereby allowing reserved matters application/s to come forward in line with the parameters set within the modified plans.

Members of Committee were advised when considering 19/0380 (at the 3 October 2019 meeting of Planning & Development Committee) that approval of the application (19/0380) will still mean it is necessary for KA/TfW to submit detailed submissions for the matters reserved by the outline planning permission – i.e. layout, scale and appearance of the buildings, the means of access thereto and the landscaping.

This current reserved matters submission application for the construction of a new railway footbridge represents Phase 4 of the scheme and the fourth submission of reserved matters. The extent of this Phase 4 site, is shown within the context of the larger, wider site on the submitted Site Location Plan (TRAN01-ARC-R0-TAF-DDR-A-AR-000004 rev P02).

To give some context as to how this phase of works fits into the wider Taffs Well Rail Depot scheme the list of applications below confirm the other reserved matter submissions have also been lodged with the Local Planning Authority in respect of other phases of the scheme:

1. Phase 1 (20/0161) CVLICC building – Approved 12/08/20
2. Phase 2 (20/0806) Highway remodelling works to Ffordd Bleddyn – Approved 13/01/22
3. Phase 2A (20/1369) Engineering works comprising piling works associated with proposed Ffordd Bleddyn bridge – Approved 23/12/21
4. Phase 3 (21/0568) New South Wales Metro Core Valley Lines main depot facility – Approved 13/01/22
5. Phase 4 (21/1095) Demolition of existing Taffs Well Railway Station pedestrian railway bridge and replacement with new bridge, incorporating lifts – to be determined (*this application*)

In conjunction with each of these reserved matter submissions noted above there sits a separate application seeking a discharge of conditions (as imposed on the 19/0380 consent) as relevant to that individual phase of the development.

In the case of Phase 4 (this application) the relevant discharge of condition application is 22/0098, which seeks in respect of Phase 4 the discharge of conditions 18 (CEMP

– Construction Environmental Management Plan), 25 (CMS – Construction Method Statement), 28 (Materials), 30 (Boundary Treatment) and 41 (Phasing).

Other pre-commencement conditions as imposed on Part B (the outline element) of 19/0380 apply site wide and have been the subject of earlier discharge of condition applications which have been submitted to and granted by the LPA. Those considered relevant to Phase 4 are condition nos. 11, 14, 29, 31, 34, 35, 36, 37, 40 and 42.

The proposal would see the construction of a new railway footbridge at Taffs Well Railway Station. The proposed footbridge would be located to the north west of the existing footbridge and would see the existing platform widened utilising an area of railway sidings to the west and an area of car park to the north.

The proposed footbridge would consist of 2no. towers sited on either side of the railway measuring a width of 3.1 meters by a depth of 2.8 metres. These structures would accommodate lifts and would be connected via a single span footbridge. The towers would measure a maximum height of 9.8 metres with the top of the bridge parapet measuring a height of 6.2 metres above the ground level of the platforms. To access the footbridge there would be a steel steps extending to the south east that would allow direct access from either platform. Along the western side staircase would be a 1.8 metres perforated balustrade to act as a privacy screen. The proposal would also see the construction of a lift motor room located beneath each staircase.

Once the construction of the proposed footbridge is completed, the existing traditional stepped footbridge would be removed from the site.

The proposal forms part of the larger transformation works at Garth Works, Taffs Well which are associated with the CVL Transformation works. The CVL transformation includes a number of upgrades that will modernise the network so that it can support more services of a higher quality. As part of the investment required to transform the rail network, additional depot and stabling facilities are required to accommodate the new fleet of rolling stock. One of the main elements of the whole CVL transformation project is the construction of this new rolling stock depot at Taff's Well. In addition to the stabling and maintenance of the fleet, the depot facility will also comprise of an accommodation block consisting of offices, welfare facilities and training rooms for the depot maintenance staff, train drivers and train crew. A car park and gatehouse building will be constructed to the South of the depot to provide staff parking

SITE APPRAISAL

The application site for Phase 4 relates Taff's Well Railway Station. However, the full application site of the outline consent effectively incorporates the extent of the whole of the former Garth Works Industrial Estate, which included the large Forgemasters building, which stood to the eastern side of the site, with the exception of the very northern part for which Phase 1 reserved matters approval (under 20/0161) has already been granted for the CVLICC building, on which work is well advanced, with the building itself appearing substantially complete (at least externally).

The eastern boundary of the site of Phase 4 is defined by the existing station car park and the highway verge at Ffordd Bleddyn, whilst the western boundary of the site is

bounded by disused railway sidings which separates the site from properties at Llys Hafn and Alfred's Terrace beyond.

The former Garth Works Industrial Estate buildings have now been cleared from the site and consented site preparatory works are now well advanced. Ffordd Bleddyn itself has been closed to vehicular traffic at the southern (Cardiff Road) end for some months now and a significant amount of inert material, required as part of the construction works, has been deposited on the carriageway.

PLANNING HISTORY

The former Garth Works Industrial Estate had a long planning history, with a high number of relatively minor and advertisement applications, relating to individual buildings/units within the former Estate. However, that has now been cleared and so only the recent relevant applications associated with the AIW/TfW scheme are referred to below. *(It should be noted that the history below does not list every single application submitted. In addition to the main applications referred to below there have also been a number of Discharge of Condition and Non-Material Amendment applications relating to both 18/0314 and 19/0380 and the individual Phases of development).*

21/1095 Phase 4 submission of reserved matters (pursuant to condition 9 of consent 19/0380) for the demolition of the existing Taffs Well Railway Station pedestrian footbridge and replacement with new footbridge, incorporating lifts (Current application subject of this report)

21/0568 Phase 3 submission of reserved matters (pursuant to condition 9 of consent 19/0380) for the creation of a new South Wales Metro Core Valley Lines main depot facility
Approved 13/01/22

20/1369 Phase 2A submission of reserved matters (pursuant to condition 9 of consent 19/0380) for engineering works comprising piling works associated with proposed Ffordd Bleddyn bridge
Approved 23/12/21

20/0806 Phase 2 submission of reserved matters (pursuant to condition 9 of consent 19/0380) for highway works, incorporating the remodelling of Ffordd Bleddyn and Cardiff Road, including the construction of bridge structures to facilitate rail access into the proposed Taffs Well Rail Depot
Approved 13/01/22

20/0161 Phase 1 submission of reserved matters (pursuant to condition 9 of 19/0380) for the erection of a new Core Valley Lines Integrated Control Centre (CVLICC) building.
Approved 12/08/20

19/0380 Section 73 application seeking amendments to Condition 10 as imposed on 'hybrid' planning permission 18/0314 (which granted (A) full planning permission for the demolition of existing buildings on the Garth Works Industrial Estate part of the site; and (B) outline planning permissions for a rolling stock depot comprising of a warehousing building, stabling area accommodating rolling stock,

substation, wash down point, sanding facility and delivery tracks, ancillary workshop and offices, decked car parking providing maximum of 214 car parking spaces, demolition and relocation of existing railway footbridge and platforms, and associated landscaping, highways and access infrastructure works
Cond. Perm. 09/10/19

18/0314 Hybrid Planning Application to deliver a rolling stock depot on the existing Garth Works Industrial Estate site comprising of the following: Part A: Full planning application for the demolition of existing warehouses on the existing Garth Works Industrial Estate site. Part B: Outline planning application to provide a rolling stock depot comprising of a warehousing building, stabling area accommodating rolling stock, substation, wash down point, sanding facility and delivery tracks, ancillary workshop and offices, decked car parking providing a maximum of 214 car parking spaces, demolition and relocation of existing railway footbridge and platforms, and associated landscaping, highways and access infrastructure works.
Cond. Perm 01/08/18

PUBLICITY

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

No letters of objection or representation have been received.

CONSULTATION

Transportation Section: No objections are raised and no further conditions suggested on the basis that the conditions imposed by the overarching application 19/0380 would apply to all phased elements of the development.

Flood Risk Management (Drainage): no objection raised to the application, subject to compliance with the requirements of the drainage conditions as imposed on the outline planning permission. It is also highlighted that the applicant will also need to attain approval under the SuDs consenting regime, approval for which lies outside scope of planning approval.

Countryside (Ecology): No objection raised as ecology interests have been covered through the granting of outline consent.

No other consultation responses have been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the

provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Taffs Well.

Policy CS2 – Sets out the criteria for new development proposals in the Southern Strategy Area of the County Borough.

Policy CS8 - identifies the need for the provision of public transport improvements, as part

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.

of wider strategic transportation network improvements, within the County Borough.

Policy AW2 – promotes development in sustainable locations

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

Policy SSA20 – confirms that provision for Park and Ride (P&R) facilities will be provided within the identified developments, no.6 in the list of 6 sites being Taffs Well Station

Supplementary Planning Guidance

- Design and Placemaking
- Delivering Design and Placemaking: Access, Circulation & 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). *(This was after the granting of the 'hybrid' application 19/0380/15).*

Planning Policy Wales (Edition 11) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for

development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

PPW at Chapter 4 (Active and Social Places) at para. 4.1 (Transport) states that the planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. Para. 4.1.9 confirms that Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.

Para. 5.3.6 states that planning authorities must promote and facilitate the provision and decarbonisation of high quality public transport infrastructure.... which could include improved facilities for park and ride schemes, new rail lines, including light rail, the provision of enhanced passenger services on existing lines.

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 FW2040, 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 12 – Regional Connectivity
- Policy 36 - South East Metro

Policy Wales Technical Advice Notes (TANs)

- TAN 11: Noise
- TAN 12 Design
- TAN 18: Transportation
- TAN 23: Economic Development

REASONS FOR REACHING THE RECOMMENDATION

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

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

Planning Considerations

Principle of development

The proposed construction of the new station footbridge together with ancillary works represents Phase 4 of the wider scheme for which the principle has already been established by virtue of the 18/0314 and 19/0380 consents.

Impact upon character and appearance

Whilst the proposal would inevitably form a highly prominent addition to the site, the design or external appearance of the proposed works is not considered to injure the amenity of the area. This view is taken for the following reasons:

The proposed development would be located within an existing railway station and in close proximity to the location of an existing footbridge and infrastructure. The proposed development is a common feature at railway stations, and it would be of a similar design to other existing all access footbridges on the CVL network.

The proposed footbridge would be visible from neighbouring properties to the south and west but would be viewed in the context of the existing station and associated infrastructure. Additionally, the footbridge has been appropriately designed to reflect its use, and its siting has been considered carefully to fulfil its purpose which is required to meet the relevant access and safety criteria. Furthermore, given the significant redevelopment works taking place as part of the wider CVL Transformation works at Garth Works Industrial Estate, it is considered that any potential visual impacts would be minimised in the wider context of the overall scheme.

Members should also note that this proposal could be completed under Part 11 Class A Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 subject to prior approval.

Impact upon neighbouring amenity

Whilst the proposed footbridge would result in a prominent addition within the vicinity and would be sited closer to residential properties in comparison to the existing bridge at the railway station. The footbridge has been sited so it is located inline within the highway between Llys Hafn and Alfred's Terrace which results in the proposal being at 90degree angle from the closest residential dwellings. In addition, the existing vegetation would be retained on land separating the footbridge from the closest neighbouring properties and would provide an element of screening. As such, the bridge is considered to result in an acceptable visual impact from the closest neighbouring properties at Llys Hafn and Alfreds Terrace.

With regard to overlooking, as the proposed footbridge would incorporate screening along the western side staircase and bridge span, it is considered that these features would restrict the most harmful opportunities for overlooking from occurring. Members should also note that during the design phase, the proposal under consideration was considered the preferred option when assessing the impact upon neighbouring residents.

Taking the above into account, the proposal is not considered to result in any adverse impact upon the amenity and privacy of the closest neighbouring properties.

Highway safety

The Council's Transportation Section were consulted during the consultation period in order to provide comments in relation to highway safety. The following response was received:

The proposal would remove the existing stepped footbridge and provide a new structure incorporating lifts to facilitate disabled access close to the location of the existing structure to minimise the distance wheel chair users would have to travel. The proposal is contained within railway land under the control of TfW would not adversely affect highway or pedestrian safety and encourage use of public transport by members of the public unable to easily utilise the existing stepped access, including disabled, elderly and persons with pushchairs or taking bicycles on the train to facilitate multimodal journeys. Therefore, the proposal is considered acceptable.

As a reserved matters application associated with outline approval granted at application 19/0380 each phase of the overall development is subject to conditions imposed at the overarching consent requiring provision of construction method statement to be provided in connection with each phase of the development. Therefore, conditions requiring provision of construction Method statement are not required and it is expected that the works will be undertaken within the existing road closure of Ffordd Bleddyn.

Ecology/Biodiversity

On 23 October 2019 (so 2 weeks after 19/0380 was granted) 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 19/0380 stage it was confirmed that no part of the (whole scheme) site lies within any local of statutory ecological/habitat designation. However, to the east of the

site, on the opposite side of the A470, lies the Fforest Fawr SINC (Site of Interest for Nature Conservation), designated under policy AW8 of the LDP (site no. AW8.157). Slightly further away, to the west of the site lies the River Taff SINC (AW8.142). At a further distance of approximately 0.1km lie elements of the national level designated Cardiff Beech Woods Special Area of Conservation (SAC). The element to the south west lies on the other side of the River Taff and covers the wooded slopes around Taffs Well Quarry (operated by Cemex), on the left as one drives up the hill from Morganstown to Pentyrch. The element of the SAC to the south east of the application site comprises the wooded slopes around Castell Coch.

Appropriate supporting ecological assessment (Preliminary Ecological Appraisal PEA and Bat Survey) information was included within the overall 19/0380 submission. The Council's Ecologist considered the information and raised no objection, subject to the imposition of conditions. In addition, the comments NRW were sought in respect of the proximity of the site of potential impacts on the Cardiff Beech Woods SAC. NRW raised no objection and confirmed their agreement with the conclusions reached in the report presented by the applicant's ecological consultant.

It should be noted that site wide (across the extent of the whole scheme) information has previously been submitted to and agreed (on 14/02/20) by the LPA in respect of conditions 29 (Bat and Bird Mitigation) and condition 31 (Wildlife Protection Plan) as imposed on 19/0380, under discharge of condition application ref 19/1145. It is considered therefore that full and proper consideration has been given to interests of ecology and biodiversity and that the scheme is compliant with local and national planning policy and guidance in this regard.

Other issues

The impact on and consequences for wider interests such as drainage and flood risk, geotechnical issues, noise, lighting and historic environment were fully considered at the outline (19/0380) stage and it is not considered that the details proposed under this current reserved matters submission will result in any greater impacts than those anticipated at the outline stage. Appropriate conditions to address issues were imposed on 19/0380 and those relevant to the development of Phase 4 have either been previously submitted and the details agreed or are under current consideration.

Phasing of the proposed depot works

AIW/TfW's indicated construction programme has slipped from those start dates given within the submission. However, they indicate the following:

1. Phase 1 – Maintenance shed and office building (April 2021 - June 2022)
2. Phase 2 – Stabling facilities and associated track (May 2021 - August 2022)
3. Phase 3 – Car Park and security office/gatehouse (Oct 2021 – Oct 2022)
4. Phase 4 – Landscaping and final works (Oct 2021 – Oct 2022)
5. Phase 5 – Testing and commissioning (March 2022 – Oct 2022)

Whilst the timescales have slipped it does indicate a full construction period of some 18 months.

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

Taking the above considerations into account it is concluded that the principle of development of the site has been positively established by the granting out the outline application. It is considered that the appearance, layout and scale of the footbridge is considered acceptable and would not have a detrimental impact upon the character and appearance of the area; the residential amenity of those living closest to the site or the highway safety and free flow of traffic in the area. As such, it is considered that the application is compliant with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)
 - TRAN01-KAW-R0-R2P-DDR-A-AR-000004 – P02
 - TRAN01-KAW-R0-R2PDDR-A-AR-000500 – P02
 - TRAN01-KAW-R0-R2PDDR-A-AR-000502 – P02
 - TRAN01-KAW-R0-R2PDDR-A-AR-000504 – RevP01
 - TRAN01-KAW-R0-TAF-DDR-A-AR-000014 – RevP01

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.

tudalen wag

PLANNING & DEVELOPMENT COMMITTEE

24 FEBRUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1456/10 (BJW)
APPLICANT: Mr S Rees
DEVELOPMENT: Three bed dwelling.
LOCATION: LAND ADJ TO 2 CHEPSTOW ROAD, CWMPARC,
TREORCHY
DATE REGISTERED: 01/11/2021
ELECTORAL DIVISION: Treorchy

RECOMMENDATION: Approve.

REASONS: The site is located in a prominent roadside position within the settlement boundary of the village of Cwmparc. Consequently, the principle of the development, the construction of a dwelling is broadly considered to be acceptable, subject to compliance with other policies within the Local Development Plan (LDP).

