



**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 rhithwir o'r **Pwyllgor Cynllunio a Datblygu** yn cael ei gynnal ar **DYDD IAU, 17EG MAWRTH, 2022** am **3.00 PM**.

MAE MODD I AELODAU NAD YDYN NHW'N AELODAU O'R PWYLLGOR AC AELODAU O'R CYHOEDD OFYN I ANNERCH Y PWYLLGOR YN YSTOD Y CYFARFOD SY'N YMWNEUD Â'R MATER SYDD WEDI'I NODI. RYDYN NI'N GOFYN EICH BOD CHI'N RHOI GWYBOD AM EICH BWRIAD I SIARAD DRWY E-BOSTIO [GWASANAETHAUCYNLLUNIO@RCTCBC.GOV.UK](mailto:GWASANAETHAUCYNLLUNIO@RCTCBC.GOV.UK) ERBYN 5PM AR DYDD MAWRTH, 15 MAWRTH 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 10.02.22**

Cadarnhau cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 10 Chwefror 2022.

5 - 8

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

### **5. CAIS RHIF: 20/0932**

Cais i gadw ac ymestyn yr adeilad gweithdy presennol, estyniad ôl-weithredol i'r adeilad swyddfa presennol, adleoli ardal golchi cerbydau dan do, pypmiau tanwydd a thanciau dŵr, estyniad i'r maes parcio presennol i staff/cwsmeriaid, porthdy newydd, codi ffens acwstig a gwaith cysylltiedig (derbyniwyd Strategaeth Ddraenio ddiwygiedig ar 07/10/21, derbyniwyd Cynllun Lleoliad Safle diwygiedig, Cynllun Gosodiad y Safle Arfaethedig, manylion ffens acwstig ac Asesiad Effaith Sŵn ar 20/12/21). **UNED 16 EARTHMOVERS HOUSE, PARC BUSNES LLANTRISANT, LLANTRISANT, PONT-Y-CLUN, CF72 8LF**

9 - 40

### **6. CAIS RHIF: 20/1307**

Byngalo ar wahân (Amlinellol) - Asesiad Risg Cloddio Glo wedi'i dderbyn 18/03/2021. **TIR Y TU ÔL I SŴN Y FRO, HEOL GELLIFEDI, BRYNNA**

41 - 54

**7. CAIS RHIF: 21/1237**

Newid defnydd o westy, siop cludfwyd a bar/bwyty i gartref gofal preswyl C2, gyda gwaith thirlunio a mynedfa gysylltiedig. (Derbyniwyd Adroddiad Ansawdd Aer ar 10 Ionawr 2022) **DIAMOND JUBILEE HOTEL, HEOL Y DWYRAIN, TYLORSTOWN, CF43 3HE**

**55 - 66**

**8. CAIS RHIF: 21/1601**

Bwriad i ddyrchwyl yr adeiladau ysgol presennol ac ailddatblygu'r safle i ddarparu datblygiad preswyl o 18 o anheddau a gwaith cysylltiedig. (Derbyniwyd Gwerthusiad Ecolegol Rhagarweiniol (PEA) wedi'i ddiweddarau; wynebau diwygiedig ar gyfer lleiniau 1, 2 ac 17 gan gynnwys cwpanau ar gyfer gwenoliaid y bondo; a Chynllun Ymchwilio Ysgrifenedig ar gyfer cofnodi adeiladau hanesyddol, ar 17 Ionawr 2022. Derbyniwyd cynllun safle diwygiedig, i ledu llwybr troed a newid graddiant, wedi'i dderbyn ar 15 Chwefror 2022) **TIR YN HEN YSGOL GYNRADD GYMRAEG TONYREFAIL, STRYD YR YSGOL, TONYREFAIL, PORTH, CF39 8LE**

**67 - 84**

**9. CAIS RHIF: 21/1613**

Datblygu cynllun solar a seilwaith cysylltiedig. (Derbyniwyd y Datganiad Drilio Ceblau ar 20 Ionawr 2022) **TIR AR FFERM RHIWFELIN FACH, HEOL LLANTRISANT, YNYSMAERDY, LLANTRISANT, PONT-Y-CLUN, CF72 8LQ**

**85 - 98**

**10. CAIS RHIF: 22/0088**

Adeiladu garej sengl. **TIR GER 16 TERAS BRYNHEULOG, TYLORSTOWN, GLYNRHEDYNOG**

**99 - 106**

**ARGYMHELLION I'W GWRTHOD GAN Y CYFARWYDDWR MATERION FFYNIANT A DATBLYGU**

**11. CAIS RHIF: 22/0004**

Annedd sengl newydd 4 ystafell wely. **TIR Y TU ÔL I 1 HEOL LLWYNFEN, PONT-Y-CLUN, CF72 0TW.**

**107 - 114**

**ADRODDIAD ER GWYBODAETH**

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

Rhoi gwybod i Aelodau am y canlynol, ar gyfer y cyfnod 28/02/2022 – 04/03/2022.

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

gwrthod gyda rhesymau.  
Trosolwg o Achosion Gorfodi.  
Penderfyniadau Gorfodi Dirprwyedig.

115 - 122

### 13. **MATERION BRYD**

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

#### **Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu**

##### **Cylchrediad: -**

##### **Aelodau o'r Pwyllgor Cynllunio a Datblygu:**

Cadeirydd ac Is-gadeirydd y Pwyllgor Materion Rheoli Datblygu  
(Y Cynghorydd S Rees a Y Cynghorydd 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 ac 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 hybrid y Pwyllgor Cynllunio a Datblygu a gynhaliwyd  
Dydd Iau, 10 Chwefror 2022 am 3.00 pm

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

**Siambr y Cyngor**

Y Cyngorydd S Rees (Cadeirydd)  
Y Cyngorydd R Williams  
Y Cyngorydd W Lewis  
Y Cyngorydd G Hughes

**Zoom**

Y Cyngorydd D Grehan    Y Cyngorydd J Barton  
Y Cyngorydd P Jarman    Y Cyngorydd S Powderhill  
Y Cyngorydd W Owen    Y Cyngorydd D Williams  
Y Cyngorydd J Williams

**Swyddogion oedd yn bresennol: -**

**Siambr y Cyngor**

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: -**

**Zoom**

Y Cyngorydd Sheryl Evans

**189    DATGAN BUDDIANT**

Yn unol â Chod Ymddygiad y Cyngor, cafodd y datganiadau o fuddiant canlynol eu gwneud:

- Datganodd Cyngorydd y Fwrdeistref Sirol S Evans fuddiant personol a buddiant sy'n rhagfarnu mewn perthynas â Chais 21/0752 – Newid defnydd o storfa a swyddfa i dŷ un ystafell wely. DG Love Garage, y tu ôl i 362 Heol Caerdydd, Aberaman, Aberdâr.

"Rydw i'n byw yn agos i safle'r cais"

- Roedd Cyngorydd y Fwrdeistref Sirol D Williams wedi datgan buddiant personol a buddiant sy'n rhagfarnu mewn perthynas â Chais 15/0666 a 21/0720 -

15/0666 - Estyniad gorllewinol i'r chwarel bresennol, i gynnwys echdynnu 10 miliwn tunnell ychwanegol o dywodfaen pennant yn raddol, adeiladu

byndiau sgrinio, gwaith cysylltiedig, a chydgrynhoi'r holl ganiatadau cynllunio mwynau blaenorol yn Chwarel Craig yr Hesg, gan gynnwys estyn y dyddiad gorffen ar gyfer chwarella a chynllun adfer cyffredinol (gwybodaeth ychwanegol wedi'i nodi yn yr adroddiad "Materion Lles ac Iechyd yr Amgylchedd"). Chwarel Craig yr Hesg, Heol Berw, Pontypridd

21/0720 - Parhau â gwaith cloddio a gweithrediadau cysylltiedig heb gydymffurfio ag amodau 1 i 4 ac amodau 45 a 46 a osodwyd ar atodlen o amodau Adolygiadau o Hen Ganiatadau Mwynau (ROMP) Deddf yr Amgylchedd a gyhoeddwyd gan Gyngor Bwrdeistref Sirol Rhondda Cynon Taf ar 24 Ebrill 2013 cyf: 08/1380/10. Chwarel Craig yr Hesg, Heol Berw, Pontypridd

"Rydw i'n aelod o'r grŵp gweithredu sy'n gwrthwynebu datblygu'r chwarel."

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

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

**191 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 hwythau.

**192 COFNODION 16.12.21**

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

**193 CAIS RHIF: 21/0752**

**Newid defnydd o storfa a swyddfa i dŷ un ystafell wely. DG Love Garage, y tu ôl i 362 Heol Caerdydd, Aberaman, Aberdâr.**

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

Ar ôl datgan buddiant personol a buddiant sy'n rhagfarnu mewn perthynas â'r cais (Cofnod Rhif 20), arferodd yr Aelod Lleol nad yw'n Aelod o'r Pwyllgor, Cynghorydd y Fwrdeistref Sirol S Evans, ei hawl i annerch y Pwyllgor o dan adran 14(2) o'r Cod Ymddygiad mewn perthynas â'r cais. Amlinellodd ei

phryderon ynglŷn â'r datblygiad arfaethedig a gadawodd y cyfarfod yn ystod y drafodaeth).

Amlinellodd Pennaeth Materion Cynllunio gynnwys 7 llythyr 'hwyr' gan drigolion lleol yn cefnogi'r cais.

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.

**194 CAIS RHIF: 21/1573**

**Newid o ddefnydd masnachol i siop gyfleustra gydag estyniad un-llawr ac addasiadau - Ailgyflwyno 21/0883/10. Trealaw Tyres, Heol Brithweunydd, Tonypandy**

Yn unol â'r gweithdrefnau a gafodd eu mabwysiadu, derbyniodd y Pwyllgor Ms T John (Gwrthwynebydd). Cafodd hi bum munud i annerch yr Aelodau ynglŷn â'r cynnig uchod.

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 gynnwys tri amod ychwanegol. Mae'r amod cyntaf yn gofyn bod rhwystr atal cerbydau a/neu folardiau i ddiogelu cerddwyr ar y briffordd. Mae'r ail amod yn gofyn bod system unffordd yn cael ei sefydlu a'i rhoi ar waith wrth fynd i mewn i'r safle a gadael y safle. Mae'r amod olaf yn gofyn bod yr ymgeisydd yn cyflwyno Cynllun Rheoli ar gyfer Cyflawni'r Cynllun i'r Awdurdod Cynllunio Lleol a bod y Cynllun yma'n cael ei gymeradwyo cyn i'r datblygiad gael ei ddefnyddio.

**195 CAIS RHIF: 15/0666 a 21/0720**

**15/0666 - Estyniad gorllewinol i'r chwarel bresennol, i gynnwys echdynnu 10 miliwn tunnell ychwanegol o dywodfaen pennant yn raddol, adeiladu byndiau sgrinio, gwaith cysylltiedig, a chydgrynhoi'r holl ganiatadau cynllunio mwynau blaenorol yn Chwarel Craig yr Hesg, gan gynnwys estyn y dyddiad gorffen ar gyfer chwarela a chynllun adfer cyffredinol (gwybodaeth ychwanegol wedi'i nodi yn yr adroddiad "Materion Lles ac Iechyd yr Amgylchedd"). Chwarel Craig yr Hesg, Heol Berw, Pontypridd**

**21/1573 - Parhau â gwaith cloddio a gweithrediadau cysylltiedig heb gydymffurfio ag amodau 1 i 4 ac amodau 45 a 46 a osodwyd ar atodlen o amodau Adolygiadau o Hen Ganiatadau Mwynau (ROMP) Deddf yr Amgylchedd a gyhoeddwyd gan Gyngor Bwrdeistref Sirol Rhondda Cynon Taf ar 24 Ebrill 2013 cyf: 08/1380/10. Chwarel Craig yr Hesg, Heol Berw, Pontypridd**

Roedd gofyn i Aelodau drafod yr adroddiad yng ngoleuni'r cyngor diweddar a ddarparwyd gan yr ymgynghoriaeth gynllunio y mae'r Cyngor wedi ymgysylltu â hi i gefnogi penderfyniad yr Awdurdod Cynllunio Lleol i wrthod dau gais yn ystod apêl a phenderfynu p'un a yw'r Pwyllgor Cynllunio a Datblygu o'r un farn â'r ymgynghoriaeth gynllunio. Roedd gofyn i Aelodau hefyd egluro rhai materion penodol y mae'r Apelyddion wedi'u codi yn rhan o'r broses apelio.

Aeth yr Aelodau ati i drafod adroddiad y Cyfarwyddwr Materion Ffyniant a Datblygu, gan gadarnhau:

- O ran yr estyniad gorllewinol (15/0666), er bod gorgyffwrdd ag eiddo sensitif yn flaenoriaeth, roedd Aelodau hefyd yn effro i'r materion iechyd a lles ehangach ac mae'r rhain wedi'u hadlewyrchu yn yr adroddiadau y mae'r Aelodau wedi'u defnyddio fel sail i'w penderfyniad;
- Nid yw eu pryderon sy'n ymwneud a'r cais am estyniad gorllewinol (15/0666) wedi'u cyfyngu i'r estyniad newydd, maen nhw'n berthnasol i'r safle'n gyffredinol;
- Ni fyddai gosod amod sy'n atal echdynnu a phrosesu o fewn 200 metr i'r datblygiad sensitif yn mynd i'r afael â'u pryderon;
- Eu bod nhw'n cefnogi barn yr ymgynghoriaeth gynllunio, fel sydd wedi'i nodi yn y Datganiad Achos sy'n ymwneud â cheisiadau 15/0666 a 21/0720 ac fel sydd wedi'i chrynhai yn yr adroddiad.

(**Noder:** Gan ei fod eisoes wedi datgan buddiant personol a buddiant sy'n rhagfarnu ynglŷn â'r cais uchod (Cofnod rhif 189), gadawodd Cynghorydd y Fwrdeistref Sirol D Williams y cyfarfod wrth i'r mater yma gael ei drafod.)

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

**PENDERFYNODD** yr Aelodau dderbyn adroddiad Cyfarwyddwr Gwasanaeth – Materion Cynllunio – mewn perthynas â Phenderfyniadau Apeliadau Cynllunio a Gorfodi a oedd wedi dod i law, Ceisiadau wedi eu Cymeradwyo a'u Gwrthod gyda rhesymau trwy'r drefn Penderfyniadau wedi'u Dirprwyo, Crynodeb o'r Achosion Gorfodi a Phenderfyniadau Gorfodi trwy'r drefn Ddirprwyo ar gyfer y cyfnod 07/01/2022 hyd at 28/01/2022.

**Daeth y cyfarfod i ben am 4.02 pm**

**Y Cynghorydd S Rees  
Cadeirydd.**



## PLANNING & DEVELOPMENT COMMITTEE

17 MARCH 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

<b>APPLICATION NO:</b>	20/0932/10	<b>(MF)</b>
<b>APPLICANT:</b>	<b>Tom Prichard (Holdings) Ltd</b>	
<b>DEVELOPMENT:</b>	The proposed retention and extension of the existing workshop building, retrospective extension of the existing office building, relocate covered vehicle washdown area, fuel pumps and water tanks, an extension of the existing staff/customer car park, a new gatehouse, erection of acoustic fence and associated works (amended Drainage Strategy received 07/10/21, amended Site Location Plan, Proposed Site Layout Plan, acoustic fence details and Noise Impact Assessment received 20/12/21).	
<b>LOCATION:</b>	<b>UNIT 16 EARTHMOVERS HOUSE, LLANTRISANT BUSINESS PARK, LLANTRISANT, PONTYCLUN, CF72 8LF</b>	
<b>DATE REGISTERED:</b>	<b>20/12/2021</b>	
<b>ELECTORAL DIVISION:</b>	<b>Town (Llantrisant)</b>	

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**RECOMMENDATION:** Approve, subject to conditions

**REASONS:** The application site forms an established vehicle/plant depot within the Llantrisant Business Park industrial estate. The proposal has seen / would see various works within the boundaries of the existing depot to improve facilities on site, in turn allowing the business to continue to operate within the Borough, generating economic growth and a number of employment opportunities in the local area. The principle of development is therefore considered acceptable.