Additionally, the site benefits from an outline consent for a single dwelling. Therefore, the principle of the development has clearly been established as acceptable by virtue of the previously approved outline application.

The application property would be a large contemporary dwelling within a traditional setting of historic terraces on the valley floor and in a prominent roadside location. The site is currently a disused area of rough grassland with some dense bramble areas. The proposal would make a more productive use of the site and provide an opportunity for a windfall site for housing within a sustainable residential setting.

The proposal would provide an acceptable form of modern and contemporary development that would be in keeping with surrounding land uses, would be acceptable to the amenity of neighbouring properties, the visual amenity of the area, potentially contamination issues, highway safety considerations and any wider ecological issues.

It is considered that, subject to appropriate conditions, the application would be acceptable and therefore a recommendation to approve the development is offered.

REASON APPLICATION IS BEING REPORTED TO COMMITTEE

- A petition with 34 signatures has been received, objecting to the application.

APPLICATION DETAILS

Full planning permission is sought for the construction of a single, large contemporary two storey dwelling (in the form of a dormer bungalow) on land adjacent to 2 Chepstow Road, Cwmparc, Treorchy.

The house would be set within the centre of the site, approximately 8.2m from the footway, located to the south. The property would be arranged with a vehicular access in the south-east corner of the site, a front garden/hardstand/turning area, a side access/hardstand with cycle parking area and two terraced rear garden areas.

The house itself would measure 11.9m in width by 8.1m in depth by 2.6m in height to the eaves and 6.57m in height to the highest part of the roof. The dwelling would be arranged over two floors with the upper floor being accommodated within the roof with a central front gable and a total of five, pitched-roof dormers (two front, three rear).

Accommodation would consist of the following:

Ground floor – Hall, study, kitchen/dining/sitting room, shower room with W.C., utility room and bedroom.

First floor – Landing area, 2 no. bedrooms and a bath/shower/W.C.

The house would be rendered with an ivory thru-tone render to fit in with the rendered finish on the surrounding houses. Windows, bargeboards, fascias and soffits would be anthracite UPVC with black UPVC rainwater goods.

The site has a previous (outline) consent, for a single dwelling, approved in 2020.

SITE APPRAISAL

The application site consists of a parcel of land that measures approximately 450 square metres and a frontage of 17.9m. The site is irregular in shape and is located on the junction with Park Road and the entrance to Chepstow Road.

The site levels increase from south-east to north-west with the highest point being at the rear of the site. The majority of the site is covered with grass and shrubbery with areas of fairly dense bramble. An electricity sub-station is also located within the site along the south-eastern boundary. On its south-western boundary the site is bounded by unused land, to the south-eastern boundary the site is bounded by Chepstow Road with the north-eastern and north-western boundaries adjoining no. 2 Chepstow Road and the rear lane at Castle Street respectively.

Neighbouring properties at Chepstow Road, Park Road, and Castle Street are all traditional terraced dwellings of a similar scale and design. However, it is noted that throughout the village of Cwmparc there are a number of new build properties located in close proximity to traditional terraced dwellings.

PLANNING HISTORY

19/1084	Land adjacent to 2 Chepstow Road, Cwmparc, Treorchy	Proposed dwelling (outline)	GTD 27/02/2020
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PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. A petition has been received, objecting to the application on the basis that the site hosts wildlife. Slow worms and hedgehogs are specifically stated. The petition is signed by 34 signatories.

CONSULTATION

Transportation Section – The proposed development provides satisfactory off street car parking with access / egress in forward gear and is therefore acceptable subject to a number of conditions. No highway objection has been raised, subject to conditions.

Land Reclamation and Engineering (Drainage) – no objection, subject to conditions to require the drainage arrangements to be submitted to and approved by the Local Planning Authority and the agreed scheme implemented at the site. Advice is also offered in relation to Sustainable Drainage Approval and notifying the applicant of their requirements under Schedule 3 of the Flood and Water Management Act 2010.

Public Health and Protection – no objection, subject to a condition to restrict the hours of operation during the construction period, conditions to address potentially contaminated former land uses and standard informative notes.

Dwr Cymru Welsh Water – no objection, subject to conditions and informative notes. Also identifies a public sewer crossing the site to which no development shall be placed within 3 metres.

Countryside, Landscape and Ecology – given the contents of the petition received the Council's Ecologist was asked for additional comments in relation to the site. Ecologist acknowledged that there was some potential for slow works although this was limited because of the domination by very tall bramble which would reduce suitable areas. Additionally, there is some potential that hedgehog may occasionally hibernate or rest in the dense bramble cover.

Therefore, as a precaution, if this planning applications gains planning permission a condition for a pre-commencement ecological mitigation plan that includes nesting bird avoidance measures, a precautionary slow worm mitigation strategy and a precautionary hedgehog mitigation strategy should be included.

POLICY CONTEXT

The site is within the settlement boundary of Cwmparc and is unallocated.

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for achieving sustainable growth.

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

Policy AW2 - promotes development in sustainable locations.

Policy AW4 - details the criteria for planning obligations including the Community Infrastructure Levy (CIL).

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

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

Policy AW8 - only permits development where it would not cause harm to features of the natural environment.

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

Policy NSA11 - the provision of at least 10% affordable housing will be sought on sites of 10 units or more.

Policy NSA12 - supports housing development within and adjacent to defined settlement boundaries.

Supplementary Planning Guidance (SPG):

Design and 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) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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.

Given the relatively modest 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 national policy guidance consulted:

Technical Advice Note 12 (2016): Design

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

The development site is within the defined settlement boundary where development is considered to be acceptable subject to compliance with other policies within the Local Development Plan.

The proposal is for a large, detached residential dwelling with off-street parking and rear garden amenity areas. The principle of residential development within the wider site has already been established by virtue of the previously approved outline application for residential development at the site.

Consequently, subject to other matters to be addressed later in this report, the principle of the development is considered to be acceptable.

Impact on amenities of neighbouring properties

The application proposes a single, detached dwelling within the settlement boundary with a modern and contemporary character and appearance. While it is acknowledged that existing surrounding properties are of a certain historic character, there are more modern individual dwellings as well as larger concentrations of more modern designs and housing types interspersed within the fabric of the area.

The dwelling that is proposed could be accommodated at the site without leading to over-development. Additionally, it is considered that due to its layout and siting, the proposed dwelling would not have a detrimental impact on the amenity of neighbouring properties by way of loss of privacy or amenity and would not have an overbearing impact.

Additionally, the site already benefits from an outline consent, that firmly establishes the principle of the development of the site for housing.

Therefore, having regard to the issues above it is considered that the principle of the development is acceptable in this regard.

Character and appearance of the area

The proposed dwelling would be in keeping with the more modern developments that have been built within the immediately surrounding area.

The proposed dwelling is considered to be attractive, contemporary and modern property that would be in keeping with the character and appearance of the area and the visual amenity of the immediate and surrounding locality.

The proposal would be a visually striking, modern and contemporary dwelling, in keeping with the more modern developments within the surrounding area.

Consequently, it is considered that the proposal is acceptable in this respect.

Highway safety

The Transportation Section has raised no objection to the application, subject to appropriately worded conditions.

This view acknowledges that the site is in a sustainable location, close to alternative modes of transport and local amenities. The layout provides acceptable access arrangements for pedestrians and vehicles, including calling service and delivery vehicles. The layout also includes adequate levels of off-street parking for motor-vehicles and cycles as well as on-site manoeuvring that would allow those vehicles to enter and leave the site in a forward gear.

Consequently, it is considered that, subject to the suggested conditions, the application is acceptable in this regard.

Other issues

The comments of the Public Health and Protection Division in respect of conditions in relation to potentially contaminating former land uses is acknowledged and it is considered reasonable and necessary to include these conditions to ensure the health, safety and wellbeing of the end user of the site and neighbouring properties.

The suggested condition to restrict the hours of operation during construction is acknowledged, however it is considered that this issue can be better addressed through other legislative controls open to the Council.

In terms of the petition signed by local residents in relation to ecological issues the following comments are offered.

The site has been examined by the Council's Ecologist who considers that the potential for the site to provide a positive habitat for slow-worms or hedgehogs would be very limited and transient in nature. It is suggested that conditions be imposed for a pre-commencement ecological mitigation plan that includes nesting bird avoidance measures, a precautionary slow worm mitigation strategy and a precautionary hedgehog mitigation strategy.

Consequently, it is considered that this issue can be adequately dealt with through the imposition of this condition.

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 site lies within Zone 1 of

Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable. Therefore no CIL would be payable.

Conclusion

The development would provide a productive use of a vacant and disused piece of land within the settlement boundary that already benefits from an outline consent for residential use.

The proposal would also add to the variety and housing types within the area and would be consistent with the residential use, character and appearance of the surrounding area.

Finally, the development would not be detrimental to the amenity of neighbouring properties, potentially contaminated previous land uses, ecology and highway safety considerations and is therefore considered to be acceptable.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

- Site Location Plan
- Proposed layout plan (ground floor), Dwg. No: PDCR21-311
- Proposed layout plan (ground floor), Dwg. No: PDCR21-312
- Proposed elevations plan, Dwg. No: PDCR21-313
- Proposed elevations plan, Dwg. No: PDCR21-314
- Proposed Section plan, Dwg. No: PDCR21-315
- Proposed boundary treatment and layout plan, Dwg. No: PDCR21-316

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

3. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise

as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

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

4. Building operations shall not be commenced until samples of the materials, including colours, 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.

5. 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.

6. No dwelling shall be occupied until the drainage works approved under condition 5 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.

7. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with submitted plan PDCR21-311 surfaced in permanent material and approved by the Local Planning Authority.

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

8. Prior to the development being brought into use, a vehicular footway crossing shall be provided 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 traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. 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 Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. 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 Local Planning Authority dispenses with any such requirement specifically and in writing.

1. 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.
2. 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 (1) above.
3. 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: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in Condition [insert number]) 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: 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

12. 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: 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.

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

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.

14. Prior to the development hereby approved commencing, including site clearance, a pre-commencement ecological mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details for nesting bird avoidance measures, a precautionary slow worm mitigation strategy and a precautionary hedgehog mitigation strategy.

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

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PLANNING & DEVELOPMENT COMMITTEE

24 FEBRUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1474/10 (LJH)
APPLICANT: J & M Upholstery
DEVELOPMENT: Construction of a light industrial unit (Use Class B1)
(CMRA received 07/12/2021).
LOCATION: UNIT G J M UPHOLSTERY LTD, UNIT 35, YNYSWEN
INDUSTRIAL ESTATE, YNYS-WEN, TREHERBERT,
TREORCHY, CF42 6EP
DATE REGISTERED: 07/12/2021
ELECTORAL DIVISION: Treorchy

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

REASONS: The proposal is compliant with both Local and National Policy in that the use of the site for commercial and industrial uses has already been established.

The proposal seeks to construct a modestly sized light industrial unit which would be offered for rent, which would maximise its potential to be brought into productive use for employment purposes.

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

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the construction of a new industrial unit on a parcel of land within the compound of Unit 35, Ynyswen Industrial Estate.

The new unit would be sited towards the north-eastern corner of the site adjacent to the communication station and have a rectangular footprint measuring 13m in width by 9m in depth, a pitched roof is proposed with a ridge height of 6.3m, falling to 4.5m at the eaves.

Car parking and circulation space would be provided as part of the communal yard serving Unit 35. Vehicular access to the site would be gained via the existing access

used by the occupants of Unit 35 via the internal access road, which also serves neighbouring industrial developments, and connects with the A4061 (Ynyswen Road) to the east of the site.

With regard to external finishes, the submitted details indicate the unit would be finished in profile steel cladding to the roof and red/brown facebrick to the elevations. A high clearance roller shutter door would be provided within the front elevation along with 2 no. pedestrian access doors within the front and side elevations respectively. No window openings are proposed.

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

- Coal Mining Risk Assessment

SITE APPRAISAL

The site relates to a currently vacant parcel of land within the compound of Unit 35, Ynyswen Industrial Estate, which has been split into a number of smaller units. Unit 35 is constructed of corrugated metal sheeting and accommodates businesses such as Spraytech, Cresta Leisure, MK Glazing, JM Upholstery, and a caravan storage business.

The site is accessed from the south-west via an internal access road located off Ynyswen Road (A4061), there are residential properties to the north on the other side of the Rhondda River, the nearest of which are nos. 80-84 Ynyswen Road, approximately 50m away. Ynyswen Train Station is located approximately 120m to the south of the application site.

PLANNING HISTORY

The most recent planning applications associated with this site are:

10/0531/10: UNIT 35, YNYSWEN INDUSTRIAL ESTATE, YNYSWEN, TREHERBERT, TREORCHY, CF42 6EP.

Caravan storage.

Decision: 22/10/2010, Granted.

PUBLICITY

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

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

CONSULTATION

Highways and Transportation: No objection or conditions recommended.

Public Health and Protection: No objection subject to conditions relating to hours of operation during construction, hours of operation after construction, noise, dust, and waste.

Welsh Water: No objection subject to a condition.

Flood Risk Management: No objection subject to condition.

Coal Authority: No objection subject to a condition.

Western Power Distribution: If a new connection or a service alteration is required, a separate application to WPD will be required.

Waste Services: The bin collection point must be at the front of the site at the kerbside.

No other consultation responses have been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

Policy AW5 – The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. Additionally, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

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

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

Supplementary Planning Guidance

Design and Placemaking
Access Circulation and Parking

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

National Guidance

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

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

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Flooding;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The application site lies within settlement limits and in an area with a history of commercial activity. The proposal seeks to develop a new industrial building on a parcel of land that is currently vacant within the larger compound area of Unit 35.

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

Principle of the proposed development

The site is located within the boundary of the established Ynyswen Industrial Estate, which has been operating for many years. Consequently, the use of the site for employment purposes has already been established. TAN 23 also advises that local planning authorities should guide economic development to the most appropriate locations, rather than prevent or discourage such proposals.

Furthermore, the proposal would make use of a vacant plot within the Industrial Estate, which would have economic benefits for the wider estate and the County Borough as a whole. It would also be complimentary to the character and uses of other industrial buildings nearby.

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

In light of the above, it is considered that the proposal would not conflict with surrounding land uses and would, therefore, be generally acceptable in principle, subject to consideration of the other relevant material matters set out below.

Impact on the character and appearance of the area

The building would be sited with its rear elevation adjacent to the communication station within the north-eastern corner of the site, and its primary elevations

overlooking an open space to the front of the proposed industrial unit that provides parking and circulation space to the compound.

The building would be uncomplicated in its design, with a shallow ridge roof and elevations finished in facebrick. The unit would be served by a commercial roller shutter door and secondary pedestrian doors. As noted above, the immediate and surrounding areas are commercial and industrial in character, with existing businesses operating from industrial buildings nearby.

Consequently, as the proposed building would be comparable in its scale and appearance to that of the adjacent commercial and industrial units, it is not considered the proposal would alter the character of this industrial site or impact upon the appearance of the surrounding area.

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

Impact on residential amenity and privacy

In terms of its location, the site is surrounded by neighbouring commercial and industrial uses and forms part of a well-established trading estate. These include a variety of uses within the B1/B2/B8 Use Classes, all of which trade throughout the day, attracting business from visiting members of the public and trade.

Whilst it is acknowledged there are residential properties located nearby to the site, they are located approximately 50 metres to the north and are separated from the development site by a communication station and the Rhondda River.

A light industrial use is sought (Use Class B1) and it is not considered that the use class proposed would generate any additional adverse impacts upon the occupiers of these dwellings than already exist at the estate.

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

Access and highway safety

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

The proposed unit is located on Ynyswen Industrial estate which has a carriageway width of 7.6m with a 1.8m footway on the development side. The proposed unit would be served via a private access along the shared yard of Unit 35 which is currently used for parking and service vehicles. The existing unit number 35 has been split into a number of smaller units with a large area of the yard used for caravan storage.

The proposed industrial unit requires up-to a maximum of 2 car parking spaces and 1 van space. There is space within the yard area for the required parking requirement within the curtilage of the site without impacting on the public highway which is acceptable.

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 therefore complies with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

Coal Risk and Ground Stability

The Coal Authority have reviewed the Coal Mining Risk Assessment submitted in support of the application and comment that the report is able to conclude that the development of the site should not, in terms of risk from coal mining legacy, be an obstacle or an over-riding issue to any planning consent as the risk is considered to be low. Their comments go on to request that any consent includes a condition requiring that a basic physical foundation formation check, together with a Mine Gas Emissions Report, are carried out prior to the construction of the new building to determine the nature of the shallow geology and ground characteristics. A suitable condition to this effect will therefore be appended.

The Coal Authority also comment that it should be noted that where SUDs are proposed as part of the development scheme, consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site. An informative note will therefore be appended to reflect this advice.