It is not considered the development works have/would result in a significant impact upon the character and appearance of the area, the amenities of surrounding residents, or highway safety in the vicinity. It has also been demonstrated that the impact of the development upon ecology can be appropriately mitigated, a suitable land drainage scheme can be implemented on site, and an appropriate diversion for the Public Right of Way that crosses the site can be accommodated.

It is therefore considered the application complies with the relevant policies set out in the Local Development Plan and national guidance, and is recommended for approval.

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## 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 various development works at the application site to allow for improved facilities at the existing vehicle/plant depot. Much of the works set out in the application are proposed, however several are retrospective, as set out in detail below:

- Extension of existing office block. This element of the scheme has already been completed. The works involved an additional 110m<sup>2</sup> floorspace being constructed to the eastern side of the established office unit. The extension is of matching scale, design and finishing materials to that of the original building.
- Retention and extension of existing workshop/research and development building. The existing unit originally gained planning permission in 2018 (18/0006/10), however, it has not been built in accordance with the approved plans. Permission was granted for an industrial building of approximately 1600m<sup>2</sup> floorspace to a height of 9m, incorporating 8 no. vehicle access doors within the front elevation (facing the existing depot yard) and 4 no. within the rear elevation (facing the undeveloped land to the north). Whilst the unit has been built to the correct dimensions, its design has altered from that previously approved. Only 7 no. vehicle doors have been sited within the front elevation and 5 no. have been installed within the rear elevation, none of which are in the correct position.

The application therefore seeks to retain the building 'as built', along with a new extension of matching scale, design and finishing materials to the western side. The proposed extension would provide an additional 557m<sup>2</sup> floorspace and 3 no. additional vehicle access points from the front. No additional access points are proposed from the rear.

- The removal of an earth bund at the north-eastern corner of the depot yard and the creation of a small yard area in its place to allow access to the rear of the workshop/research and development building, including a replacement bund along the northern boundary of this area to separate the depot site from the undeveloped land to the rear (north). These works have already been completed.

The new yard area extends up to 25m beyond the boundary of the depot site as originally approved in 2014, into land under the ownership of the applicant.

The original embankment and associated landscaping above were conditioned within the 2014 consent to remain in perpetuity to protect the amenities of residents to the north/north-east, by way of a visual and sound barrier. The new embankment does not currently include any landscaping above and no specific

details of any replacement landscaping have been submitted with this application.

- Extension and reconfiguration of the existing employee/customer carpark. The works would involve the hard-surfacing of an area of ground to the eastern side of the office building which is currently used for the storage of plant/machinery, and the laying out of an additional 16 no. vehicle parking spaces. The works would take the capacity of the existing carpark from 50 no. spaces to 66 no.
- Relocation of covered vehicle/plant washdown unit. This would see the existing washdown unit that is currently sited directly to the west of workshop/research and development building moved to the western corner of the site to make way for the proposed extension of the workshop/research and development building. Associated drainage infrastructure would be installed around the new washdown area.
- A new gatehouse. This would involve the existing cabin and gates at the site's plant entrance being removed and replaced with a new cabin, barriers and gates to improve security at the site.
- Relocation of existing fuel tanks. This would see the existing fuel tanks that are currently located to eastern side of the workshop/research and development building relocated to a new refuelling area at the eastern boundary of the site.
- Relocation of existing water tanks. The 2 no. water tanks currently located to the east of the site's plant entrance would be set back approximately 10m into the site.
- The existing depot yard would be formally laid out to provide 39 no. HGV spaces, plant storage areas and associated access and turning facilities throughout. This would include a Sustainable Drainage System (SuDS) and landscaping features towards western extent.
- An acoustic fence. A 5m high acoustic fence would be erected along the eastern boundary of an undeveloped field immediately to the north-east of the existing depot yard. The field is under the ownership of the applicant but only the area where the fence would be located forms part of this application site, i.e. the eastern boundary.

Members are advised that as well as the above the application also originally proposed an extension of the existing depot yard into the undeveloped field to the north-east for the provision of 29 no. additional HGV parking spaces, a further vehicle/plant washdown unit, and associated landscaping and drainage features. However, following concerns in respect of potential noise and disturbance impacts to several residential properties to the north/north-east, this element of the scheme was removed from the application which now relates solely to the works set out above. Amended plans and an updated Noise Impact Assessment were received in line with this change on 20/12/21.

It is also noted that Public Right of Way (PROW) Llantrisant 223/3 crosses through the centre of the undeveloped field and is subject to a separate Public Path Diversion Order in association with a current development at an adjacent site and the original proposal to develop the field as part of this scheme. The PROW now falls outside of the application site other than for a very small section that would need to pass through the proposed acoustic fence.

The applicant has detailed that the improvement of the operational area of the site would alleviate current on-site congestion issues without the need to relocate to a larger site elsewhere; and secondly, the proposed extension of the workshop/research and development building will reduce the pressure on existing infrastructure enabling the business to operate in a more efficient manner.

The applicant has also noted that is not envisaged the works would result in a significant increase in the number of vehicles/equipment stored at the site or the number of staff working at the site, however exact numbers have not been provided.

No details in respect of the hours of the of operation have been submitted. As such, the application has been assessed on the basis that there would be no change to the current restrictions set out under the original 2014 planning permission. Condition 10 of planning permission ref. 14/0979/10 restricts the operational activities associated with the use (including re-fuelling, loading/unloading, etc.) to 08:00am and 19:00pm on any given day and outside of that time the use of the site shall solely be restricted to the parking and movement (to and from) of either staff vehicles or the vehicles being stored at the site.

Finally, Members are advised that this application follows the withdrawal of two earlier applications at the site, application ref. 18/1156/15 which sought the retention of the retrospective works undertaken at the existing depot site and the proposed extensions/works here; and application ref. 19/0012/10 which sought the extension of the existing depot site into the undeveloped field to the rear.

Following consideration of the above applications and discussion with the applicant/objectors, due to the complexity of the site's evolution and its planning/development history, and the need to base the proposed future development of the adjacent field on a thorough consideration of the overall site's form and relationship with adjacent uses, it was determined that one comprehensive application would be more appropriate in this instance. Therefore, the earlier applications were withdrawn following the submission of this one, 'catch all' application.

It was considered that this approach had the benefit of consolidating all unauthorised works/alterations at the site that have occurred since 2015 and any proposed future works within a single comprehensive scheme that, if granted, would provide certainty going forward for both the applicant, the Council and neighbouring residents/businesses as to the form and extent of the operations at the site. Conversely, should Members be minded to refuse the application, it would allow for appropriate and effective enforcement action to be taken in respect of the unauthorised works undertaken at the site.

However, as set out above, this current 'catch all' application was amended on 20/12/2021 and now includes the retrospective/proposed works at the existing depot site only, apart from the erection of an acoustic fence along the boundary of the adjacent field. The remainder of the field has been removed from the application site red line boundary and no development works are proposed there, other than for the small extension to allow access to the rear of the existing industrial unit (as set out above).

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

- PAC Report
- Design and Access Statement
- Planning Statement
- Landscape and Visual Appraisal
- Drainage Strategy Report (amended survey received 07/10/21)
- Site Investigations Report
- Preliminary Ecological Appraisal
- Transport Statement
- Noise Impact Assessment (amended survey received 20/12/21)

## **SITE APPRAISAL**

The application site comprises the established Earthmovers House vehicle/plant depot at Llantrisant Business Park, as well as the eastern boundary of an undeveloped field directly to the rear (north). It currently operates as the headquarters of the applicant's business which provides construction plant, waste recycling and associated support across England and Wales.

The main element of site, the plant/vehicle depot, is occupied by an administrative office unit towards the southern boundary, a maintenance workshop/research and development industrial unit along the northern boundary, and vehicle/plant parking and associated infrastructure such as fuel and water tanks, storage containers etc. sited throughout.

There are two existing access points into the site from the Llantrisant Business Park distributor road, Heol-y-Sarn. The first is located centrally along the site's southern boundary and serves the employee/customer car park and office. The second is located at the south-eastern corner of the site and provides access to the wider depot yard and workshop areas.

To the north-east the existing depot site is bound by an undeveloped field, the plot which previously formed part of this application. A further plot of land that recently gained planning permission for an extension of the wider industrial estate is located to the north-west (8 industrial units, 19/0840/10). Groundworks for this development are currently underway. The eastern boundary of the existing depot site is defined by mature trees and well-established hedgerows. Llantrisant Dialysis Centre is located to the south-west corner, with several large industrial units located to the south and west.

The remaining element of the application site comprises a narrow 'finger' of land that projects northwards from the north-eastern corner of the main depot yard (where the

proposed acoustic fence would be sited). It forms the boundary of an undeveloped field defined by mature trees and well-established hedgerows. The flora along this boundary would remain following development with the proposed fence sited in front (at the western side, towards the field).

Open countryside is located to the north and east of the site, but it is noted that a number of scattered residential dwellings are located in this area, the nearest being Tal-y-Fedw Farm and Ty Carreg Glas approximately 130m to the north-east, and Bryn-y-Fedw approximately 130m to the east.

Land to the south and south-west of the application site forms part of the wider Llantrisant Business Park industrial estate. The estate is comprised of numerous industrial units of varying design and scale and has been the subject of significant commercial development over the past few decades.

## **PLANNING HISTORY**

The site is subject to a substantial planning history, some of which is associated with the nearby Tal-y-Fedw Farm to which the undeveloped field formally belonged. As such, only the previous planning applications that are considered relevant to this development are detailed below. For clarity, the site's planning history is also separated into the existing Earthmovers House site and the undeveloped field to the rear:

### Earthmovers House

**18/1156/15** – Variation of Conditions 2, 7 and 8 of 14/0979/10.  
Decision: Withdrawn by applicant, 02/03/21

**18/0006/10** – Proposed additional bays to previously approved vehicle repair and maintenance workshop.  
Decision: Granted, 28/02/18

**18/0004/15** – Variation of Condition 2 (approved plans and documents) of previously approved planning application 16/1251/10 to vary the position and details of the proposed workshop and fuelling station.  
Decision: Granted, 28/02/18

**17/1241/10** – Retention and modification of existing gates and provision of additional fencing.  
Decision: Granted, 11/01/18

**16/1251/10** – Construction of new vehicle repair and maintenance workshop, fuelling station and associated concrete slab areas.  
Decision: Granted, 22/11/17

**16/1226/10** – Retention of offices, associated car park, new vehicular access and boundary fencing. Construction of new gatehouse.  
Decision: Granted, 22/11/17

**16/1222/38** – Discharge of Conditions 3 (drainage arrangements), 4 (details of hardcore materials and tie in details), 5 (wheel washing), 6 (hedgerow and wildlife protection plan) and 7 (scheme of landscaping) of 14/0979/10.  
Decision: Withdrawn by applicant, 25/10/17

**16/1220/15** – Removal / variation of conditions of planning permission 14/0979/10.  
Decision: Granted, 09/11/17

**14/0979/15** – Change of use of undeveloped land to a depot for the parking and storage of vehicles and construction plant. Works include erection of security fencing and security cameras.  
Decision: Granted, 07/01/15

#### Undeveloped field

**19/0012/10** (area under the ownership of the applicant and formally subject of this application – eastern element of the wider development plot to the rear of the existing depot) – Change of use to allow the extension of the existing plant and vehicle depot on to adjoining farmland, remodelling of the land to create a flat plateau, landscaping works and diversion of Public Right of Way (Llantrisant 223).  
Decision: Withdrawn by applicant, 02/03/21

**17/0582/15** (wider development plot to rear of existing depot – includes both the area of land under the ownership of the applicant and formally subject of this application and the adjoining plot to the west under separate ownership and subject of the recent planning permission for the extension of the industrial estate) – Variation of Condition 1(c) of application 14/0284/15 for the approval of reserved matters shall be made before the expiration of six years from 11 June 2014 and removal of Conditions 25 (Code for Sustainable Homes), 26 (BREEAM) and 27 (BREEAM) as they no longer accord with Welsh Government policy as to sustainable building.  
Decision: Granted, 20/09/17

**14/0284/15** (wider development plot) – Variation of Condition 1 of planning application no. 10/1285/15 to extend by three years the period within which reserved matters applications may be submitted.  
Decision: Granted, 31/01/11

**10/1285/15** (wider development plot) – Application to vary condition 1(c) imposed on planning permission no. 07/0364/13.  
Decision: Granted, 31/01/11

**07/0364/13** (wider development plot) – Employment development (outline) including all associated building, engineering operations and landscaping.  
Decision: Granted, 22/04/08

#### **PUBLICITY**

Given the application involves new development where the created floor space would be 1000m<sup>2</sup> or more and the site area is over 1ha, 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 28 properties being individually notified of the proposal by letter, 5 notices being placed on and within the vicinity of the application site, and a notice being placed in the local press (Western Mail).

Objections were received from occupiers of 3 no. neighbouring residential dwellings to the north/north-east of the site, from the occupiers of 1 no. nearby industrial unit, and from the owner of the adjacent parcel of land currently under development. The comments received have been summarised below:

- The extension of the depot into the adjacent field would introduce new industrial sources of noise that would be significantly higher than existing background levels and would alter the soundscape of the area. This would further compromise the residential amenity of surrounding neighbours by drastically increasing the noise disturbance impact they already endure as result of the existing depot site and wider industrial estate.
- There are numerous inaccuracies with the noise levels set out in the applicant's noise assessment reports, and they do not consider any surrounding uses which would result in a cumulative impact. Further, the noise assessments submitted do not meet the basic requirements of PPW, TAN 11: Noise, or the relevant policies of the LDP. The conclusions of the reports are therefore incorrect.
- No details of the proposed hours of operation have been submitted. This is a key issue given the existing noise problems at the site and for the preparation of the noise assessments.
- Concerns that some surrounding residential properties have not been included in any of the noise assessments.
- The expansion of the site will see the removal of several landscape features which have historically screened the site and were previously put in place to protect the amenities of neighbouring residents by way of visual and acoustic barriers. As such the proposal will result in a detrimental impact to the character and appearance of the site and surrounding area and the amenities of the closest neighbours. Further, a detailed landscaping scheme has not been submitted to ensure the final design of the site will mitigate this loss.
- The expansion of the site would result in additional air pollution to the nearest residential properties, exacerbating current problems.
- No tree surveys have been submitted.
- Concerns with the altered route of the PROW.
- The extension of the site would result in encroachment into the countryside.



- We are in the process of developing the adjacent site and are almost finished levelling the land in readiness for construction. But we are unsure of how we can reasonably finish the boundary between ourselves and the applicant's site until we know the full detail of the SuDS and landscaping schemes to be provided along these boundaries. Fill material used to level the applicant's site has spilled through the boundary fencing on to our site and I'm struggling to see how we can finish our groundworks effectively until these issues are sorted out.
- In recent years the industrial estate has seen a significant increase in heavy traffic from the existing depot site. The traffic often passes through the estate at high speeds and is likely to cause a serious accident at some point. The proposed extension of the site will likely exacerbate this issue. Whilst we have no objections to the development in principle, we would ask the developer to consider these comments and the impact their vehicles are having/will have on other businesses and road users on the estate.

Comments were also received from a private planning consultant on behalf of 2 no. objectors, specifically in relation to the Noise Impact Assessment submitted in support of the application. As well as review of the information provided by the applicant, the objector's consultant also undertook their own noise assessment. The comments received are summarised below:

- There is a lack of reference to any relevant national or local noise planning policy guidance within the report.
- The overarching national planning policies identify appropriate British Standards for the assessment of commercial and industrial noise sources. The submitted noise assessment does not present such an assessment.
- There is very little commentary of the modelling methodology used to predict the noise levels from the development at the closest sensitive receptors. The noise report is missing important assumptions from the modelling which could result in a significant underestimation of the results.
- As such there is significant shortcomings with the submitted Noise Impact Assessment and it consequently fails to demonstrate that the development would not result in a risk of unacceptable harm to health and/or local amenity. The key tests for the development with respect to the consideration of an 'inappropriate soundscape' is not met; and due to the proximity of the nearest dwellings, it is considered that the development would lead to a significant adverse impact to the amenities and quality of life of the nearest residents. Therefore, the requirements of PPW, TAN 11: Noise and the LDP have not been met with respect to operational noise.