Drainage

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

However, it has been noted that whilst the applicant has outlined how surface water will be managed and disposed of at the site, no detailed drainage calculations to support the proposed scheme have been provided.

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

It is also noted that no adverse comments have been received from Dwr Cymru following the consultation process. However, a condition is suggested for the provision of a potable water supply. Whilst the reasoning behind this request is acknowledged, it is not considered that the condition is relevant to Planning or reasonable and therefore the condition will not be appended to any grant of consent.

Public Health

With regard to the issues raised by the Public Health and Protection Section, it is considered hours of operation during construction, noise, dust and waste matters from construction activities can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning these issues.

Public Health also request a condition to limit hours of operation after construction and whilst this request is acknowledged it is not considered necessary given that the new unit will be limited to that of B1 use whereby B1 uses are those considered to be any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area. Therefore, the request to restrict hours of operation is considered to be unreasonable given that the site is located approximately 50 metres away from the nearest residential properties and within an existing industrial estate setting.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The proposal represents the construction of a light industrial unit (Use Class B1) within the confines of an existing Industrial Estate. Whilst it is acknowledged that some residential properties are located near to the site, it is not considered that there would be any undue impact resulting from the operation of the unit.

RECOMMENDATION: Grant

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

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

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

- Drawing no. 2831 C

and documents received by the Local Planning Authority on 03/11/2021 and 07/12/2021, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence until the applicant evidences how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

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

4. No development shall commence until a scheme of intrusive site investigations including a Mine Gas Emissions Report have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme.

Reason: To determine the nature of the shallow geology and ground characteristics and to ensure that the development would not result in any risk of land instability, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until the findings arising from the intrusive site investigations and a scheme of remedial works have been submitted to and approved in writing by the Local Planning Authority. The implementation of any remedial works shall be carried out in accordance with the approved scheme.

Reason: To ensure that the development would not result in any risk of land instability, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

24 FEBRUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1475/10 (EL)
APPLICANT: Utopia Design
DEVELOPMENT: Change of use of approved garage/office to 2 bedroom holiday let with alterations.
LOCATION: GWRANGON ISAF FARM, CWM ISAAC, RHIGOS, ABERDARE, CF44 9AX
DATE REGISTERED: 03/11/2021
ELECTORAL DIVISION: Rhigos

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

REASONS: The proposal complies with both local and national planning policy in that, the development of a bed and breakfast unit of accommodation at this location would positively support leisure and tourism uses in the area. The potential impacts upon residential amenity, character and appearance, and highway safety are also considered acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the conversion of an earlier approved two storey garage /office building (application ref. no. 06/0600/10), within the curtilage of Gwrangon Farm, Cwm Isaac, Rhigos from a garage/office to form 1 no., 2 bedroom Air Bed and Breakfast (B&B) unit of accommodation.

Whilst the application development has been described as the above, since the garage in question has not yet been constructed, the current application must be considered on the basis that it proposes the construction of a new purpose-built Air B&B unit; albeit that the structure would be broadly comparable in terms of its siting, scale and appearance, to that of the earlier approved garage/office building.

The proposed Air B&B unit would be positioned within the northern extent of the site on an area of land that is currently used as car parking. The building would measure 9.0 metres in width and 7.5 metres in depth. It would have a ridge roof construction measuring 6.3 metres to its ridge and 3.0 metres to its eaves. Internally the ground floor of the unit would provide an open plan living and kitchen space with separate

bathroom. At first floor level would be two bedrooms served by ridge roof dormers to the front roof plane and roof lights to the in the rear roof plane. The elevations of the building would be faced in stonework and it would have a tiled roof.

By means of background, planning permission was approved in March 2021 (20/1243/10) for the conversion of an attached barn at Gwrangon Farm to form 2 no Air B&B (Bed and Breakfast) units. This application was accompanied by the following statement, provided by the applicants, which provided information on the market which they intend the accommodation to appeal to:

“We live a vegan, yoga and healthy lifestyle and love the Welsh outdoors and this is what we are trying to promote to others who want to escape from the 9-5. We want to appeal to people that would like to come away for the weekend, visit all the amazing sites that Wales has to offer, such as Brecon Beacons National Park, Bike Park Wales, the water falls, the new zip world and perhaps practise some yoga and meditation. We have so much beauty and so many fantastic places that attract people to this area and we hope to provide a tranquil retreat style accommodation in the form of the old barn conversion. Making a comfortable open plan living area where couples, families and friends can relax and enjoy the local area, facilities and beauty spots that this area has to offer.”

Since the approval of the 2020 application (20/1243/10) the applicants needs have changed and they no longer wish to convert the existing barns (which are attached to the main house) as they wish to retain them for their current use, that being as a workshop and storage, used in connection with their carpentry business.

However, they still wish to develop a bed and breakfast business from the site. As such, they seek permission to develop a single B&B unit of accommodation (on the site of the approved garage/office). They are however aware that if the current application is approved, then this would effectively grant them planning permission to develop 3 no. B&B units at the site, which they recognise would potentially result in increased impacts to existing neighbouring residents, in terms of traffic movements and general amenity. As such, in support of their current submission, the applicants have indicated a willingness to enter into a S106 legal agreement which would mean that, if Members are minded to approve this application, the applicant would be prevented from implementing both consents at the site.

SITE APPRAISAL

The application site is known as Gwrangon Farm, Cwm Isaac, Rhigos. The existing dwelling and attached barns are located within a curtilage of approximately 2500 square metres, with a parking area located to the north west of the buildings and large garden areas to the south and west. The site is served by an access lane (Cwm Isaac) which connects with Heol-y-Graig to the east. The site occupies an edge of settlement position, opening onto open countryside to the west, however the property also forms part of the village of Rhigos. The site is separated from the nearest property (to the east) by the Nant Gwrangon watercourse. Neighbouring properties in the vicinity of the site (along Cwm Isaac) vary in their style and construction but are largely detached dwellings. As set out in the preceding section of the report, planning permission has

previously been approved for the construction of a two storey garage/office to the north of the house and barn, on an area currently used for parking.

PLANNING HISTORY

21/0600	Gwraŵn Farm, Cwm Isaac, Rhigos	Detached two storey garage.	Granted with conditions 17/06/21
20/1243	Gwraŵn Farm, Cwm Isaac, Rhigos	Proposed conversion of attached barn to form 2 no. Air B&B (Bed and Breakfast) units of accommodation and associated alterations (Amended description 07/12/20).	Granted with conditions 23/03/21

PUBLICITY

The application was advertised by direct neighbour notification and site notices. Four letters of representation have been received, which are summarised as follows;

Two letters express concerns to the proposals as follows;

- There has been an increase in traffic along the lane resulting from the applicant running their business from the site.
- The approved B&B will increase traffic along the narrow lane which leads to the site. The proposed B&B would increase this further.
- Privacy of residents living on the lane has already been damaged since the applicants have been resident.

Two letters (from neighbouring residents) comment that;

- the applicant has approached them to advise them that they no longer wish to implement the earlier approved planning permission and that the current submission is an alternative to that.
- Whilst they would have concerns about three B&B units operating from the site, they comment that if the earlier permission is revoked or that the applicant enters into an agreement to prevent them from implementing both of the permissions, then they would have no objections to the current scheme.

CONSULTATION

Transportation Section – no objections raised, condition limiting use and occupancy suggested.

Land Reclamation & Drainage - no objections raised, condition suggested.

Dwr Cymru - no objections raised.

Public Health & Protection – no objections raised, informative notes recommended.

Glamorgan Gwent Archaeological Trust – no objections raised.

The Coal Authority – no objections raised, informative note recommended.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

Indicates that the site lies but directly adjacent to the defined settlement boundary, west of Cwm Isaac in Rhigos. The application is further situated within a coal mineral safeguarding area (AW 14.4), with no other designations affecting the site.

AW2 promotes development in sustainable locations.

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

AW6 sets out the criteria for new development in terms of design and place-making.

AW 8 provides a criteria for the protection and enhancement of the natural environment.

AW9 provides a criteria for the alteration, renovation or conversion of existing buildings outside the defined settlement boundaries

NSA 12 sets out the criteria for development within and adjacent to settlement boundaries.

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 4 – Rural Communities – LDP
- Policy 5 – Supporting the Rural Economy – LDP

SE Wales Policies

- Policy 35 – Valley Regional Park – SDP/LDP/Economy/Environment/Tourism

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

Full planning permission is sought for the construction of a two-storey structure within the curtilage of Gwarrgon Farm, Cwm Isaac, Rhigos. It is proposed that the resulting building would be occupied as a 2 bedroom Air B & B unit, being managed by the residents of Gwarrgon Farm.

The key considerations in determining this application are the compatibility of the proposed use, in relation to existing land uses, the potential impact of the structure upon the character and appearance of site and its setting; and the potential impact upon the amenity and privacy of the occupiers of adjacent properties. The impact of the proposal upon highway safety is a further consideration.

Principle of development

It is noted that the application site is located outside but immediately adjoining the defined settlement boundary of Cwm Isaac, Rhigos. In addition to this fact, as outlined in the planning history of the site, planning permission has been approved, by a separate planning application (20/1243/10), for the conversion of an existing barn to form 2 no. Air B&B units at the site.

In terms of the proposed use, whilst it is accepted that in general planning policy aims primarily to restrict development in countryside locations it is important to note that national planning policy supports tourism development that is well-located and well-designed, in particular, it supports proposals that utilise previously developed or disused land. There is no requirement in PPW 10 for tourism proposals to be located within the defined settlement boundary however there is a need to demonstrate compliance with the national place-making agenda. In this case, despite being outside of settlement limits, the site is considered to be in a reasonably sustainable location, being read as part of the settlement of Cwm Isaac and being located relatively close to key local services and facilities. In addition to this, there are a number of public rights of way and active travel routes in the vicinity of the site, which helps to reduce car dependence by providing safe environments for walking and cycling. In support of their submission the applicants have provided a short statement outlining their proposals. They have indicated they intend to market the accommodation to those looking to enjoy an outdoors, healthy lifestyle, appealing to those looking to visit local sites such as Brecon Beacons, Bike Park Wales, the new zip world and other outdoor pursuits, thereby taking advantage of their edge of settlement position. Overall, having regard to the requirements of national planning policy, it is considered that the principle of the B&B as a tourism/leisure use is acceptable, subject to the scheme's compliance with the relevant Local Development Plan policies in relation to potential amenity and highway safety impacts. These matters will be considered in the following sections of the report.

Character and Appearance

The application proposes the construction of a two-storey detached structure within the curtilage of Gwrrangon Farm, being located to the north of the site and the main dwelling, on an area that is currently used as car parking.

As outlined in the preceding sections of the report, the site already benefits from planning permission for the construction of a two-storey garage and office building (approved in March 2021). The general scale and proportions of the structure currently proposed are comparable to those of the approved garage /office, albeit that the current application proposes a minor increase in the height of the eave and ridge line (0.3 metres and 0.5 metres respectively) of the building. Similarly, the external appearance of the structure would differ in so much as, additional fenestration would be introduced to serve the living space proposed at ground floor level. At first floor, the two ridge roof dormers would be retained to serve the bedrooms. Overall, it is considered that the scale and appearance of the proposed building would be in keeping the character of the site and its setting, being subservient to the main house and barn, yet still being large enough to provide a reasonable level of accommodation for guests. It is also noted that the plans illustrate the use of a stonework finish to the elevations and slate tiled roof, which would be in keeping with the character of the existing buildings on site.

Overall, it is considered that in visual terms, the proposed structure would be acceptable and would not result in harm to either the appearance of the original building or its wider semi-rural setting.

Amenity Impacts

As outlined above, the applicant already benefits from a planning permission to convert an existing barn at the site to form 2 no. Air B&B units. Matters relating to the amenity impacts arising from the operation of this use were considered in detail during the course of the 2020 application.

In general planning policy seeks to support tourism uses, and in their accompanying statement, the applicant has indicated that their aim is to attract guests looking to visit and explore local outdoor attractions, based primarily around, cycling and walking. In this regard, it is considered that the scheme is compliant with planning policy requirements.

It is noted that the most notable change in the self-catering tourist sector in recent years has been the rise of online market places acting as brokers for 'hosts', largely comprising private property owners, enabling them to advertise spare rooms, outbuildings or entire properties as available for short term or occasional lets. The most well know name to date in this evolving market is Airbnb. The opening up of this accommodation resource offers travellers an alternative to established hotel, bed and breakfast and holiday let businesses, which can be fully booked and expensive in popular visitor destinations.

It is noted that in this case the applicant has applied for the business to be able to operate as an Air B and B (sui generis) rather than a purely conventional B and B (C1). In planning terms, it is considered that the main difference between the two types of accommodation, appears to be the potential transient nature of the occupation, where Air B and B accommodation may be let for shorter periods. It is acknowledged that frequent changes in occupation may in turn have the potential to impact upon the amenity of permanent neighbouring occupiers. However, it is considered that such impacts are likely to be greater in more densely populated urban areas. In the case of the current scheme, the site occupies an edge of settlement position, which is more sparsely populated, with the proposed accommodation unit being separated from the closest neighbouring dwelling by an overall distance of approximately 25.0 metres and partially screened by the applicant's existing dwelling and barn. It is also worthwhile noting that the applicants would be permanently resident on the site; as such, they would be on hand to manage the use and control any impacts resulting from resident guests and operation of the business.

Overall, the 2020 application concluded that the operation of an Air B&B use from the site would be compliant with both local and national planning policy and the use could operate without unduly compromising either the levels of privacy or amenity enjoyed by neighbouring residents.

Whilst the current application proposes the same Air B&B use, it is acknowledged that if approved the current application were approved, and both consents were

subsequently implemented then this would result in the operation of three separate Air B&B units at the site. In turn this would inevitably increase activity at the site, most notably in terms of 'comings and goings' and traffic movements, which could have the potential to result in a greater impact upon the levels of amenity which neighbouring residents currently enjoy. The applicant has demonstrated an awareness of this matter and in turn has indicated that it is not their intention to develop all three units on site. The applicant has commented that since the approval of the 2020 application (20/1243/10) their needs have changed. As a consequence, they no longer wish to convert the existing barns (which are attached to the main house) as they wish to retain them for their current use, that being as a workshop and storage for the applicant's carpentry business. However, they still wish to develop a bed and breakfast business from the site, hence the submission of the current scheme.

In discussion, the applicants have offered to effectively 'surrender' the 2020 permission, however the Council is unable to revoke a planning permission once it has been approved. However, as an alternative to this, should Members be minded to approve planning permission, it would be possible for the applicant to enter into a legal agreement, which would effectively prevent them from implementing both consents at the site. This would allow the applicants the opportunity to decide which of the two permissions that they wish to implement, whilst ensuring that the potential amenity impacts which would result upon neighbouring residents would be no greater than those resulting from the 2020 scheme.

On this basis, it is considered that the development is acceptable in terms of its potential impacts upon the amenity and privacy of neighbouring residents and therefore is in accordance with the requirements of both local and national planning policy.

Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response identifies that the site is served off Cwm Isaac, which has a carriageway width of 5.2m – narrowing to 3.0m. There is no official turning area at present along Cwm Isaac which means that service and delivery vehicles have to cross a private access bridge, with no confirmed vehicle loading, to access the site of the proposal and the existing dwelling. There is some concern with regard to the use of the sub-standard access bridge, which is in private ownership.

The Transportation Section consider that the proposed increase in traffic along the access lane (Cwm Isaac) resulting from the proposal is not likely to be significant, with the accommodation most likely being seasonal, attracting most guest stays during 'holiday periods'. Furthermore, it is not envisaged that the operation of the B & B would, in itself, generate traffic such as large delivery vehicles. It is also noted that there is sufficient space within the large 'yard' that serves the site, for vehicles to turn, thereby allowing vehicles to enter and leave the site in forward gear.

In terms of access on foot, it is acknowledged that there is footway provision for only part of the length of Cwm Isaac. This would mean that occupants of the units would, in part, be forced to walk in the carriageway. Whilst this would be to the detriment of

safety of all highway users, taking into account the limited traffic generated off Cwm Isaac, with the application site being the last dwelling served off the lane, on-balance this arrangement is considered acceptable in this instance.

In terms of parking, the proposed 2-bedroom B & B unit would require up-to a maximum of 2 off-street car parking spaces to be provided, in accordance with the Council's Supplementary Planning Guidance: Access, Circulation & Parking 2011. Whilst the application is not accompanied by a formal car parking layout plan, it is clear there is space within the yard to accommodate the required off-street car parking for the existing dwelling and proposed B & B unit.