Following review of the objections the applicant subsequently submitted a Peer Review of Noise Impact Assessments Report on 29/06/21 that was undertaken by an independent consultant. It assessed both the applicant's original report and the objector's rebuttal assessment. The public consultation process was repeated

following submission of this document and further comments were received from the objector's consultant (summarised below):

- The report largely consists of subjective analysis of the objector's comments, it does not provide any substantive assessment of the original noise assessment or the points raised in the objector's comments.
- The report identifies that noise levels from site operations would result in a rating over background levels of more than 10dB, which in accordance with BS4142:2014+A1:2019, is a likely indication of a significant adverse impact, depending on context.
- We have undertaken further modelling following review of the latest report which has found that any potential acoustic barrier would have to be at least 8m high and of suitable construction, however, operational noise could still significantly exceed existing background noise levels which is considered to represent a significant adverse impact. A barrier of this scale and height would have an adverse visual impact and also a detrimental impact upon residential amenity. It is also important to note that any barrier might not mitigate any future intensification of use at the site; and given the development history at the site, there are concerns that such a barrier would hide the site and allow the applicant to continue with further unauthorised development in future.

In light of concerns raised with respect to potential noise and disturbance, the application was amended on 07/10/2021 whereby the proposed extension of the existing depot site into the undeveloped field beyond was removed from the scheme. The consultation process was repeated and 2 no. further responses were received from residents of dwellings to the north/north-east (summarised below):

- I would like to reiterate my original comments in respect of existing/potential noise impacts upon the neighbouring dwellings.
- The noise assessment sets out potential noise levels from overnight activities. We were not aware of any proposed alterations to the existing permitted daytime hours of operation.
- There are inaccuracies in the document – it illustrates that there would be vehicle movements within the undeveloped field to the rear of the existing depot site, although this area has been removed from the application site.
- The boundary treatments and landscaping proposals at the northern boundaries are unclear.
- The assessment has only considered ground and first floor windows. It fails to take account of habitable room windows within my roof space.
- The most recent noise assessment and measurements are based on the existing landscape layout (with a prediction to add the effect of an acoustic barrier). Any future removal of further soil from the area to the north of the workshop to facilitate access to the field beyond would invalidate this.

- This update appears little more than an incomplete tactical delivery to stop the clock on a possible rejection of the application and limit the risk of reinstatement of the original topography.
- The current proposal appears to ensure that access from the current site to the undeveloped field beyond for further development by stealth would be easily achievable in future.

A further Noise Impact Assessment was submitted on 26/10/21 amending errors of the 07/10/21 report. The consultation process was again repeated and 2 no. further responses received from residents of dwellings to the north/north-east (summarised below):

- Whilst I am pleased to see the proposed yard extension has been removed from the scheme I would still like to reiterate my original comments in respect of existing/potential noise impacts upon the neighbouring dwellings.
- The report does not seem to address the issue of beeper sounds from vehicles reversing within the site, which can be heard from my property.
- The report has based its results on vehicle heights of 1.5m however many of the vehicles at the site are large trucks with exhaust heights of 3m.
- The report appears to show there is no significant noise generating activity beyond the line of the north facade of the workshop at any time. If this is factually accurate, is there a clear reason why this area is being retained within the application?

The objector's consultant also submitted a further letter, summarised below:

- The amended scheme does not show any proposed landscaping along the eastern boundary of the site. The removal of previous features and the lack of any replacement results in a detrimental impact to the amenities of the nearest residents. There are concerns that the applicant will 'creep' into the undeveloped area to the north of the existing depot.
- Whilst we welcome an acoustic barrier between the applicant's site and our client's, our modelling suggests an 8m high barrier would be required not a 5m high barrier, therefore noise could still impact the nearest residents.
- The latest Noise Impact Assessment sets out measurements for overnight activity, however the application does not propose any variation of the current permitted hours.

A final, and current version of the Noise Impact Assessment and an updated set of plans were submitted on 20/12/21 detailing how the existing PROW would pass through the acoustic fence and how potential impacts would be mitigated. The consultation process was again repeated and 1 no. further response was received

from occupiers of a dwelling to the north/north-east of the site reiterating the points set out above.

## **CONSULTATION**

Public Health and Protection – No objection subject to conditions and informative notes. The supporting information demonstrates that, with the installation of an appropriate acoustic barrier, any noise and disturbance from the site would not result in an impact significant enough to warrant refusal of the application.

The proposed development should not result in any contamination issues, but there is a risk arising from potential localised spillages at the existing site of the fuel tanks and that this area should be reassessed once the tanks have been moved; and ground gas monitoring should be undertaken to assess the risk of migration of land fill gases and possible gas from historic mine workings. Subsequently conditions to this effect are suggested.

Highways and Transportation – No objection subject to conditions in respect of the proposed electric vehicle charge points and cycle spaces being implemented on site. Post development the site would provide for safe and adequate off-street parking provision, internal circulation and site access/egress arrangements.

Countryside, Landscape and Ecology – No objection subject to conditions. There would be no undue impact at the existing depot site given its long-established use and the nature of the development works proposed there. However, the mitigation/enhancement measures set out in the Preliminary Ecological Appraisal and Drainage Strategy Report should be conditioned to ensure they are implemented.

Natural Resources Wales – No objection subject to conditions and informative notes. The submitted information demonstrates that the proposed development would not result in a detrimental impact upon the nearby Nant Muchudd SINC or any European Protected Species, subject to the mitigation measures set out in the Preliminary Ecological Appraisal being implemented. Further, there is no objection to the site's surface water discharging into the adjacent stream, providing it is first treated in compliance with the statutory SuDS guidance, as indicated in the Drainage Strategy Report.

Flood Risk Management – No objection, standard advice and informative notes offered. A detailed surface water drainage strategy has been provided that is generally acceptable in most respects. It is considered that any potential issues could be overcome during the necessary, separate SuDS application that would have to be submitted to and approved by the Council as SuDS Approving Body (SAB) prior to any further development works commencing on site.

Dwr Cymru Welsh Water – No objection subject to standard conditions and informative notes. Foul flows would be disposed of via the public sewerage system and surface water via a SuDS which are acceptable.

Public Rights of Way Officer – No objection, standard advice offered. An appropriate alternative route for PROW Llantrisant 223/3 has already been agreed with the

applicant and adjacent landowner which will enable the development to be satisfactorily accommodated and the PROW to remain.

Glamorgan Ramblers – No objection to the diversion of the PROW in principle, however, the new route would pass over an extremely wet area and therefore a suitable surface and ground levels should be implemented.

Waste Services – No objection, standard advice offered. Appropriate access would be provided for waste collection.

The Coal Authority – No objection, standard advice offered. Whilst coal seams are likely to be present beneath the site, due to the depths of superficial deposits/seam thickness of the coal seams, the risk of ground subsidence in the area of development is considered to be low. It is therefore considered the application site is safe and stable for development.

The Health and Safety Executive – No objection. The operation of the nearby major hazard site, The Royal Mint, would not impact upon the proposed development, and vice-versa.

Wales and West Utilities – No objection or conditions suggested. Standard advice offered in respect of a new connection or service alteration being required.

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

Llantrisant Community Council – No comments 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 has been reviewed and a replacement is in the process of being produced. 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 4<sup>th</sup> 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 4<sup>th</sup> 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 24<sup>th</sup> 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 within the settlement boundary for Llantrisant and also the Llantrisant Business Park employment land bank.

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

**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 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 placemaking, including landscaping.

**Policy AW7** – identifies that proposals which affect PROWs will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area / public facilities.

**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 SSA3** – sets out criteria for residential and commercial development within the Principle Town of Llantrisant / Talbot Green.

### **Supplementary Planning Guidance**

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

### **National Guidance**

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

Planning Policy Wales Edition 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level, 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 33 – National Growth Areas – Cardiff, Newport and the Valleys

Other relevant national planning 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 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 the Proposed Development**

The application seeks full planning permission for the retention of a number of retrospective works and several proposed development works at the site to allow for improved operational facilities.