The Council's Transportation Section acknowledge that the introduction of a further B&B unit, in addition to the two already consented would inevitably increase traffic movements to and from the site. However, in their observations they acknowledge the applicant's willingness to enter into a legally binding agreement which would effectively prevent them from implementing both permissions. In light of this fact, and consideration of the other matters outlined above, the Council's Transportation Section conclude by raising no objections to the application, subject to a condition which would limit the occupancy of the unit to that of a B&B holiday let only.

It is noted that in response to the application Councillor Thomas has commented that it would be beneficial if a turning head, which was approved as part of a separate planning application on a nearby site, off Cwm Isaac, could be constructed. The Council's Transportation Section have confirmed that the turning head in question was required in connection with a scheme for residential development, approved on a parcel of land located approximately 50 metres east of the current application site. The applicant has no involvement with this site and does not own or control any of the land to which the residential development relates. As such, it would not be possible to impose a condition upon the current application, which would require them to complete works associated with this development. The Council's Transportation Section also comment that such a condition would not be necessary in this case, as sufficient space exists within the curtilage of Gwrrangon farm to provide the required turning facilities for the proposed B&B use.

Overall, it is acknowledged that there is some concern with regard to the sub-standard nature of Cwm Isaac, which lacks segregated footway facilities and width for safe two-way vehicular movement for part of its length, and is also served by a private bridge with no official weight restriction imposed. However, taking into account the limited additional traffic that is likely to be generated by the proposal and the fact that there is sufficient space within the site to provide car parking and turning in connection with the development, and the applicant's willingness to enter into a Section 106 agreement, on-balance the proposal is considered acceptable in highway safety terms and therefore in compliance with policy AW5 of the Local Development Plan.

Community Infrastructure Levy (CIL) Liability

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

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

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

In this case it is noted that the applicant already benefits from a planning permission to convert an attached barn to a 2 no. B&B units of accommodation. The current planning application seeks permission to develop a further Air B&B unit of accommodation. Whilst in isolation, both schemes are considered acceptable in planning terms, it is considered that if both permissions were to be implemented and 3 no. separate units of B&B accommodation were to be developed, then this could give rise to an unacceptable increase in terms of traffic movements and an adverse impact upon the levels of amenity currently enjoyed by neighbouring occupiers. As such, the applicant has indicated a willingness to enter into a legal agreement which would enable them to only implement one of the two permissions, either 20/1243/10 (Conversion of attached barn to form 2 no. Air B&B units) or 21/14751/0 (the current application for 1 no. 2 bedroom Air B&B holiday let).

Conclusion

Having taken account of all the issues outlined above, the application proposal is considered acceptable.

The proposed tourism use as Air Bed and Breakfast accommodation is considered appropriate and in compliance with the aims of local and national planning policy. It is also noted that the scale, proportions and appearance of the building itself are considered acceptable and in keeping with the character and setting of the site. The potential impacts upon both the amenity and privacy of neighbouring residents and highway safety are also considered acceptable, subject to the applicant entering into a legal agreement which would prevent them from implementing both the current and the earlier approved planning permission reference 20/1243/10. Therefore, the proposal is recommended for approval, subject to the legal agreement and conditions specified.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

- Drawing no. Location Plan 1:1250
- Drawing no. Gwrangon CONV 01 Proposed Plans, Elevations and Sections
- Drawing no. Gwrangon CONV 02 Proposed Plan and documents received by the Local Planning Authority on 03/11/21 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The development shall be occupied as holiday accommodation only and the unit shall not be occupied by an individual, family or group as their sole or main place of residence, or for a period exceeding two months in any calendar year.

Reason: To define and limit the extent of the permission and to protect the residential amenity of those closest to the site in accordance with Policies AW5 and AW10 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 of that Order) no other use (other than the Air Bed and Breakfast use hereby permitted) shall be operated from the site without the prior express permission of the Local Planning Authority.

Reason: To define and limit the extent of the permission and to protect the residential amenity of those closest to the site in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The unit of accommodation shall not be occupied until the drainage works have been completed in accordance with the approved plans.

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

PLANNING & DEVELOPMENT COMMITTEE

24 FEBRUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1498/10 (EL)
APPLICANT: Mr M Tat
DEVELOPMENT: Change of use from card shop (Class A1) to takeaway (Class A3).
LOCATION: 27B OXFORD STREET, MOUNTAIN ASH, CF45 3PG
DATE REGISTERED: 10/11/2021
ELECTORAL DIVISION: Mountain Ash West

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

REASONS: The proposal is in keeping with policies AW5 and NSA19 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed activity would be compatible with the surrounding land uses and the sites position in the key settlement of Mountain Ash. Furthermore, the proposal would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the change of use of 27B oxford Street, Mountain Ash, from a card shop (Class A1) to a hot food take away (Class A3).

The change of use would be undertaken largely within the fabric of the existing building, with only minor adaptations to the existing layout required to create the proposed hot food takeaway. The existing means of access to the building from the front elevation onto Oxford Street would be retained and utilised. To the front elevation the property already benefits from a shop front, which would be retained and utilised. The site occupies a corner position on the junction of Oxford Street and Henry Street, with vehicular access to a small yard area being located to the south (side) off Henry Street (used as a small service yard).

SITE APPRAISAL

The application property is an end of terrace property located on Oxford Street, Mountain Ash. The property is located within the retail centre for Mountain Ash, which is defined as a key settlement. The property occupies a corner position on the junction

of Oxford Street and Henry Street, with the existing shop front addressing Oxford Street. To the south (side) is a vehicular access, which provides access to a small hardstanding, which it is understood acts as service yard for the premises. There are a variety of commercial uses located in the vicinity of the site, including a convenience store, hairdresser, solicitors and existing takeaway businesses.

PLANNING HISTORY

20/0584	27b Oxford Street, Mountain Ash	Proposed change of use of first floor to a residential flat.	Granted with conditions 20/08/20
11/0140	27b Oxford Street, Mountain Ash	Retention of roller shutters	Granted 14/04/11
10/0610	27b Oxford Street, Mountain Ash	Retention of roller shutter. To be painted brown to match.	Withdrawn

PUBLICITY

The application was advertised by direct neighbour notification and site notices. Four letters of objection have been received in response to the proposals which are summarised as follows;

- It is stated that the applicant already operates a takeaway in Mountain Ash and it is claimed that rather than relocating their business, the applicant is seeking to open an additional premises.
- It is claimed the proposed takeaway would have an adverse impact effect on existing businesses and the community.
- It is claimed that proposal would give rise to a greater intensity of on-street parking along Oxford Street, which would be detrimental to highway and pedestrian safety.
- It is commented that the town centre already experiences issues associated with antisocial behaviour and noise.
- An operator of a nearby takeaway comments that whilst they understand that competition is not a material planning consideration, they comment that they believe Mountain Ash needs more businesses that will trade during the day rather than the evening.
- It is commented that the proposals will not bring 'new business' to the town centre as the applicant already operates from the town centre, and is re-locating.

CONSULTATION

Transportation Section – no objections raised.

Public Health & Protection - no objections raised, conditions suggested.

Land Reclamation & Drainage – no objections raised.

Dwr Cymru - no objections raised, conditions suggested.

Natural Resources Wales – no objections raised, informative notes suggested.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

Indicates that the site is within defined settlement limits and within the key settlement of Mountain Ash.

AW2 promotes development in sustainable locations.

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

AW6 sets out the criteria for new development in terms of design and place-making.

AW10 sets out criteria for new development in relation to environmental protection and public health.

NSA12 sets out criteria for development within and adjacent to settlement boundaries.

NSA18 sets out the retail hierarchy for the Borough.

NSA19 sets out the criteria for retail development in principal towns and key settlements.

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

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.

The application property represents an established building, located within settlement limits and within the key settlement of Mountain Ash. The proposal seeks to change the use of the building from a retail card shop (Class A1) to a hot food takeaway (Class A3). As such, the key considerations in determining this application are the compatibility of the proposed use within the established area and the potential impact upon the amenity of neighbouring occupiers. The impact of the change of use upon both highway safety and the character of the building and its setting are further considerations.

Proposed Use

The building itself forms part of an established street scene located on Oxford Street, which is the main shopping street, in the area defined as the key settlement of Mountain Ash. Planning policy NSA18 sets out the retail hierarchy for the Borough, stating that *'Proposals for retail development or changes of use to Class A retail uses inside the defined boundaries of retail centres, which would maintain or enhance a centre's position in the retail hierarchy will be permitted.'*

Furthermore, policy NSA19 states that *'within the defined retail centres of Ferndale, Hirwaun, Mountain Ash, Porth, Treorchy and Tonypany development proposals for*

Class A1, A2, A3 and other uses that will add vitality and viability to the retail centre by attracting footfall that benefits the daytime and evening economy will be permitted.'

The current application seeks to change the use of the existing building from Class A1 to Class A3. Based on the appearance of the building and planning history of the site, it is clear that the property has been in use for commercial retail uses for an extended period of time. It is accepted that in retail centres, the preference will usually be for Class A1 uses, which provide a range of services to members of the public during daytime hours and into the early evening. Equally, it is accepted that the many Class A3 uses operate primarily during late afternoon/ evening hours, therefore reducing their contribution to daytime trade.

Notwithstanding this fact, it is acknowledged that Class A3 uses still play a part in providing services to members of the public in town centres. Furthermore, it is important to consider the make up the area within which the use is proposed, and note that each application must be considered on its own merits. In the case of the current submission data has been obtained which illustrates the composition of uses in Mountain Ash town centre. Whilst the Council's most recent retail survey (dated July 2021) reveals that whilst there are already 10 Class A3 uses in the town centre, this equates to only 10.9% of the total units surveyed. Furthermore, the data reveals that 51 premises, which equates to 56% of the total number of units, were in use for Class A1 or A2 activities. In addition to these figures, it was found that, at the time of the survey, Mountain Ash had the second highest vacancy rate of all the key settlements and town centres in the Borough. Therefore, whilst it is acknowledged that a use which offers a greater degree of day time trading would be preferential, given the high vacancy rate recorded in the town centre, combined with the fact that Class A1 and A2 uses still make up the largest proportion of all retail units; on balance, it is not considered that the proposed Class A3 takeaway use would unacceptably harm the character, vitality or viability of the retail centre and is therefore considered acceptable in planning policy terms.

Amenity Impacts

As set out above, the property is located within Mountain Ash town centre, specifically on Oxford Street, the main road through the town. As such, the vast majority of properties located in the vicinity of the site are commercial in character. Nevertheless, it is necessary to consider the potential impacts of the proposed Class A3 use upon the occupiers of those residential properties that are located in the vicinity of the site. It is considered that any disturbance, which may be likely to arise from the operation of a Class A3 use, is usually related to the comings and goings of customers and odours generated from food preparation. Whilst these matters are relevant in the assessment of the current application, it is considered that the impacts arising from both matters, could be mitigated by the use of planning conditions. With regard to issues relating to odour, the Council's Public Health and Protection Section recommend the use of a condition which would require the installation of a suitable extraction system, which would suppress and disperse smells produced by the preparation and cooking of food.

Consideration must also be given to the fact that some residential properties are located within and close to the town centre, these include residential flats located

above ground floor commercial units. However, it is reasonable to assume that occupiers of such properties would be accustomed to a degree of activity, in the form of 'comings and goings' through the day and into the evening. Nevertheless, in an attempt to limit such impacts to an acceptable degree, the hours of operation of the business could also be controlled via a planning condition. The applicant has suggested that the business would trade between the hours of 16.00 – midnight Sunday to Friday with closing time extended until 01.30 on a Saturday night. Whilst it is acknowledged that the Saturday close time is clearly late, given that the site is located in the retail centre, where there are fewer residential properties, it is not considered that the hours presented are unreasonable. This is particularly the case as, it is noted that the hours proposed align closely with a number of existing licensed takeaways operating in the vicinity of the site.

Overall, whilst the proposals represent the development of a commercial use in an area where residential dwellings are close by, having considered both the fact that the site lies within the retail centre of Mountain Ash and that some amenity impacts could be mitigated by the use of planning conditions; it is considered that the proposed use is acceptable. As such, the proposals are considered to be compatible with the sites setting and are in accordance with the requirements of policies AW5 and AW10 of the Local Development Plan.

Character and Appearance

As set out above, the proposed conversion would be undertaken largely within the fabric of the existing property. Internally the existing layout would be adapted with the large open retail shop area being divided up to form a customer area/ serving counter to the front of the premises and separate food preparation and kitchen area to the rear. The existing pattern of fenestration and shopfront would also be retained, along with the means of access. As such, with no increase in the footprint of the building and no additional openings proposed it is not considered that the either the character of the building would be greatly altered, or the privacy of any neighbours adversely affected.

Overall, with only limited physical alterations required to enable the conversion of the building, it is considered that any impacts upon the character and appearance of both the building and its setting would be minimal and would not adversely affect the character and appearance of the site or immediate area. Therefore, in this regard, the proposals are considered to be compliant with policies AW5 and AW6 of the Local Development Plan.

Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response comments that the application site is located on Oxford Street Mt Ash, in the centre of the retail area, in close proximity to public transport and public car parks. To the front and the side of the property are double yellow lines on both sides of the carriageway, preventing indiscriminate on-street car parking.

It is also noted that there is a loading bay adjacent to the site, on Oxford Street with restrictions for goods vehicle loading 9:00am-3:00pm Monday – Saturday. This would be acceptable to accommodate service vehicles that may serve the proposed use.

In terms of parking, the Councils Supplementary Planning Guidance requires that servicing can take place without impacting on the free flow of traffic and that customers can park within the vicinity without impacting on highway safety.

Taking into account the close proximity of the service bay and the fact there is a public car park within easy walking distance of the site, combined with the existing traffic regulations, preventing on-street car parking, despite the absence of any formal off street car parking within the curtilage of the site, it is considered that the proposal is acceptable.

It is acknowledged that in their representations, occupiers of neighbouring commercial units have expressed some concern with regard to the potential for the proposal to result in an increase in traffic and parking on the highway outside the premises. However, in response to this matter, in their observations the Council's Transportation Section make reference to the Inspectors comments in a recent appeal decision, which related to the refusal of a Class A3 takeaway at a premises located to the north of the current application site on Oxford Street. In respect of the appeal, which was allowed, the Inspector concluded that;

“Whilst I accept that the take away could lead to increased demand for short term parking in the locality, I have no evidence to indicate that the existing enforceable parking restrictions in the area would not be effective. Indeed, there are numerous other take away outlets and convenience stores along Commercial Street, and I have not been provided with any information that indicates that these premises currently cause highway safety issues or have a detrimental impact on the free flow of traffic.

I noted that there was some on-street parking available within a short distance of the appeal premises close to the Best-In Grocery Store. There is also a large car park adjacent to the town's railway station, and although this would require a short walk to the premises this would be in the region of approximately 4-5 minutes, and in my experience would not be a prohibitive distance for even a short visit to a takeaway. In addition, the appeal property lies within the retail centre of Mountain Ash and some customers may undertake linked trips to the take away with other shopping journeys to the centre.

It is suggested that customers and delivery drivers would ignore the on-street parking restrictions and may risk parking on the double yellow lines in contravention of existing waiting restrictions. However, my decision is made on the basis that those restrictions would be enforced by the relevant authorities”.

Therefore, to conclude, whilst there may be some concern that takeaways, by their nature, encourage short term indiscriminate on-street car parking, taking into account the close proximity of the service bay to accommodate deliveries, the public car park within easy walking distance and the existing traffic regulations preventing on-street car parking, it is not considered that the concerns are so great as to warrant a highways objection. As such, the proposed change of use is considered acceptable

in highway safety terms, accords with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Flood Risk

Following consultation with Natural Resources Wales, they have confirmed that the application site lies entirely within zone C1 of the Development Advice Map as contained in TAN15. However, their observations raise no objections to the application, commenting that, given the nature of the proposed development (the retention of a less vulnerable use) they consider that the proposals could be acceptable, subject to the developer being advised to install flood proofing measures as part of the development. As such, should Members be minded to approve planning permission, informative notes to this effect are recommended.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

Having taken account of all of the issues outlined above, the application proposal is considered to be in accordance with the requirements of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed activities would be compatible with the surrounding land uses in the town centre and would not result in an unacceptable adverse impact upon either the character of the site, the amenity of neighbouring occupiers or highway safety. Therefore, the proposal is recommended for approval, subject to the conditions specified below.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s):
 - Drawing no. hdw/ph/mba.01 Site location plan and Existing and Proposed Plans and Elevations

and documents received by the Local Planning Authority on 11/06/21 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting of that Order) no other use (other than the Class A3 takeaway use hereby permitted) shall be operated from the property site without the prior express permission of the Local Planning Authority.

Reason: To define and limit the extent of the permission and to protect the residential amenity of those closest to the site in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The takeaway use hereby approved shall not operate other than between the hours of:

Sunday – Friday 16.00 – 00.00

Saturday 16.00 – 01.30

Unless agreed otherwise in writing by the Local Planning Authority.

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

5. Prior to the use, hereby permitted, commencing a scheme of odour/effluvia/fume control shall be submitted to and approved in writing by the Local Planning Authority. If there are inhabited premises in close proximity to the intended discharge point of any extraction system, a noise impact assessment must be carried out by a competent person and must be submitted to and approved in writing by the Local Planning Authority prior to the installation of the extraction system. The building/premises shall thereafter only be operated in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use of the premises commences and then shall operate in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of adjoining properties and to protect the foul drainage system in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

24 FEBRUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO:	21/1546/10	(MF)
APPLICANT:	RHA Wales Group Ltd	
DEVELOPMENT:	Mixed-use development (including partial demolition of existing building) comprising commercial space (office and retail) and residential development (5 storey building of 52 no. apartments, 7 no. of which for Local Authority learning difficulties scheme), new turning head, drainage, landscaping, car parking, servicing, and associated works (updated CMRA received 15/12/21, updated Preliminary Ecological Assessment & Bat Survey received 28/01/22 and updated Noise Impact Assessment received 01/02/22).	
LOCATION:	FORMER CO-OPERATIVE, DUNRAVEN STREET, TONYPANDY, CF40 1AP	
DATE REGISTERED:	15/12/2021	
ELECTORAL DIVISION:	Tonypandy	

RECOMMENDATION: Approve, subject to conditions and Section 106 agreement.

REASONS: The scheme would bring a vacant and tired site at the heart of the high street back into beneficial use, improving the vitality and viability of the retail centre. It would also provide high quality affordable accommodation and a beneficial 'step-down' type facility that will each provide diversity in the town's housing market.

The development will therefore act as a catalyst for wider regeneration of the town, bringing people back to the high street, having a positive impact from both a social and economic perspective, and supporting and reinforcing the role of the Key Settlement.

Further, it is considered the resulting buildings would significantly improve the public realm in this prominent gateway location and would not result in a detrimental impact to the amenities of neighbouring residents or to highway safety in the locality.

The application therefore complies with the relevant local and national planning policies and is considered acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for redevelopment of the former Co-operative store, Tonypandy. The works would involve partial demolition of the existing building and the construction of 3 new commercial units in its place; construction of a block of flats within the rear carpark; and associated works.

The existing building is split over 2 levels, the upper level containing the former Co-operative store and the lower level made up of various associated back of house areas / under-crofts.

The upper level of the existing building would be removed and a new single-storey building constructed in its place, above the remaining substructure. The new building would accommodate 3 separate commercial units, 1 x Class A1 retail store (Unit 1 - 285m²); 1 x Class B1 office (Unit 2 – 325m²); and 1 x Class A3 café/bistro (Unit 3 – 434m²). It is proposed the office be occupied by the applicant, but the occupants of the retail units are yet to be determined.

The new commercial units would front Dunraven Street from which pedestrian access would be gained. They would be of a modern, contemporary design featuring a mix of glazing, brick and cladding throughout (the colours of which are yet to be determined). A small courtyard would be located between Units 2 and 3 where a communal bin store would be sited.

The scheme also proposes a new five-storey residential block to the rear of the new commercial building, within the existing carpark area. It would be of an L-shape accommodating 51 apartments and would be of a similar modern, contemporary design to that of the commercial building, featuring the same mix of glazing, brick and cladding throughout.

8 apartments would be located at ground floor level. They would each be one-bedroom units, 7 of which to be occupied by residents of a Local Authority learning difficulties scheme, and 1 as staff accommodation to allow overnight stays in association with this use. Various communal spaces and associated offices etc. would also be sited here. This 'step-down' type facility would have its own separate access via the building's southern, front elevation, and a separate enclosed communal garden area to the western side.

44 further apartments would be spread across the upper floors, 8 one-bedroom and 3 two-bedroom units per floor. Each would be occupied as affordable housing managed by the applicant and would benefit from a communal rooftop garden area.

Vehicular access for both elements of the scheme would be gained from Bridge Street to the south. A new turning head would be sited here along with a bin/recycling store for the residential building. The existing secondary vehicular access off Lower Dunraven Street to the north of the site would be stopped up with gates, allowing

pedestrian and cycle access here only, except in the case of emergency/maintenance use. The applicant has detailed that this is to prevent the carpark from becoming a through-route for vehicles not associated with the site.

52 off-street parking spaces for use by residents would be arranged along the western and northern extents of the site. No off-street parking is proposed for the commercial use.

2 main landscaped amenity areas will be provided, 1 at the residential building's northern side and 1 to its eastern side, both of which will also form the site's Sustainable Drainage System (SuDS). However, various other landscaping will be located across the site including hedgerows along the northern/western boundaries and scattered trees/planting throughout (including the rooftop garden).

As well as all relevant plans, the application is also supported by:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation Report
- Noise Impact Assessment
- Preliminary Ecological Assessment and Bat Survey
- Coal Mining Risk Assessment
- Drainage Strategy
- Transport Statement
- Employment Skills Training Plan (Community Investment Strategy)

SITE APPRAISAL

The application site comprises the former Tonypandy Co-operative retail store and its associated accesses/carpark. It is located at the heart of the town centre towards the southern end of Dunraven Street, the main thoroughfare through the town and the town's main high street and retail area.

The site is roughly rectangular in shape and amounts to approximately 0.52ha. The former retail store occupies much of the southern extent of the site with an associated car park to the rear (east) and north.

Dunraven Street is located at a higher ground level than the store's carpark, approximately 6m above, and therefore the existing building is split over 2 levels. The upper level is occupied by the former convenience store and the lower by associated back of house and under-croft areas. The lower level areas form a substantial substructure that provides retaining walls to Dunraven Street and the adjacent public car park at Bridge Street, hence why they cannot be removed as part of this scheme.

The plot fronts Dunraven Street which is occupied by commercial properties of varying design, scale and use. A small block of commercial units that would remain following development adjoins the application building to its northern side. The plot is bound by a public carpark to the south beyond which is Bridge Street, occupied by a mix of commercial and residential properties. Lower Dunraven Street is located directly to the north of the site which is occupied by several commercial units. The bank of the

Rhondda Fawr River is located directly to the rear of the site (east) which falls steeply away from the plot down to the river below. The riverbank is covered with thick mature trees and vegetation (to be retained) and forms a section of the Taff and Rhondda Rivers Site of Important Nature Conservation (SINC).

Pedestrian access can be gained from the front of the building, however, vehicular access to the rear of the building and carpark can only be gained from either Bridge Street (south) or Lower Dunraven Street (north).

PLANNING HISTORY

The site is subject to a long planning history associated with the previous retail store. However, none are considered relevant to this application given the building would be largely demolished and the site completely redeveloped.

PUBLICITY

Given the application involves new development where the created floor space would be 1000m² or more, the applicant has undertaken a Pre-Application Consultation (PAC) as required by Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

In addition to this, the statutory planning application consultation process was carried out which involved 144 properties being individually notified of the proposal by letter, 8 notices being placed on and within the vicinity of the application site, and a notice being placed in the local press (Western Mail).

No letters of objection or representation have been received from members of the public.

CONSULTATION

Highways and Transportation – No objection subject to conditions in respect of access, turning and parking construction details; and a Construction Method Statement.

Public Health and Protection – No objection subject to conditions in respect of construction noise, waste, dust and lighting; restrictions to hours of operation and deliveries; and in respect of extraction equipment. It is also noted that no information has been provided in respect of soundproofing to protect the amenities of future residents and that this information should be provided prior to determination.

Flood Risk Management – No objection or conditions suggested. The applicant has provided adequate information to clarify that an appropriate site drainage scheme (SuDS) can be implemented on site.

Countryside, Landscape and Ecology – No objection subject to a condition requiring the mitigation and enhancement measures set out in the Preliminary Ecological Assessment & Bat Survey report being implemented on site.

Housing Strategy – No objection. The unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2017/23.

Waste Services – No objection or conditions suggested. Appropriate waste facilities would be implemented at the site.

Structural Engineer – No objection subject to a condition requiring a survey of the Council owned retaining walls at the southern end of the site being undertaken prior to any development works. The walls support the adjacent public car park at Bridge Street and a survey is required to record their current state and to ensure no damage would occur as a result of the development.

Natural Resources Wales – No objection subject to a condition requiring the mitigation and enhancement measures set out in the Preliminary Ecological Assessment & Bat Survey report being implemented on site.

The Coal Authority – No objection subject to conditions requiring remedial measures being undertaken to ensure the site is safe for development.

Dwr Cymru Welsh Water – No objection subject to conditions restricting surface water from entering the public sewerage system and detailing an appropriate potable water scheme.

South Wales Police – No objection or conditions suggested. Standard advice offered in respect of Secured by Design criteria.

South Wales Fire and Rescue Service – No objection or conditions suggested. Standard advice offered in respect of water supplies and access for firefighting appliances.

Western Power Distribution – No objection or conditions suggested. Standard advice offered in respect of a new connection or service alteration being required.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site is located inside of the settlement boundary for Tonypandy and also the town's allocated retail centre.

Policy CS1 – sets out criteria for development in the Northern Strategy Area, promoting residential and commercial development in locations which will support and reinforce the role of Principal Towns and Key Settlements.

Policy CS4 – sets out the housing requirement for the plan period (14385 dwellings) and how this will be achieved.

Policy CS5 – sets out the affordable housing requirement for the plan period (1770 dwellings) and how this will be achieved.

Policy AW1 – concerns the supply of new housing, stipulating 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 – supports development in sustainable locations which includes sites that are within the defined settlement boundaries, are accessible by a range of sustainable transport modes, have good access to key services and facilities, and would not unacceptably conflict with surrounding uses.

Policy AW4 – details the criteria for planning obligations including Section 106 Agreements and the Community Infrastructure Levy.

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

Policy AW6 – requires development to involve a high standard of design and to make a positive contribution to placemaking, including landscaping.

Policy AW8 – sets out the criteria for the protection and enhancement of the natural environment.

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

Policy AW11 – provides criteria for alternative uses at existing employment/retail sites.

Policy NSA2 – sets out criteria for new development in Key Settlements.

Policy NSA10 – requires housing developments in the Northern Strategy Area to have a net residential density of at least 30 dwellings per hectare, subject to certain exceptions.

Policy NSA11 – seeks a provision of 10% affordable housing on sites of least 10 units or more within the Northern Strategy Area.

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

Policy NSA18 – sets out the retail hierarchy for the Northern Strategy Area, identifying Tonypandy as a Key Settlement.

Policy NSA19 – sets out criteria for retail development within Principle Towns and Key Settlements, identifying that within the defined retail centre of Tonypandy, development proposals for Class A1, A2, A3 and other uses that will add vitality and viability to the retail centre by attracting footfall that benefits the daytime and evening economy, will be permitted.

Supplementary Planning Guidance

- Design and Placemaking
- Design in Town Centres
- Affordable Housing

- Nature Conservation
- Planning Obligations
- Access, Circulation and Parking Requirements
- Shopfront Design
- Development of Flats
- Employment Skills

National Guidance

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

Planning Policy Wales Edition 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, although it should form the basis of all decisions.

It is considered 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 and Regeneration – Strategic Placemaking
- Policy 3 – Supporting Urban Growth and Regeneration
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Other relevant national planning policy guidance consulted:

- PPW Technical Advice Note 2: Planning and Affordable Housing
- PPW Technical Advice Note 4: Retail and Commercial Development
- PPW Technical Advice Note 5: Nature Conservation and Planning
- PPW Technical Advice Note 11: Noise
- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 18: Transport
- PPW Technical Advice Note 23: Economic Development
- Building Better Places: The Planning System Delivering Resilient and Brighter Futures
- 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.

Principle of Proposed Development

The application proposes the redevelopment of the site to provide 3 commercial units fronting Dunraven Street and a block of flats to the rear accommodating 51 units, 7 of which would be occupied as a 'step-down' type facility.

The site is located within the settlement boundary and the retail centre of Tonypandy where both commercial and residential development are supported by Policies CS1, AW1, NSA2 and NSA12.

It is also located in a highly sustainable location, in close proximity of the key services and facilities within the retail centre of the town and a range of sustainable transport modes. And the development would not conflict with surrounding uses. The scheme therefore complies with Policy AW2.

It is also noted that PPW recognises that retail and commercial centres are the most sustainable places to live and that while A1 retail uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy, and a healthy mix of commercial and residential use should be encouraged.

Policy NSA18 requires retail use of ground floor premises to prevent the fragmentation of the retail offer and to enhance vitality and viability. This is especially important in Key Settlements like Tonypandy which have seen a decline in commercial uses in recent years. Dunraven Street forms the main high street of the town's retail centre and provides the primary retail frontage. With the scheme proposing 3 new commercial units fronting Dunraven Street and the housing element located to the rear, the development would not impact on or fragment the shopping frontage.

Moreover, the existing building has been shut for over 10 years contributing to the decline of the high street. Therefore, the proposal will improve the public realm in this prominent gateway location by removing a tired, unsightly and vacant premises, and by bringing the site back into beneficial use, in compliance with Policies AW11 and NSA19.

Turning to the residential element of the scheme, it has been confirmed that the building has been designed in dialogue with the Council's Housing Strategy team to help address the need for additional affordable housing within Tonypandy, and that the Housing Strategy team fully support this proposal. The unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2017/23 and

would contribute quite significantly to the affordable housing requirements of the LPD (Policy CS5).

Additionally, with the scheme proposing 100% affordable units and a net residential density of approximately 98 dwellings per hectare, the proposal would comply with Policies NSA10 and NSA11.

It is subsequently considered the development will act as a catalyst for wider regeneration of the town, bringing people back to the high street, having a positive impact from both a social and economic perspective, whilst also enhancing the centre's position in the retail hierarchy.

The proposal is therefore considered acceptable, in principle, subject to compliance with the relevant criteria set out below.

Visual Impact

The redevelopment of the site will inevitably result in a significant alteration to its current character and appearance. However, it is not considered there would be a detrimental visual impact and the proposed works would actually improve the site's current visual amenity.

The current site layout sees the existing commercial building located at Dunraven Street with a large carpark to the rear. The proposal would result in the existing commercial unit replaced with 3 new commercial units and a five-storey residential block to the rear, a considerable alteration to the current visual appearance of the site.

Nevertheless, the design of the existing building appears somewhat dated and in need of modernising. It is considered its replacement with new commercial units comprising a mix of modern materials and construction methods will be far more aesthetically interesting. The new commercial buildings would form attractive and high-quality developments that will significantly enhance the visual amenities of the site and surrounding street scene, resulting in a welcomed focal point within the community and a great improvement at this gateway to the town.

It is accepted the residential building will be considerably larger than any other buildings in the vicinity, but as it would be sited at a lower level than the main street it would be largely screened from Dunraven Street and properties beyond. Further, with the mature trees and vegetation at the adjacent riverbank remaining following development, it would also be largely screened from views across the valley.

Additionally, the design and materials proposed will result in an attractive and interesting building and it will sit within a generous plot that will retain an appropriate amount of amenity space around, helping to ensure it does not appear cramped within the site; and appropriate landscaping will be located throughout the site helping to soften the development and ensure it sits well within the context of the locality.

Subsequently, whilst it is accepted the proposal will form a visible and prominent development in the locality, it is considered the new buildings would greatly improve the character and appearance of this currently dated and tired, and the general visual

amenity of Dunraven Street in this location which forms the gateway to the town. The application is therefore considered acceptable in respect of its potential visual impact.

Residential Amenity

Located at the heart of the town's retail centre the application site is primarily surrounded by commercial properties. Therefore, it is not considered a development of the nature proposed would result in any detrimental impact to the amenities of most neighbours.

However, as set out above, several properties along the adjacent Bridge Street are residential in nature and would inevitably experience some change to the amenity standards they currently enjoy. However, it is not considered any potential impact would be significant enough to warrant refusal of the application.

The proposed commercial units would be of a similar siting, scale and use to that which they will replace. As such, it is not considered they will result in a significant increase to any impacts the neighbouring properties would have experienced as a result of the previous use. It is noted however that 1 of the new units would be occupied under Class A3, the unit closest to Bridge Street, and this could result in some noise/disturbance into the evenings if operated as a bistro as envisaged by the applicant. But it is considered the condition suggested by the Public Health and Protection Division to restrict the opening hours between which the commercial units can be open to the public would ensure any potential impact is minimised.

There is some concern in respect of the increase in traffic that will occur along Bridge Street and associated noise/disturbance, as well as the noise/disturbance they will experience as a result of the introduction of 51 residential units nearby, but it is considered occupiers of properties at Bridge Street would have become accustomed to the general levels of noise/disturbance that would arise as result of their town centre location. Therefore, when weighing the benefits of the scheme against any potential impact, it is not considered any impact would be significant enough to warrant refusal of the application.