The application site forms an existing vehicle/plant depot within Llantrisant Business Park industrial estate and the boundary of an undeveloped parcel of land directly to the rear. The entire site is located within settlement limits and the Llantrisant Business Park employment land bank. The use of the main element of the site for a vehicle/plant depot was established in 2014 and whilst the plot to the rear is undeveloped, it has been subject to numerous planning permissions for employment purposes since 2007, still benefiting from an extant consent (see above). Subsequently, the principle of developing both elements of the site for employment purposes is long established.

It is also noted that the significant majority of the works detailed in this application have been / would be confined to the main, existing depot yard, save for the acoustic fence. Therefore, in view of its relationship with other existing similar developments in the immediate area, it is not considered the proposals would unacceptably conflict with surrounding land uses.

The proposal is therefore considered acceptable, in principle, subject to the proposal being compliant with the other relevant material considerations set out below.

## **Character and Appearance**

The scheme seeks to retain the existing depot site layout and structures 'as built', along with several alterations/additions here that would improve current facilities. It is also proposed an acoustic fence be erected along the eastern boundary of an undeveloped field to the north.

The development works at the main depot site have/would obviously alter the character and appearance of the site and inevitably form visible features in the immediate locality. However, it is not considered they have/would result in a detrimental visual impact and when the depot is viewed in its entirety, would result in a significant alteration to the previous/current character and appearance of the wider industrial site.

The workshop/research and development building and extension to the office unit have been in place for some time. Whilst the workshop/research and development building does not comply with the original consent, it is of the same siting, dimensions and external materials as that previously approved, just a different design – the number of vehicle access doors and their location vary from that originally approved. As such, it is not considered the variation has deviated significantly from the original design and the unit 'as built' has no further visual impact than that which would occur if it were to have been constructed in accordance with originally approved plans. Further, the scale, design and external materials of the office extension match that of the host building and result in a relatively minor addition that is not readily noticeable outside of the site.

It is also considered the proposed extension to the workshop/research and development building would be of an appropriate design, scale and height, matching that of its host, and the resulting structure would be comparable to that of many surrounding units within the wider industrial estate.

The retrospective works have also included the removal of an embankment at the north-eastern corner of the depot and the creation of a small yard area in its place to allow access to the rear of the workshop/research and development building. This has resulted in the boundary of the depot site extending up to 25m beyond the site boundary as originally approved in 2014. Objectors have commented that this results in a detrimental impact to the character and appearance of the site and the outlook from their properties.

These works have undoubtedly altered the visual appearance of the site in this area. But whilst the removal of the bund and the extension of the site without the necessary permissions are regrettable, the applicant has created a replacement earth bund along the northern boundary of this new yard area which clearly separates the depot site, as extended, from the undeveloped land to the rear that is generally considered acceptable in visual terms. Whilst not of the same height as the original bank, the new bund is wider than the former, spanning the width of the site here, and is considered to provide a suitable degree of screening for the residential properties to the north/north-east, reducing some visual impact, and also acts to contain the site to the industrial estate to the south.



Further, extending between only up to 25m beyond the site boundary as originally approved, the yard extension is considered to be relatively minor in nature and commensurate to the need of allowing access to the rear of the workshop/research and development building. And being enclosed by a replacement bund, is screened from the land/properties to the north/north-east. As such, it is not considered these works result in a significant impact to the character and appearance of the site or that of the land to rear.

It is also noted that this area of land is under the ownership of the applicant, within settlement limits and the industrial estate employment land bank. It is also an element of land subject to extant outline planning permission for an extension of the wider industrial estate. As such, the principle of developing this land for employment use has been long established.

It is noted however that no specific details of any replacement landscaping at the northern/eastern boundaries of the site have been submitted with this application and it is considered that a scheme is required to soften this area and provide a further visual screen for the residential properties and countryside to north/north-east. It is therefore considered a condition should be added to any consent requiring the details, including long-term future management, be submitted to and approved by the Council prior to any further works taking place on site to ensure an appropriate scheme is implemented.

The remaining proposed works within the site are also considered acceptable in respect of their potential visual impact. Much of the works would simply see existing structures relocated within the yard and as such it is not considered these elements would result in any further visual impact than that which already occurs. Further, the new development, the proposed gate house, entrance gates and barriers would be of a relatively minor nature simply seeing the existing structures replaced with new of a comparable design and scale. Finally, the staff car park extension and laying out of the site would not require any significant engineering works that would be readily visible outside of the site.

It is subsequently considered the retrospective/proposed works at the existing depot site are/would be in-keeping with the general character and appearance of the existing site and many similar industrial sites in the locality, therefore having no undue impact upon the character or setting of the site or the surrounding industrial estate.

It is acknowledged however that at 5m in height and located within an undeveloped field, the proposed acoustic fence would inevitably form a visible addition to the landscape. However, the field boundary here is defined by mature trees and hedgerows of a similar height, none of which would be removed to make way for the proposed fence. As such the structure will be largely screened from the scattered residential properties to the north-east, and only prominent from the existing depot, the field under the ownership of the applicant, and the adjacent plot which is currently being developed for an extension of the wider industrial estate.

It is therefore considered the fence would have no undue visual impact upon the closet residential properties, and when viewed from the south/west, would blend with the

adjacent trees providing an appropriate colour is used, details of which can be secured by condition.

Subsequently, whilst it is accepted the retrospective/proposed development has/would inevitably result in noticeable alterations to the character and appearance of the site, the scale and design of the works have been dictated primarily by their function, and it is not considered they would be out of keeping with the industrial nature of the site or the immediate surrounding area.

The scheme is therefore considered acceptable in respect of its potential visual impact.

### **Neighbour Amenity**

The application site is bound by a variety of industrial/commercial uses to the south and east located within the established Llantrisant Business Park. Therefore, with no change of use at the site and with the proposed works being relatively minor when taken in the general context of the site and wider industrial estate, it is not considered the development has/would have any undue impact upon the amenities or operation of the neighbouring properties in these areas.

Furthermore, given the separation distance between the main depot site and the nearest residential dwellings to the north/north-east, approximately 130m at the closest point, it is not considered the development works at the site have/would result in any physical detriment to these properties such as overbearing, overshadowing or loss of privacy.

Notwithstanding the above, the operations at the site associated with the development works do have the potential to result in noise/disturbance to the nearest residential dwellings, a key consideration when determining this application. This issue has been highlighted by the fact that occupiers of 3 of the nearest properties to north/north-east have submitted objections to the scheme, mainly noting potential impacts by way of increased noise and general disturbance.

The applicant has acknowledged that impacts in this respect may occur and, in an attempt to reduce any potential noise/disturbance issues as much as possible and to appease neighbours' concerns, has removed the proposed extension of the depot into the adjacent field from this application. This now results in the site boundary remaining largely as originally approved, apart from the small extension at the north-eastern corner to allow access to the rear of the existing industrial unit.

As set out above, it is considered that the majority of works at the site, both the retrospective and proposed works, are relatively minor in nature, simply seeing extensions/relocation of existing buildings. Therefore, with no change of use, no increase in activity, no change to the hours of operation, and the site largely constrained by the established boundaries, it is not considered that this scheme has/would result in a significant increase in noise/disturbance over and above that which would have historically occurred; and which the closest residents, in living adjacent to a long-established industrial estate, would expect and would have become accustomed to, despite the concerns raised.

It is acknowledged that a former earth bund at the north-eastern corner of the depot has been removed and the site extended here by up to 25m, and that the bund was conditioned to remain as a sound/visual barrier within the original 2014 consent. However, a replacement earth bund along the northern boundary of this new yard area has been created and it is proposed landscaping be sited above which would go some way to mitigating the loss of the original feature and its acoustic qualities.

Further, extending between only up to 25m beyond the site boundary as originally approved, the yard extension is considered to be relatively minor in nature; and simply allowing vehicular access to the rear of the existing industrial unit, would itself unlikely result in a significant increase in noise/disturbance from the site. It is considered however a condition should be attached to any consent requiring the earth bund to remain in future to clearly define the site boundary and to ensure no further encroachment occurs.

The applicant also proposes a 5m high acoustic fence along the eastern boundary of the field to the rear of the site, between the depot and the nearest residential properties to the north-east, to provide further mitigation against the loss of the original earth bund.

Several noise surveys to identify any potential impacts and any necessary mitigation measures have also been submitted, the final version being that of 20/12/2021.