Whilst the outlook from the adjacent properties at Bridge Street would undoubtedly alter, facing a five-story building instead of a carpark, it is considered sufficient separation distances would remain, approximately 49m at its closet point, to ensure any change of outlook would not to be a degree that would warrant refusal of the application. Additionally, the separation distances would ensure no physical detriment would occur to these properties such as direct overlooking, overbearing or overshadowing impacts.

It is also noted that no objections have been raised following the public consultation exercise.

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 some concern that habitable rooms within the western elevation of the residential building will front the rear of the commercial properties at Dunraven Street, especially at the lower levels, but it is generally considered there will be sufficient distance to ensure that a reasonable outlook and appropriate levels of natural light would be provided, approximately 25m. In all other respects the scheme is considered to comply with the SPG. Appropriate amenity and bin storage areas would be provided, as well as and safe and secure access.

It is also noted that as the scheme would be developed by a social landlord and would entail 100% affordable units, each unit has been designed to meet the relevant Welsh Government 'Welsh Development Quality Requirements' (WDQR), ensuring they each provide appropriate living accommodation.

The Public Health and Protection team noted that no soundproofing measures have been submitted to ensure future occupiers are protected and have requested details be submitted prior to determination of the application. Whilst these comments are acknowledged, it is considered that appropriate mitigation measures could easily be implemented within the building and that the exact details are not required prior to determination, but could instead be controlled via condition, as has been the case with many similar housing schemes in the past. As such, it is not considered these details are necessary prior to determination and a suitably worded condition is suggested below instead.

Subsequently, in terms of the potential impact upon the amenity and privacy of neighbouring residents, while it is accepted a degree of impact would inevitably occur, especially to properties at Bridge Street, the application is considered to be acceptable.

Highway Safety

The Highways and Transportation Section raised no objection to the scheme subject to a number of relevant conditions being added to any consent. In coming to their conclusions they made the following comments:

Access

Access to the proposed residential units and associated off-street parking areas would be achieved via the publicly maintained highway known as Bridge Street, that would be extended into the site in the form of an over-sized turning head. The plans indicate that the off-street parking spaces numbered 32 – 41 would be served directly off the turning head, with the remaining spaces (1 – 31 and 42 – 52) served via a private access road off the new turning head.

The means of access to the proposed residential units and off-street parking spaces gives no fundamental cause for concern. However, the extension of Bridge Street must be designed and constructed in accordance with the relevant Council specifications and be offered for adoption. As such a condition to this effect is suggested.

The plans indicate that primary access to the 3 commercial units will be via Dunraven Street, but that secondary access to Units 1 and 2 is also available from the rear via

the existing trolley ramp and proposed bridge, which will each serve as a fire escape; and secondary access to Unit 3 would be available at the south-eastern side of the building that connects to Dunraven Street, which would serve as a fire escape.

The means of access to the proposed commercial units will result in no undue adverse impact on the publicly maintained highway and is considered acceptable.

Off-street parking provision

The apartment block will have a total of 52 residential units, comprising of 40 one-bedroom apartments and 12 two-bedroom apartments. Therefore, with the site located in Parking Zone 2, the development would have maximum off-street parking requirement of 115 spaces, 104 for residents and 11 for visitors, with only 52 provided.

The Transport Statement advises that the 52 spaces will be for the exclusive use of residents and as such there is provision of 1 space per unit. This level of parking provision is, on balance, considered acceptable when considering the sustainable town centre location of the site with public transport links and local amenities available within short walking distance; and given the fact there are several public car parks available within short walking distance that can be utilised for short term visitor parking.

No off-street parking provision is proposed for the 3 commercial units, however, the existing marked bays for disabled parking, loading and taxis along the site frontage at Dunraven Street would be retained. It is considered that the relatively low maximum parking requirement for both a convenience store and office can be accommodated within the nearby public car parks. In addition, the peak times for the bistro would partly fall outside of the peak times of typical high street uses where public car parks would have spare capacity. Furthermore, the proposal is located within a town centre location within a short walking distance of sustainable modes of transport and there are extensive restrictions in place on the publicly maintained highway in the vicinity of the site that prevent on-street parking where it is unsafe or inconsiderate to do so. As such, whilst there is some concern in this respect, on balance, the lack off-street parking associated with the commercial use is considered acceptable in this instance.

It is also noted that appropriate secure long stay cycle parking would be provided for both elements of the scheme.

Trip generation

The Transport Statement includes an assessment of the proposed use against the former Co-operative store. The assessment demonstrates that the trip generation for the proposed development is significantly less than that of the permitted use of the former retail store. As such, the proposal gives no undue cause for concern regarding trip generation.

Highway safety summary

The proposed means of access to the residential element of the scheme is considered acceptable subject to detailed design and implementation on site, which can be controlled by way of condition. The access proposal also includes an adequate turning

area to ensure vehicles can enter and exit the site in forward gear. The commercial units will be served from existing marked loading bays at Dunraven Street, which is acceptable. As such, the proposal gives no fundamental cause for concern regarding access.

Whilst there is some concern with the lack off-street parking provision, the level proposed for both elements of the scheme is, on balance, considered acceptable when considering the town centre location of the site and the availability of public car parking facilities and accessibility to public transport.

Finally, the proposed development would result in reduced trip generation from that associated with the previous Co-operative store use. As such, there is no undue cause for concern regarding the ability of the publicly maintained highway network to accommodate the proposed development in terms of capacity.

The scheme is therefore considered acceptable in respect of its potential impact upon highway safety in the vicinity of the site.

Ecology

Natural Resources Wales (NRW) initially raised concerns with the application, commenting that the ecology information submitted was insufficient to ensure the protection of bats and otters, European Protected Species.

NRW noted that a day roost of 7 common pipistrelle bats has been found in the existing building, and that no details in respect of compensatory bat roost provision, or protection of the new roosts, foraging and commuting corridors from artificial light spill had been provided.

NRW also commented that the application site is located adjacent to the riparian corridor of the Rhondda Fawr River, and whilst no records have been cited in this area, otters are known to habituate the river and wider catchment and no details had been submitted setting out how light spill to the riparian area and river itself would be overcome.

In light of this issue the applicant submitted an updated version of the Preliminary Ecological Assessment and Bat Survey report on 28/01/22, which included a detailed external lighting plan and several mitigation measures.

Reconsultation was undertaken with NRW who confirmed that the updated information was acceptable and subsequently they have no objection to the scheme, providing the mitigation measures set out in the report, including the proposed lighting scheme, are secured by way of condition.

The Council's Ecologist has also considered the updated information noting that the report is a thorough and fitting assessment and the ecology issues have been adequately considered and appropriate mitigation is proposed.

It is therefore considered the proposed development would not impact upon the management of either species and the scheme is acceptable in this regard, subject to the conditions set out below.

Historic Mining Activity

The Coal Authority (CA) commented that their records indicate the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth associated with a thick coal seam outcrop, and that 2 recorded mine entries (shafts) are located within the site; a further 2 (shaft and adit) are located within 20m of the site; and that 1 surface hazard has been reported within 50m of the site. However, the Coal Mining Risk Assessment (CMRA) sets out adequate mitigation measures to afford ground stability and public safety, and therefore no objections are raised. It is however suggested conditions be attached to any consent requiring the mitigation measures set out in the CMRA being undertaken prior to the commencement of the wider development.

Drainage and Flood Risk

The Council's Flood Risk Management team raised no objection to the proposal noting that a suitable drainage scheme could be implemented on site that will ensure there is no detriment to the surrounding area; and that this would be covered by the separate, necessary SuDS application prior to any development commencing on site.

Public Health

The Public Health and Protection Division suggested several conditions be attached to any consent in relation construction noise, waste, dust and lighting. Whilst these comments are appreciated, it is considered that these matters can be more efficiently controlled by other legislation available to the Council. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

National Sustainable Placemaking Outcomes

Chapter 2 of PPW 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 to ensure this is the case.

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, a brief outline of how the proposed

development is considered to align particularly well with the national sustainable placemaking outcomes is set out below:

- **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.
- **Growing Our Economy in a Sustainable Manner:** The development would have a positive effect in terms of construction jobs and employment at the new facilities.
- **Making Best Use of Resources:** The development accords with the aim to prioritise the use of previously developed land and sustainable building practices/materials. Much of the future energy consumption would be from renewable sources.
- **Maximising Environmental Protection and Limiting Environmental Impact:** The development would include suitable tree/landscape planting and biodiversity enhancement measures.
- **Facilitating Accessible and Healthy Environments:** The application site is in a highly sustainable location, Tonypany town centre, with many transport links and services/facilities located within walking distance.

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

Section 106 Contributions / Planning Obligations

Section 106 (S106) 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 6th April 2010, states that a planning obligation, under S106, may only legally constitute a reason for granting planning permission if it is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- 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: Planning Obligations, however it is made clear that this is only intended to form the basis of negotiations between all parties.

In this case the developer would be required to enter into a S106 agreement with the Council for the following:

- Affordable Housing – 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 in perpetuity, for the continued purpose of meeting identified local housing needs.

It is considered the above requirement meets each of the tests and is compliant with the relevant legislation. The applicant has agreed to these terms.

Members will be aware that an Employment Skills Training Plan (ESTP) should also be agreed through a S106 agreement for developments of 25 residential units or more, and that a ESTP has not been included above. This is because the applicant has already produced an ESTP and submitted it in support of the application, and the plan meets each of the relevant criteria and is considered acceptable. It is therefore considered unnecessary and unreasonable to include this requirement within the S106 agreement in this instance and instead a condition requiring the developer to adhere to the plan would suffice.

Community Infrastructure Levy Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended). But as the application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a £nil charge is applicable for residential development, no CIL would be payable for the residential element the scheme. However, as the application also constitutes Class A1 retail development creating over 100m² of floorspace, where there is a liability of £100/m², the commercial element of the scheme would incur a charge.

The CIL (including indexation) for this development is expected to be £41,736.40.

Conclusion

The application proposes the redevelopment of a tired and dated site within the town centre. The commercial element of the scheme would support and reinforce the role of the Key Settlement, improving the vitality and viability of the retail centre; and the residential element would result in high quality affordable accommodation and a beneficial 'step-down' type facility that will each provide diversity in the town's housing market and residents with welcomed housing options.

The development will therefore act as a catalyst for wider regeneration of the town, bringing people back to the high street and having a positive impact from both a social and economic perspective.

Further, it is considered the resulting buildings would significantly improve the public realm in this prominent gateway location and would not result in a detrimental impact to the amenities of neighbouring residents or to highway safety in the locality.

It is therefore considered the application complies with the relevant local and national planning policies and is recommended for approval.

RECOMMENDATION: Approve, subject to conditions below and Section 106 Agreement above.

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 ref:

- Site Location Plan – RHDS-HMA-ZZ-XX-DR-A-00090 Rev. P2
- Existing Site Plan – RHDS-HMA-ZZ-XX-DR-A-00091 Rev. P2
- Proposed Site Plan – RHDS-HMA-ZZ-XX-DR-A-00092 Rev. P2
- Existing – Basement Plan – RHDS-HMA-ZZ-01-DR-A-00001 Rev. P2
- Existing – Ground Floor Plan – RHDS-HMA-ZZ-XX-DR-A-00002 Rev. P2
- Existing – First Floor Plan – RHDS-HMA-ZZ-XX-DR-A-00003 Rev. P2
- Existing Roof Plan – RHDS-HMA-ZZ-XX-DR-A-00004 Rev. P2
- Proposed Ground Floor – RHDS-HMA-ZZ-XX-DR-A-00005 Rev. P4
- Proposed First Floor – RHDS-HMA-ZZ-XX-DR-A-00006 Rev. P2
- Proposed Second Floor – RHDS-HMA-ZZ-XX-DR-A-00007 Rev. P2
- Proposed Third Floor – RHDS-HMA-ZZ-XX-DR-A-00008 Rev. P2
- Proposed Fourth Floor – RHDS-HMA-ZZ-XX-DR-A-00009 Rev. P2
- Proposed Roof Plan – RHDS-HMA-ZZ-XX-DR-A-00010 Rev. P2
- Existing Site Elevations – RHDS-HMA-ZZ-XX-DR-A-00200
- Proposed Site Elevations – RHDS-HMA-ZZ-XX-DR-A-00201
- Proposed Site Elevations – RHDS-HMA-ZZ-XX-DR-A-00202
- Existing Sections – Retail Units – RHDS-HMA-ZZ-XX-DR-A-00300
- Proposed Section – Retail Units – RHDS-HMA-ZZ-XX-DR-A-00301
- Demolition Plans – RHDS-HMA-ZZ-XX-DR-A-DD001
- Demolition Elevations – RHDS-HMA-ZZ-XX-DR-A-DD002
- Landscape Strategy – 2503-LLA-21-00-DR-L-0900 Rev. P01
- Proposed External Lighting Plan – 44586/PJ/B

and documents received by the Local Planning Authority on 17/11/21, 23/11/21 25/11/21, 01/12/21, 03/12/21, 15/12/21 and 28/01/21 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The development hereby approved shall be carried out in accordance with the recommendations and mitigation/enhancement measures set out in:

- Coal Mining Risk Assessment (TEC, December 2021)
- Drainage Strategy (Cambria)
- Preliminary Ecological Assessment & Bat Survey (Ecological Services Ltd, January 2022)
- Acoustic Report (Clarke Saunders, October 2021)
- Transport Statement (Acstro, October 2021)
- Employment Skills Training Plan (Community Investment Strategy) (Rhondda Housing Association)

Unless otherwise agreed in writing by the Local Planning Authority or 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.

4. No development shall commence on site until a 'prior to demolition photo condition survey' of the Council owned retaining walls at Bridge Street / Dunraven Street has been undertaken and submitted to and approved in writing by the Local Planning Authority. The survey / report shall include the extent of the existing retaining walls supporting the Bridge Street carpark / Council owned land to be demolished / retained and clarify how the carpark / land is to be retained where the building is demolished.

A further condition survey of the same walls shall be undertaken following the completion of demolition works, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any further building works on site.

If new retaining walls are required to support Council owned land, full details and calculations are to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any further building works on site.

Reason: To ensure that the development can be carried out safely without unacceptable risks to public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development works shall commence on site, other than demolition and enabling works, until full details of the proposed soundproofing mitigation measures to be introduced within the residential units hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved

mitigation measures thereafter, and the mitigation shall be installed on site prior beneficial occupation of the first unit.

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

6. No development, other than demolition and enabling works, shall commence on site until any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the development can be carried out safely without unacceptable risks to public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to the beneficial occupation of any unit hereby approved (commercial or residential), 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 and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the development can be carried out safely without unacceptable risks to public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall commence on site, other than demolition and enabling works, until full details of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials thereafter.

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

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

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through an appropriate remediation strategy to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Notwithstanding the submitted plans, no development shall commence on site, other than demolition and enabling works, until full engineering design and detail of the proposed means of access to the residential element of the scheme, together with the turning area, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial occupation of the residential element of the scheme.

Reason: To ensure the adequacy of the proposed means of access, in the interests of highway safety and the free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.

11. Off-street vehicular parking shall be provided in accordance with submitted drawing ref. "RHDS-HMA-ZZ-XX-DR-A-00005 Rev. P4" and retained for vehicular parking only thereafter.

Reason: To ensure vehicles are parked off the public highway, in the interests of highway safety and the free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.

12. Secure cycle parking shall be provided in accordance with the Council's Supplementary Planning Guidance Access, Circulation and Parking Requirements (March 2011).

Reason: To encourage sustainable modes of transport and reduce reliance on private motor vehicles in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.

13. No development shall commence on site, including any works of demolition and site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for, but not be limited to:

- i. the means of access into the site for all construction traffic,
- ii. the parking of vehicles of site operatives and visitors,
- iii. the management of vehicular and pedestrian traffic,
- iv. loading and unloading of plant and materials,
- v. storage of plant and materials used in constructing the development,
- vi. wheel cleansing facilities,
- vii. 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 Taff Local Development Plan.

14. No surface water and/or land drainage shall be connected directly or indirectly with the public sewerage network.

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

15. No development shall commence on site, other than demolition and enabling works, 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 any unit hereby approved. Thereafter, the agreed scheme shall be constructed in accordance with the approved details and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

16. The commercial units hereby approved shall not be open to the public other than between the hours of 07:00am to 23:00pm each day.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

17. Should Units 1 or 3 hereby approved be occupied as food outlets (Class A1 or Class A3) and require associated extraction equipment, a scheme of odour/effluvia/fume control and details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed on site prior to the beneficial operation of the business, and shall thereafter remain in place in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

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PLANNING & DEVELOPMENT COMMITTEE

24 FEBRUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1574/10 (GH)
APPLICANT: Fabco Holdings Ltd
DEVELOPMENT: Proposed development of Class B2 and/or Class B8 units, access, car parking, landscaping and associated works.
LOCATION: PLOT F, FELINDRE MEADOWS, PENCOED TECHNOLOGY PARK, LLANHARAN, BRIDGEND
DATE REGISTERED: 26/11/2021
ELECTORAL DIVISION: Brynna

RECOMMENDATION: GRANT, SUBJECT TO CONDITIONS

REASONS: The Pencoed Technology Park is an established employment site, where the construction of further industrial units would be compatible with the existing neighbouring land uses and consistent with the character of the site.

Furthermore, the proposal represents a significant investment within the County Borough, offering flexible floor space which would support economic growth and the potential for the creation of employment opportunities during both construction and thereafter.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning consent is sought to construct eighteen commercial units for use within Classes B2 and B8 along with associated access, parking and landscaping at Plot F, Pencoed Technology Park, Felindre Meadows.

The submitted details demonstrate that the units would be set out as four blocks and each 124m² unit would be of an identical design, with allocated parking to the front, a roller shutter door, pedestrian access, and amenity facilities. The total floor space created would be 2231m².

In respect of external finishes, the elevations would be of dark and light grey cladding with each unit incorporating a glazed door to the front elevation. High level fenestration, in the form of a band of windows below the eaves, would provide a degree of natural illumination.

Within the curtilage of the property areas of landscaping and ecological mitigation would be included, which would form an integral part of the sustainable drainage solution, and provision would be made for electric vehicle charging and cycle storage.

The existing single access from Felindre Meadows on the southern edge of the plot would be retained and it is proposed that the internal access into the site will create a two-way system, around which the car parking and units will be positioned.

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

- Ecological Assessment
- Transport Statement
- Design and Access Statement
- Air Quality Assessment
- Desk Study Report (Ground Conditions)
- Landscape Design Statement
- Planning Statement
- Pre-Application Consultation Report

SITE APPRAISAL

The application property is a roughly triangular piece of agricultural land to the south-east of Pencoed and to the south-west of the former Llanilid opencast mine site. The property is accessed from an adopted highway which connects with the A473 via Felindre Road and is in close proximity to junction 35 of the M4.

Although located outside of the settlement boundary Plot F is part of a larger area of land which benefitted from an earlier planning consent for the Welsh Development Agency to develop Pencoed Technology Park. In this regard, some adjacent plots have already been developed.

The application site is located at the eastern end of the Park and comprises a plot of grassland extending to a surface area of approximately 1.8ha. On its southern and eastern sides, the plot is adjacent to the business park feeder road and Felindre Road, and on its western and northern boundaries is adjacent to an existing vehicle workshop and the Police offices

Land to the north of the site falls partly within a C2 flood zone, as does a section of the adjacent highway. However, none of the site area is currently subject to any flood designation. In addition, land further to the east is designated as a green wedge.

PLANNING HISTORY

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

- 19/5091/41:** Pre-Application Enquiry. Decision: 22/07/2019, Raise No Objections.
- 06/0427/15:** Variation of condition to require permanent stopping up of highways prior the first occupation of the first building on the site; not prior to works commencing on site (as required by condition 11 imposed on outline planning permission 02/1850, dated 26th March 2004). Decision: 24/05/2006, Withdrawn by Applicant.
- 05/1885/15:** Deletion of Condition 12 (implementation of highway signalisation works at Felindre Road/A473 roundabout) and Condition 33 (implementation of highway signalisation works at M4 Junction 35) as imposed on Outline Planning Permission 02/1850, dated 26 March 2004. Decision: 27/04/2006, Grant.
- 05/1884/15:** Variation of Condition 1a (submission of reserved matters) as imposed on Outline Planning Permission 02/1850, dated 26 March 2004. Decision: 20/04/2006, Grant

PUBLICITY

The application has been advertised by direct notification, the display of notices on site and, in accordance with the Development Management Procedure (Wales) Order, the relevant press notice was published on 24th December 2021 identifying that the proposal constitutes 'major development'.

No letters of objection or representation have been received.

CONSULTATION

Highways and Transportation

No objection, subject to conditions and informative notes in respect of the access tie-in and a construction method statement.

Flood Risk Management

NRW's mapping has been used to review the site's surface water flood risk. The review concluded that there are areas of medium and low surface water flood risk across the site.

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

Regarding the requirements of the Lead Local Flood Authority, the applicant has provided adequate information to satisfy the requirements of Section 8.3 of PPW TAN 15. Therefore, there are no objections or recommended conditions.

Natural Resources Wales

NRW considers that inadequate information has been provided in support of the proposal and that further information should be sought from the Applicant regarding Flood Risk. Otherwise, an objection would be raised.

Public Health and Protection

No objection although conditions are recommended in respect of demolition, noise, dust and waste. However, given that most of 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.

Welsh Government – Department for Economy and Infrastructure

The Welsh Government, as Highway Authority for the M4 Trunk Road, does not issue a direction in respect of this application.

Vale of Glamorgan Council

There are no residential properties in the immediate vicinity of the site and no significant impacts are anticipated in this regard. In addition, there would be no significant impact upon the landscape or special landscape character, given the distance, scale of development, intervening buildings and severance of the M4 corridor. Likewise, no severe impacts from the development to the Vale's highway network are anticipated.

Western Power Distribution

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

South Wales Police

Guidance relating to measures in respect of crime prevention have been submitted for the benefit of the developer.

Countryside – Ecologist

No objection subject to conditions in respect of biodiversity enhancements and habitat management.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies outside settlement limits but is within the extents of the established Pencoed Technology Park.

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

Policy CS10 - outlines that the Council will seek to protect mineral resources in order to contribute to the local, regional and national demand for a continuous supply, without compromising environmental and social issues.

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

Policy AW4 – details the criteria for planning obligations including Section 106 Agreements and the Community Infrastructure Levy (CIL).

Policy AW5 – The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and

appearance of the site and the surrounding area. Additionally, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

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

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

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

Policy AW14 - safeguards minerals from development that would sterilise them or hinder their extraction.

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

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements
- Employment Skills
- Planning Obligations
- 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 – Employment / Housing / Infrastructure

SE Wales Policies

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
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;
PPW Technical Advice Note 23: Economic Development;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The applicant seeks permission to develop a new business/industrial park on plot F, within the boundary of Pencoed Technology Park.

The site comprises eight engineered development plateaus. Two of these have been developed for employment use and benefit from associated access roads, internal circulation and parking. In addition, a further plot benefits from a recent planning consent, but is yet to be implemented. Access road spurs were originally provided to all plots in anticipation of development.

Although the site is wholly within a Sand and Gravel safeguarding area, identified by Policy AW14, the site would likely be unsuitable for extraction due to sterilisation buffer zones around existing development. Consequently, less significance is attributed to that Policy.

During the decision making process, material weight can be given to the proposal's economic benefits. PPW11 encourages planning authorities to take a positive approach towards developments which generate economic prosperity and regeneration.

The site is an existing employment land-bank site (ref: TL36) which is annually monitored by the Council's Planning Policy team. The principle of employment, specifically Class B uses, has been established with a previous outline permission, granted to the former Welsh Development Agency, and subsequent plot developments.

In light of the above and although the site is not located within the settlement boundary, its status as an existing employment site is well established, which taken together with its planning history, means the principle of development is considered acceptable.

Impact on the character and appearance of the area

Since this plot has yet to be developed the proposed construction of the eighteen units would noticeably alter the character and appearance of the site.

However, the Park already accommodates other large industrial units of differing design, scale and height, namely the Ortho Clinical Diagnostics premises at the entrance to the Park and the South Wales Police building. In addition, consent has recently been granted for further development at the western end of the Park for two large units (ref: 20/1219/10)

The plans, elevations and 3D representations demonstrate that the style of this industrial development on Plot F would be contemporary and functional. Given the context of its use and nature of the neighbouring buildings already constructed, they would have an appropriate appearance associated with their function.

It is also noted that the design and layout of the units have been arranged as such to enable a degree of flexibility for expansion or for businesses with a requirement for greater floor space. Furthermore, the application site is considered capable of accommodating the proposed units whilst leaving adequate space around it for circulation and parking.

The submitted plans also demonstrate how the site would be landscaped, since a large proportion of the land would be undeveloped to enable the maintenance of grassland and wildflower meadow areas, with new tree planting to the western side. The

sustainable drainage solution would also include formal rain garden planting, which would be an attractive feature in the centre of the site.

As such, it is considered that the proposed development would be acceptable in terms of its immediate and wider visual impact.

Impact on neighbouring occupiers

The proposed B2 and B8 uses could attract a wide range of potential businesses within the new units, including industrial and manufacturing processes, or distribution/storage, which could have the potential to create noise from machinery and disturbance from vehicle movements.

The context of the setting is pertinent and, as noted above, the application site is located within a long established industrial estate, where the neighbouring properties and those within the vicinity of the site are mostly all industrial/commercial in character.

This includes the property known as Cae Bach, which occupies a triangular piece of land directly to the other side of the northern boundary and operates as a motor repair business "Spanner Man". However, due to the landscaped area, there would be around 28m to 33m between the closest units to the site boundary. In addition, datum levels show that the site is set lower into the ground than the land to the north by at least 1m.

Therefore, the relationship between the development and Cae Bach is one where there is considered to be sufficient separation, both in distance and height, such that the new units would neither have a harmful impact on outlook, nor would be close enough to cause detriment by their occupation.

In addition, with there being no dwellings located in close proximity of the site, the nearest being 300m to the north, it is not considered that any detriment would be caused to the amenity of the closest residents.

Access and highway safety

Access & Circulation

The site is served from Felindre Meadows which has sufficient carriageway width and also provides access to a number of existing and future industrial and office units.

The access has 16m junction radii, 2.4m x 40m vision splays, an 8m wide carriageway and a 2m wide footway, which is acceptable for safe vehicular and pedestrian movements.

The internal access and circulation, with a 5.5m access road and space within the shared yard areas for all types of vehicle to access / egress each unit internally, is considered to be acceptable for vehicular access and circulation.

Swept Path

The applicant has submitted swept path analysis for a 16.5m articulated vehicle servicing the units. There is concern that the swept path indicates that the vehicle would require two carriageway lanes to access / egress the circulatory area. However, taking into account slow speeds within the private yard with no impact on the public highway, this would not warrant a highway objection.

Parking

The proposed 18 industrial units with mixed use B2 and B8 use requires the following off-street car parking provision:

Use Class		Required	Proposed	Difference
B2	Gen Ind	36 car spaces 18 van Spaces	28 car parking spaces 18 van spaces in front of roller shutter.	-8 car spaces 0 van spaces
B8	Storage / Distribution	29 spaces 25% GFA Circulatory space	28 car parking spaces and satisfactory circulation	-1 car space

The table indicates that the off-street car parking would not be in accordance with the Council's SPG for Access, Circulation & Parking 2011.

However, taking into account the provision of cycle infrastructure, cycle stands and the potential for overspill car parking to take place within the site curtilage in the yard areas, without impacting on the public highway, the shortfall is considered acceptable.

There is satisfactory operational space within the site for use of the 18 units and accords with the SPG.

Cycle Parking

A total of 9 covered Sheffield cycle stands are included within the site proposals, which will allow parking for up to 18 bicycles. These are to be located in a prominent and convenient location to promote natural surveillance. This generous provision will help encourage this mode of travel.

Trip Rate

The proposed development is predicted to generate 12 two-way vehicular trips during the typical weekday AM peak hour, and 10 two-way trips during the typical PM peak hour.

Therefore, over the 12-hour period between 0700 and 1900 hours the development is anticipated to generate a total of 131 two-way vehicular trips. This would have a minimal impact on the existing highway network.

Flood Risk

NRW has noted that the planning application proposes less vulnerable development (industrial) within Zone A of the Development Advice Map (DAM) contained in TAN 15 (2004).

However, the more recent Flood Map for Planning (FMfP), which was prepared to accompany a revised TAN15, the introduction of which has been postponed by the Welsh Government until June 2023, identifies the application site to be at risk of flooding and within Flood Zones 2 and 3 (Rivers).

NRW has referred to the Welsh Government Minister's letter of 15th December 2021, sent to all Welsh planning authorities, which explains that the FMfP represents better and more up-to-date information on areas at flood risk than the DAM.

Consequently, NRW has chosen to base all of its consultation responses on the revised mapping and in this case advises that it would object to the development if a Flood Consequences Assessment (FCA) was not provided by the Applicant.

Nonetheless, the Minister's letters of 23rd November and 15th December 2021 also clarify that the existing policy framework of TAN 15 and the Development Advice Map (DAM) will remain in place for assessing flood risk for determining applications.

NRW has been formally advised, in accordance with para 11.7 of TAN15, that the recommendation to Members will be to approve the development.

Ecology

The Council's Ecologist has reviewed the Applicant's ecology report and landscape design statement which have been submitted to mitigate any impact caused by the development unit.

The Ecologist has advised that the ecology report is an appropriate assessment which concludes that the development site comprises species poor semi-improved grassland of no higher than local biodiversity interest. Having reviewed the ecology report and from previous site experience he concludes that this is a reasonable assessment.

The northern and western boundary hedgerows which appear to be outside the development area are of at least high local biodiversity value and must be retained and protected during development. The appropriate species assessments have been undertaken and no significant impacts are identified, although precautionary species

measures are required during site clearance. Ensuring light spill doesn't impact on adjacent retained hedgerows will be an important condition detail.

Therefore, any consent should be subject to a condition for details of the ecological measures outlined in Section 6 of ecology report, to include a requirement for measures to protect hedgerows during construction and control light pollution.

A further condition will be required for a landscaping condition, to include a substitute wildflower mix to that proposed, the removal of any laurel or elder from the planting scheme, and a long term habitat management plan.

Other issues

In addition to the consultation response further above, the Council's Public Health and Protection section has raised concerns that activities associated with use of the development may have a negative impact on the amenities of the area as a result of noise, and it is requested that the applicant should submit an acoustic report to include an assessment of proposed plant and any mitigation measures identified.

Nonetheless, the Applicant's Agent has noted that no similar request was made in respect of the proposed industrial unit development at Plot A, as per planning application 20/1219/10, and that at this stage, there is no way of knowing which, if any, of the units will actually require plant.

Furthermore, noting that noise can be controlled as a statutory nuisance, that the nearest residential properties are between 300-500m away, the addition of any external plant to the units would require a further planning consent, and the site is in close proximity to other commercial properties, it is considered that such a condition would not be reasonable.

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 will provide jobs to meet society's needs and will enable a mix of smaller scale commercial uses.
- **Facilitating Accessible and Healthy Environments:** The application site is close to a bus and cycle route and has good connections to the principal highway network and M4.
- **Growing Our Economy in a Sustainable Manner:** The development would create construction jobs and foster economic activity by providing a permanent employment base.
- **Maximising Environmental Protection:** The development would include biodiversity and landscape mitigation and enhancement measures and would manage water resources natural via the use of sustainable drainage options, including rain gardens.

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).

Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables Local Planning Authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable

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

The Section 106 requirements in this case

In this case the proposed development would provide new industrial premises for Class B2 and B8 purposes at an established business park with a GFA of circa 2231m².

The Council's SPG for Employment Skills states that both industrial developments providing GFA of 2,000m² or above, and warehouse/distribution developments providing GFA of 4,000m² or above, must be supported by an Employment and Skills Plan secured by a S106 Agreement.

However, as a speculative development, none of the potential future occupiers, or the type of business they would be engaged in, can be known. Since the development would enable long term employment and economic activity it is therefore considered that a S106 agreement would be unnecessary and unreasonable in this instance.

Conclusion

On account of its location within an established business park, the proposed development would be compatible with the surrounding land uses and would benefit the local economy and provide opportunities for employment.

The development would also be at a sufficient distance from the closest neighbouring occupiers to prevent detriment to amenity from any direct physical or operational impact and would have safe access to the highway network with sufficient parking and circulation space.

The application is therefore considered to comply with the relevant parts of LDP Policies AW2, AW5, AW6, AW8 and AW10.

RECOMMENDATION: GRANT SUBJECT TO THE 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 completed in accordance with the approved drawings and documents:

- B-1
- B-2
- B-3
- B-4
- S-3
- S-6
- TDA.2645.01

and details and documents received on 24th November 2021, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence until engineering design and details of the tie in with the existing adopted highway at Felindre Meadows have been submitted to and approved in writing by the Local Planning Authority:

The development shall be carried out in accordance with the approved details prior to beneficial use of the first unit.

Reason: 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 until details of a scheme for the provision of the ecological mitigation and enhancement measures, as identified in Section 6 of 'Plot F, Pencoed Technology Park Ecological Assessment' (David Clements Ecology Ltd – October 2021), have been submitted to and approved in writing by the Local Planning Authority. The scheme should also outline measures to be taken to protect hedgerows during construction and prevent light pollution of them.