Following consideration of the noise surveys submitted by the applicant and the separate information submitted by the objectors and their consultant, the Public Health and Protection Division (PHPD) advised that both sets of information include detailed analysis and highlight key issues and valid points. However, the final iteration of the applicant's noise survey is an appropriate assessment which complies with all relevant guidance and evidences that, subject to the activities and operation times which are already permitted being adhered to and the 5m high acoustic fence being installed, sound levels at the site should not result in an impact significant enough to warrant an objection.

It was advised however that conditions should be attached to any consent to clearly define the scope of the permission, restricting the activities / operation times which are permitted, and to ensure that the mitigation measures proposed are installed within appropriate timeframes. Each of these conditions are considered reasonable and necessary to ensure any potential impact to the nearest properties is minimised and are set out below.

Subsequently, whilst it is acknowledged that a degree of impact has/may occur to the amenity standards previously/currently enjoyed by existing surrounding residents, subject to suitable mitigation, it is not considered any impact would be so detrimental as to warrant refusal of the application.

## **Highway Safety**

Following consideration of the scheme the Council's Highways and Transportation Section (H&T) has raised no objections, subject to a number of relevant conditions being added to any consent.

In their assessment of the scheme it was commented that the application site would be served via the existing means of access from Llantrisant Business Park which are acceptable in terms of geometry and vision; and that the swept path analysis indicates that expected vehicles at the site would be able to access/egress the site in forward gear. Furthermore, the works would not result in a significant intensification of use of the site. There is subsequently no undue cause for concern regarding the internal circulation or site access arrangements to the depot post development.

With respect to parking, H&T commented that in accordance with SPG: Access, Circulation and Parking the storage/distribution element of the site has a requirement of circa 700m<sup>2</sup> operational space and 35 no. off-street parking spaces for staff and visitors, and the office element has a requirement of 16 – 20 no. off-street parking spaces for staff and visitors, resulting in a total requirement of 700m<sup>2</sup> operational area and 51 – 55 no. off-street parking spaces.

Following development the site would provide for 66 no. off-street parking spaces and there would be well in excess of 700m<sup>2</sup> operational space available. Subsequently, the proposal gives no undue cause for concern regarding off-street parking provision.

H&T also noted that in accordance with PPW, 10% of the staff parking provision would include facilities for the charging of electric vehicles, and several cycle spaces are also proposed, which is welcomed. But it is suggested a condition is added to any consent to ensure these facilities are implemented on site.

Finally, it is noted that an objector commented that HGV traffic associated with the existing depot often passes through the estate at high speeds and is likely to cause a serious accident at some point, a problem which may be exacerbated by this development. Whilst these comments are acknowledged, the enforcement of traffic speeds falls outside of the remit of planning, however, the applicant has been advised of this issue and will look to investigate with his staff privately.

In light of the above, it is not considered the proposed development would have any undue impact upon pedestrian or highway safety in the vicinity of the site.

## **Public Health**

A Site Investigation (SI) report has been submitted with the application. Following assessment of the report PH&P confirmed that the investigations are appropriate and acceptable and that the findings have confirmed the proposed development should not result in any contamination issues. However, the report identifies that there is a risk arising from potential localised spillages at the existing site of the fuel tanks and that this area should be reassessed once the tanks have been moved; and that ground gas monitoring should be undertaken to assess the risk of migration of land fill gases and possible gas from historic mine workings. Subsequently a condition to this effect is suggested.

Land contamination issues were also highlighted by Natural Resources Wales (NRW). It was noted that due to the sensitive location of the site, adjacent to the Nant Castellau, there is potential for contamination to impact upon controlled waters if not properly remediated. However, following assessment of the supporting information they are satisfied that the scheme proposes a suitable and appropriate mitigation strategy and therefore no objections are raised, subject to the surface water runoff being treated in compliance with the SuDS indicated in the supporting Drainage Strategy. Several associated conditions are suggested.

PH&P also suggested a number of conditions be attached to any consent in relation construction noise, waste, dust and lighting. Whilst these comments are appreciated, it is considered that construction noise, waste, dust and lighting 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.

## **Ecology**

Initially both the Council's Ecologist and NRW commented that there is potential for the proposed extension of the depot into the undeveloped field to impact upon the adjacent Nant Castellau and its riverbank, both of which form part of the Nant Muchudd Site of Importance for Nature Conservation (SINC) where evidence of bats and otters have been found, both European Protected Species, as well as salmonid use. No objections were raised but several conditions suggested to mitigate against any potential impact.

However, following removal of this area from the application site NRW no longer consider there would be any impact to the Stream/riverbank and removed their request for associated conditions. They consider the mitigation and enhancement measures set out in the submitted ecology reports are sufficient and that these would be suitably controlled by the standard approved plans and associated documents compliance conditions.

They also have no objection to the site's surface water discharging into the Stream, providing it is first treated in compliance with the statutory SuDS guidance, as indicated in the Drainage Strategy Report that supports the application, which would again be suitably controlled by the standard approved plans and associated documents compliance conditions.

The Council's Ecologist commented that there would be no impact in ecological terms at the existing depot site given its long-established use and the nature of the development works proposed there. Further, whilst the area of the undeveloped plot where the new acoustic fence would be sited would have some ecological value, given the field was simply grazing pasture and has been cleared in the past, and the nature of the proposed development there, i.e., a fence along the boundary, it is not considered there would be any detrimental impact to ecology in this area either. However, it was advised that in accordance with PPW, ecological enhancement measures should be provided and therefore conditions requiring the proposals set out in the submitted ecology reports are suggested.

Notwithstanding the above, the Council's Ecologist also commented that whilst he generally agrees with NRW's observations, there is some concern with the proposal to discharge surface water to the Stream and that the ecological mitigation/enhancement measures proposed may not be maintained in future, which could result in a detrimental impact to the SINC. As such, further conditions are suggested requiring a long-term, detailed ecological mitigation scheme for the lifetime of the development, with evidence of monitoring and remediation and annual reporting to both the Council and NRW; and requiring details of appropriate measures to protect the SINC during development, each to ensure there is no impact to the SINC in future.

It was also noted that a condition should be added to any consent to ensure the trees/hedgerows adjacent to the new acoustic fence are protected during construction.

Given the history of unauthorised works at the site and the sensitive nature of the adjacent SINC, it is considered these conditions are necessary in this instance.

Therefore, subject to the imposition of suitable conditions to secure the implementation and long-term maintenance of the ecological mitigation measures put forward as part of the application, it is considered that the proposal is acceptable in this regard.

### **Historic Mining Activities**

The application site lies within a defined Development High Risk Area and consequently there is a potential for historic mining activities to have an impact upon any future development at the site. In light of this issue an SI report has been submitted in support of the application and consultation with the Coal Authority (CA) undertaken.

The CA commented that there are thick coal seams of workable thickness outcrop at/or close to the surface of the site and surrounding area that may have been historically worked at shallow depths. The SI report which accompanies the planning application identifies that whilst coal seams are likely to be present beneath the site, due to the depths of superficial deposits/seam thickness of the coal seams, the risk of ground subsidence in the area of development is considered to be low.

The CA considers that the content and conclusions of the SI report are sufficient for the purposes of the planning system in demonstrating (based on the professional opinion of Intégral Géotechnique (Wales) Ltd) that the application site is safe and stable for the proposed development. Therefore, no objections are raised or conditions suggested.

### **Land Drainage and Flood Risk**

The application is accompanied by a Drainage Strategy Report that identifies the applicant's proposed intentions for the site's surface and foul water drainage arrangements, which would consist of a SuDS surface water management strategy and use of the existing sewerage network respectively.

No objections have been raised by the Council's Flood Risk Management (FRM) Section following assessment of the proposed drainage scheme. They commented

that the applicant has provided a detailed surface water drainage strategy that is generally acceptable in most respects, and that any potential issues could be overcome during the necessary, separate SuDS application that would have to be submitted to and approved by the Council as SAB prior to any further development works commencing on site. Further, when reviewing the application in relation to the relevant guidance set out in TAN 15: Development and Flood Risk, the applicant has demonstrated that the development does not propose to increase the risk of surface water flooding. Subsequently, no objections are raised or conditions suggested.