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

Reason: To protect and enhance the natural environment in accordance with PPW11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall commence until details of a scheme for the provision of the following landscaping measures has been submitted to and approved in writing by the Local Planning Authority.

- i) the substitution of wildflower mix Emorsgate EM8 with Emorsgate EG1
- ii) a revised soft landscaping plan omitting any use of laurel or elder
- iii) a long-term habitat management plan for the grassland (including swales) and hedgerows

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

Reason: To protect and enhance the natural environment in accordance with PPW11 and Policy AW8 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 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

24 FEBRUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0114/10 (JE)
APPLICANT: Cllr Mark Norris
DEVELOPMENT: Domestic detached garage to rear of property.
LOCATION: 33 WERN STREET, CLYDACH, TONYPANDY, CF40 2BQ
DATE REGISTERED: 26/01/2022
ELECTORAL DIVISION: Cwm Clydach

RECOMMENDATION: APPROVE

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

REASON APPLICATION REPORTED TO COMMITTEE

- The application has been submitted by serving Elected Member Councillor Mark Norris.

APPLICATION DETAILS

Full planning permission is sought for the construction of a single garage at 33 Wern Street, Clydach, Tonypany. The proposed garage would be located to the rear of the property at a lower area within the amenity space towards the rear boundary with access gained via the rear lane.

The proposed garage would measure a width of 4.8 metres by a depth of 6.7 metres. The proposed garage would have a mono pitched roof design measuring a maximum height of 3 metres sloping to 2.5 metres at the eaves to the rear.

SITE APPRAISAL

The application property is a traditional mid terrace dwelling located within a residential area of Clydach, Tonypany. The property is directly fronted by the highway at Wern Street. To the rear of the property is an enclosed amenity space bounded on both sides by neighbouring properties and an access lane to the rear beyond which are the rear gardens of properties at High Street to the south. The sloping nature of the area creates a change in level within the rear amenity space lower in level than the ground floor level of the dwelling.

The surrounding area is characterised by traditional terraced dwellings of a similar scale and design. There are a number of existing detached garages of various scales and designs located to the rear of Wern Street and High Street that are accessed via the rear lane.

PLANNING HISTORY

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

PUBLICITY

The application has been advertised by direct notification to 5 neighbouring properties.

No letters of objection or representation have been received at the time of writing the report.

CONSULTATION

Transportation Section: No objection raised subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Tonypany and is located within the Rhondda Historic Landscape

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

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

Supplementary Planning Guidance

- A design guide for householder development
- 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) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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 policy guidance considered:

PPW Technical Advice Note 12 – Design
PPW Technical Advice Note 18 – Transport

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to the construction of a detached domestic garage within the curtilage of an existing residential dwelling. The principle of development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

The scale of the garage is in line with its domestic use and is considered to result a subservient addition to the application property. Additionally, the garage is constructed from materials which are in keeping with the character and appearance of the property and vicinity. As such, the garage not considered to adversely impact upon the character and appearance of the application property.

Furthermore, there are a number of existing garages of various designs and scales visible to the rear of neighbouring properties in the surrounding area. Consequently, the proposed garage is not considered to form dominant or incongruous addition that would adversely impact the character and appearance of the area.

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

Impact on residential amenity and privacy

Given the nature of the site that would see the garage constructed at a lower level within the amenity space than the dwelling and neighbouring properties. It is not considered that a garage of the scale proposed would result in any adverse impact upon the few properties that it may potentially effect. In addition, any impact would be no greater than already exists between neighbouring properties in the area.

Taking the above into account, the proposal is considered acceptable with regard to its impact upon residential amenity.

Highway Safety

The Council's Transportation Section were notified during the consultation period in order to assess the impact of the development on highway safety. The following response was received:

The lane to the rear of the property is accessed via the unnamed road between Wern Street and Park Street. The lane is metalled and measures approximately 3.5 metres in width and provides access for numerous other garages.

The garage would be accessed via a proposed ramp to accommodate for the level change between the lane and garage. There is concern that the proposed ramp may encroach onto the rear lane. As such, a condition has been suggested for the garage to be set back from the rear lane to accommodate for the change in levels with no alteration to the public highway permitted.

The proposed garage is sufficient to provide 2 off-street car parking spaces which will decrease on-street parking demand in an area with high on-street parking demand which is in the interests of highway and pedestrian safety.

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

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, highway safety or upon the residential amenity of the surrounding neighbouring properties. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan no

- GA 001 Rev D

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 use of the garage hereby approved, shall at all times be restricted to purposes normally associated with a domestic use and no trade or business shall be carried out therein and at no time shall it be converted to a room or living accommodation to be enjoyed as part of the dwelling.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

5. The garage shall be set back not less than 0.5 metres from the site boundary and no alterations to the rear lane shall be made to accommodate access to the proposed garage.

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

PLANNING & DEVELOPMENT COMMITTEE

24 FEBRUARY 2022

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 31/01/2022 – 11/02/2022

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

24 FEBRUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

REPORT

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

OFFICER TO CONTACT

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

See Relevant Application File

APPEAL DECISION RECEIVED

APPLICATION NO: 21/0628
APPEAL REF: D/21/3280161 - S2M7R1
APPLICANT: Mr 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
DECIDED: 08/07/2021
DECISION: Refused
APPEAL RECEIVED: 23/11/2021
APPEAL DECIDED: 03/02/2022
APPEAL DECISION: Dismissed

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Report for Development Control Planning Committee

Penywaun

21/1687/10 Decision Date: 09/02/2022
Proposal: Ground floor extension to house bedroom and shower room.
Location: 42 COED GLAS, PEN-Y-WAUN, ABERDARE, CF44 9DS

Aberdare West/Llwydcoed

21/0139/10 Decision Date: 01/02/2022
Proposal: Construction of a Manege.
Location: PENTRE BACH BARN, MERTHYR ROAD, LLWYDCOED, ABERDARE, CF44 0UY

21/1615/10 Decision Date: 31/01/2022
Proposal: First floor extension above existing.
Location: 14 BELLE VUE, TRECYNON, ABERDARE, CF44 8NR

21/1628/10 Decision Date: 01/02/2022
Proposal: Proposed alterations to front elevation (Amended plans received 01/02/2022).
Location: GELLI UCHAF HOUSE, MERTHYR ROAD, LLWYDCOED, ABERDARE, CF44 0BJ

Aberdare East

21/1644/10 Decision Date: 03/02/2022
Proposal: Detached rear garage.
Location: THE BUNGALOW, WENALLT ROAD, ABER-NANT, ABERDARE, CF44 0RT

21/1665/10 Decision Date: 09/02/2022
Proposal: Proposed single storey rear bathroom extension with internal modifications.
Location: 16 FOTHERGILL STREET, ABER-NANT, ABERDARE, CF44 0SA

Cwmbach

21/1430/10 Decision Date: 02/02/2022
Proposal: Proposed garden room/ office.
Location: GLAN WERN, BLAENNANTYGROES ROAD, CWM-BACH, ABERDARE, CF44 0EA

Report for Development Control Planning Committee

Penrhiwceiber

21/1672/10 Decision Date: 07/02/2022
Proposal: Demolish existing lean-to and construct new flat roof extension to ground floor with reduced depth and width and flat roof extension to first floor.
Location: 12 ALBANY STREET, MOUNTAIN ASH, CF45 3BE

21/1685/10 Decision Date: 07/02/2022
Proposal: Vertical lift to front of property.
Location: 75 CLARENCE STREET, MOUNTAIN ASH, CF45 3BD

Abercynon

21/1654/10 Decision Date: 10/02/2022
Proposal: Erection of ground floor balcony leading off existing doors to rear of the house.
Location: 32 ABERCYNON ROAD, ABERCYNON, MOUNTAIN ASH, CF45 4NG

Aberaman North

21/1135/10 Decision Date: 01/02/2022
Proposal: Proposed demolition of existing dwelling and detached garage and construction of replacement dwelling and detached garden room/store (Bat survey received 16/12/2021).
Location: HIGH TREES, MAESYFFYNON LANE, ABERAMAN, ABERDARE, CF44 6EJ

Treorchy

21/1620/23 Decision Date: 31/01/2022
Proposal: Prior Approval - Alteration to existing bridge parapet in Treorchy.
Location: TREORCHY OVERBRIDGE

Pentre

21/1657/10 Decision Date: 08/02/2022
Proposal: Proposed part garage conversion and new front porch with internal alternations.
Location: 5 DINAM PARK, TON PENTRE, PENTRE, CF41 7DX

Ystrad

21/1621/23 Decision Date: 31/01/2022
Proposal: Prior Approval - Alteration to existing bridge parapet.
Location: TYISAF ROAD BRIDGE, GELLI, PENTRE

Report for Development Control Planning Committee

Tonypany

21/1568/10 Decision Date: 03/02/2022
Proposal: Two storey extension to rear and alterations to front of property (Amended plans received 02/02/2022)
Location: 26 STATION ROAD, HIRWAUN, ABERDARE, CF44 9TA

Penygraig

21/1627/10 Decision Date: 02/02/2022
Proposal: Proposed two storey extension.
Location: 30 HENDRECAFN ROAD, PEN-Y-GRAIG, TONYPANDY, CF40 1LL

Ferndale

21/1610/10 Decision Date: 07/02/2022
Proposal: Proposed extension to existing coffee shop / ice cream parlour.
Location: SCOOPS AND SMILES, OAKLAND TERRACE, FERNDALE, CF43 4UD

21/1635/10 Decision Date: 03/02/2022
Proposal: Erection of 2.5 metre high fence along rear boundaries to improve patient privacy.
Location: BRYN AFON BUNGALOW LEARNING DISABILITIES, OAKLAND TERRACE, FERNDALE, CF43 4UD

21/1649/08 Decision Date: 31/01/2022
Proposal: Removal of existing derelict demountable changing room facility and replacement with traditional build brick/block changing rooms.
Location: DARRAN PARK, FREDERICK STREET, FERNDALE, CF43 4HR

Rhondda

21/1493/12 Decision Date: 07/02/2022
Proposal: Rebuilding of chimney.
Location: THE MERLIN PUBLIC HOUSE, 41 PWLLGWAUN ROAD, PONTYPRIDD, CF37 1HH

21/1539/10 Decision Date: 08/02/2022
Proposal: Vehicle hardstand.
Location: 11 GREAT STREET, TREHAFOD, PONTYPRIDD, CF37 2NE

Rhydyfelin Central

21/1521/10 Decision Date: 09/02/2022
Proposal: Conservatory to rear elevation.
Location: SGUBOR GARREG BARN, BRYNTAIL ROAD, GLYN-TAF, PONTYPRIDD

Report for Development Control Planning Committee

Hawthorn

21/1653/10

Decision Date: 08/02/2022

Proposal:

Change of use of Industrial Unit 29 to D2 (leisure) for use as a gymnastics club.

Location:

UNIT 29 JR BUSINESS CENTRE, TREFOREST INDUSTRIAL ESTATE, PONTYPRIDD, CF37 5ST

Llantwit Fardre

21/1390/10

Decision Date: 08/02/2022

Proposal:

Single storey rear extension.

Location:

PRESWYLFA, 6 HEOL DOWLAIS, EFAIL ISAF, PONTYPRIDD, CF38 1BB

21/1612/10

Decision Date: 01/02/2022

Proposal:

Rear single storey extension.

Location:

14 HEOL-Y-FFYNNON, EFAIL ISAF, PONTYPRIDD, CF38 1AU

21/1640/10

Decision Date: 31/01/2022

Proposal:

Proposed single storey rear & side extension.

Location:

BRODAWEL, 44 HEOL DOWLAIS, EFAIL ISAF, PONTYPRIDD, CF38 1BE

Tonyrefail West

21/1570/10

Decision Date: 08/02/2022

Proposal:

Two storey rear extension.

Location:

53 MOUNTAIN VIEW, TONYREFAIL, PORTH, CF39 8JG

Pontyclun

21/1585/10

Decision Date: 07/02/2022

Proposal:

Partial garage conversion to provide home office / gym.

Location:

25 ROWAN TREE LANE, MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 8SF

Report for Development Control Planning Committee

Llanharry

21/1362/10 Decision Date: 01/02/2022
Proposal: Change of use of land to incorporate the enlargement of existing internal access road, including alterations to levels and laying of hard standing.
Location: FFOREST WOOD QUARRY, COWBRIDGE ROAD, TALYGARN, PONT-Y-CLUN, PONTYCLUN, CF72 9XD

21/1499/15 Decision Date: 07/02/2022
Proposal: Variation of conditions - 1 time limit, 2 plans and 3 samples of planning permission 21/0618/10 (amended description, removing condition 4 received 21/01/2022).
Location: FORMER BEAR INN PUBLIC HOUSE, TYLACOCH, LLANHARRY, PONTYCLUN, CF72 9LH

21/1596/10 Decision Date: 02/02/2022
Proposal: Ground floor extension and alterations.
Location: 11 GELLI DDAEAR GOCH, LLANHARRY, PONTYCLUN, CF72 9WE

22/0017/09 Decision Date: 09/02/2022
Proposal: Single storey rear extension.
Location: 22 TYLACOCH, LLANHARRY, PONTYCLUN, CF72 9LR

Llanharan

21/1673/10 Decision Date: 10/02/2022
Proposal: Single storey annexe for pool house and sauna.
Location: FARMHOUSE, GARTH ISAF FARM, ROAD TO GARTH ISAF FARM, LLANHARAN, PONTYCLUN, CF72 9NH

Total Number of Delegated decisions is 33

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Mountain Ash East

21/1696/10 Decision Date: 10/02/2022

Proposal: Retain and complete alterations to the pitch of the main dwelling roof and include a new attic dormer to rear.

Location: 34 ALLEN STREET, ABERPENNAR, CF45 4BD

Reason: 1 The proposed development, as a result of its siting, scale, design, height and overall visual appearance would result in excessive and unsympathetic additions that would have a detrimental impact on the character and appearance of the application dwelling and the surrounding area. As such, the proposal is contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and also the Councils Supplementary Planning Guidance for Householder Development.

Reason: 2 The proposed development, as a result of its siting, scale and design is considered to be an unneighbourly form of development that would be detrimental towards the amenities of occupants of neighbouring dwellings. As such, the proposal is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Aberaman South

21/1614/10 Decision Date: 31/01/2022

Proposal: Proposed first floor extension above existing single storey side extension.

Location: 1 THE COTTAGES, LLANWONNO ROAD, CWMAMAN, ABERDARE, CF44 6PG

Reason: 1 The proposed development, by virtue of its siting, scale and design, would constitute an unsympathetic development, which would be poorly related to and have an unacceptable effect on the character and appearance of the original building. As such the proposal conflicts with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales.

Report for Development Control Planning Committee

Ferndale

21/1675/10

Decision Date: 08/02/2022

Proposal: Change of use from a commercial unit to 2 no. 2 bedroom flats (Re-submission of 21/1140/10).

Location: 63 HIGH STREET, FERNDALE, CF43 4RR

Reason: 1 The proposed residential use, in the form of 2 no. flats is considered to represent an inappropriate development that would result in the creation of poor quality living accommodation contrary to the Council's Supplementary Planning Guidance: Development of Flats – Conversion and New Build and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Reason: 2 No information has been provided to evidence that the property has been marketed for a minimum period of 12 months without success and therefore, the proposal does not accord with Policy AW11 of the Rhondda Cynon Taf Local Development Plan.

Reason: 3 The loss of a retail unit within the retail centre of a Key Settlement is unjustified and it is considered that the proposal would have a negative effect on the centre's position in the retail hierarchy and therefore, the proposal does not accord with Policy NSA18 of the Rhondda Cynon Taf Local Development Plan.

Llantwit Fardre

21/1594/10

Decision Date: 11/02/2022

Proposal: Single storey rear extension, two storey side extension, front and rear dormers and dropped kerb.

Location: MARTYNDALE, 7 HEOL DOWLAIS, EFAIL ISAF, PONTYPRIDD, CF38 1BB

Reason: 1 The proposed dormers and two storey side extension would represent a visually incongruous and unneighbourly form of development which would have a detrimental impact on the character and appearance of the surrounding area and the amenity of adjoining occupiers. This is contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the Council's adopted Supplementary Planning Guidance (SPG): A Design Guide for Householder Development.

Llanharan

21/1059/10

Decision Date: 01/02/2022

Proposal: Extension of builders yard, regularise external storage heights, modification of parking arrangements and the installation of a tool hire compound (Re-submission of 21/0365/10).

Location: TRAVIS PERKINS, COEDCAE LANE INDUSTRIAL ESTATE, TALBOT GREEN

Reason: 1 The proposed development would result in the loss of 14 shared car parking spaces resulting in on-street car parking and increased hazards to the detriment of safety of all highway users and free flow of traffic. As such the development is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Total Number of Delegated decisions is 5

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