It is also noted that no objections were received from Dwr Cymru Welsh Water in respect of foul water drainage, subject to standard conditions and advice.

### **Public Right of Way**

PROW Llantrisant 223/3 currently runs through the centre of the field to the rear of the main depot yard and will have to pass through the acoustic fence. The PROW is subject to a separate Public Path Diversion Order in association with current development being undertaken at the adjacent site and the original proposal to develop the field as part of this scheme. The Council's PROW Officer has commented that an appropriate alternative route for the PROW along the northern/eastern boundaries of the field has been identified which will enable the PROW to remain and as such there does not appear to be any reason why an alternative route could not be agreed.

Further, the PROW Officer is content with the path passing through the fence and a minor element of the path being enclosed by the fence to ensure the acoustic qualities of the structure is maintained.

Whilst the comments of Glamorgan Ramblers are noted, it is considered their concerns would be address during the separate Public Path Diversion Order process.

### **Neighbour Consultation Responses**

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

- *The expansion of the site would result in additional air pollution to the nearest residential properties, exacerbating current problems.*

The application seeks the retention of various development works at the site that have been in place for some time, as well as a number of relatively minor additional works that would not alter the character or significantly intensify the existing use of the site, which has long been established. Further, following assessment of the scheme, PHPD have not raised any concerns in this respect. It is subsequently considered there would be no further impact over and above that which already occurs.

- *No tree surveys have been submitted.*

Whilst it is accepted that no tree surveys have been submitted with the application, the scheme does not propose the removal of any trees. Therefore, such reports are not considered necessary in this instance.

- *The developer of the adjacent site has commented that he cannot reasonably finish the boundary between his site and the applicant's until he knows the full detail of the SuDS and landscaping schemes to be provided along these boundaries.*

The SuDS process falls outside of the remit of planning and therefore the timing of any separate SuDS application cannot be controlled by any planning application process/permission.

Further, the submission/approval of specific landscaping details are generally controlled via condition rather than during the application process itself, providing the principle of development is acceptable and it is considered an appropriate scheme can be implemented at the site, which is the case in this instance.

Therefore, while the neighbouring developer's frustrations are acknowledged and the situation is regrettable, the timescales involved with these issues are out of the control of the planning application.

- *The developer of the adjacent site also commented that fill material has spilled from the applicant's site on to his which is hindering works at his site.*

Whilst this issue is regrettable, it would form a private matter between the landowners outside of the scope of any planning permission.

### **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:



- Growing Our Economy in a Sustainable Manner: The development would have a small but positive effect in terms of construction jobs and employment at the site.
- Making Best Use of Resources: The development accords with the aim to prioritise the use of previously developed land and sustainable building practices/materials.
- Maximising Environmental Protection and Limiting Environmental Impact: The development would include suitable landscape planting and biodiversity enhancement measures.
- Facilitating Accessible and Healthy Environments: The application site is in a sustainable location and within a long-established industrial estate where such uses are best placed.

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

### **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). 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**

Having taken account of all of the issues identified above, it is considered that the proposed development represents an efficient and appropriate use of the site that will generate economic growth and a number of employment opportunities in the local area; without resulting in a significant impact upon the character and appearance of the locality, the amenities of surrounding residents, or highway safety in the vicinity of the site. Furthermore, it has been demonstrated that the impact of the scheme upon ecology and land drainage can be appropriately mitigated, and an appropriate diversion for the existing PROW that crosses the site can be accommodated.

It is therefore considered the proposed development complies with the relevant local and national planning policies and is acceptable, subject to the conditions detailed below.

**RECOMMENDATION:** Approve, subject to conditions below

1. The development hereby approved shall be carried out in accordance with the approved plans ref:
  - PR 100 Rev. H – Site Location Plan (amended plan received 20/12/21)
  - PR 101 Rev. B – Existing Site Plan (received 04/09/20)
  - PR 110 Rev. AA – Proposed Site Plan (amended plan received 20/12/21)

- PR 112 Rev. B – Retrospective Site Plan Showing Alterations (received 04/09/20)
- PR 210 Rev. B – Existing Workshop and R&D Centre Elevations (received 04/09/20)
- PR 211 Rev. A – Existing Office Elevations (received 04/09/20)
- PR 310 Rev. B – Proposed Workshop and R&D Centre Elevations (received 04/09/20)
- PR 312 Rev. A – Proposed Plant Washdown Elevations (received 04/09/20)
- PR 313 – Proposed Acoustic Fence Part Plan & Part Elevations (received 20/12/21)

and documents received by the Local Planning Authority on 04/09/20, 09/09/20, 23/09/20, 14/12/20, 07/10/21 and 20/12/21, 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.

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

- Noise Impact Assessment (Reduced) (Hunter Acoustics, December 2021)
- Site Investigation Report (Integral Geotechnique, May 2020)
- Drainage Strategy (Grays Consulting Engineers Ltd, October 2021)
- Preliminary Ecological Appraisal (Soltys Brewster Ecology, August 2020)
- Transport Statement (Corun, August 2020)

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.

3. No further development works shall take place on site, other than those required in association with Condition 14, until full details of the proposed biodiversity mitigation/enhancement measures set out in the submitted Preliminary Ecological Assessment (Soltys Brewster Ecology, September 2020) have been submitted to and approved in writing by the Local Planning Authority. The biodiversity mitigation/enhancement measures shall include, but not be limited to:

- i. Tree and hedgerow protection/management,
- ii. Bird nesting enhancement measures,

- iii. Design of site lighting to minimise light levels along retained habitat boundaries, and
- iv. A long-term aftercare plan.

The approved mitigation/enhancement measures shall be implemented on site within 6 months of approval; and shall be retained thereafter.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

- 4. No further development shall take place on site, other than those required in association with Condition 14, until a comprehensive scheme of landscaping, which includes only native species, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the visual impact of the site, to protect the amenities of surrounding residents and to afford protection to local wildlife species, in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

- 5. All planting, seeding or turfing in the approved details of landscaping (referred to in Condition 4) shall be carried out in the first planting and seeding season following approval of the landscaping scheme. Any trees or plants which within a period of five years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To reduce the visual impact of the site, to protect the amenities of surrounding residents and to afford protection to local wildlife species, in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

- 6. Within 6 months of the date of this consent, a site investigation in respect of spillage associated with the existing fuel tanks and ground gas monitoring (including appropriate sampling and testing) shall be submitted to the Local Planning Authority for approval. The investigations shall include all following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
  - i. A site investigation, carried out by a competent person, to fully and effectively characterise the nature and extent of any contamination and its implications.
  - ii. A written method statement, carried out by a competent person, for the remediation of any contamination found affecting the site.

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

7. All requirements of the approved remediation scheme (referred to in Condition 6) shall be implemented on site, by a competent person and to the satisfaction of the Local Planning Authority, within 3 months of the remediation scheme being approved.

No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority; and a suitable validation report of the implemented mitigation scheme, carried out by a competent person, shall be submitted to the Local Planning Authority for approval within 1 month of the approved scheme being implemented on site.

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

8. 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 development shall cease and revised contamination proposals, carried out by a competent person, shall be submitted to and approved in writing by the Local Planning Authority prior to works recommencing. The development shall comply with the approved, revised scheme thereafter.

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

9. Within 1 month of the date of this consent, full details of the highway tie-ins and permanent materials to be used for the hardsurfacing of the staff/visitor carpark and yard area shall be submitted to the Local Planning Authority for approval.

The highway tie-ins, the off-street parking spaces (including 7 no. ULEV spaces) and cycle spaces at the staff/visitor carpark, and the yard area shall be formally laid out in accordance with the approved details and plan ref. "PR 110 Rev. AA" within 6 months of details being approved; and shall remain as such thereafter.

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

10. All surface water runoff intended to be disposed to ground or a watercourse must first be treated in compliance with the Sustainable Drainage Systems Statutory Guidance, as indicated in the Drainage Strategy (Grays Consulting Engineers Ltd, October 2021) submitted in support of the application. No

direct infiltration of surface water drainage into the ground or surface watercourse is permitted, unless otherwise agreed in writing with the Local Planning Authority.

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

11. No surface water and/or land drainage shall be allowed to connect 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.

12. The operational activities associated with the development/use hereby permitted, including activities such as re-fuelling/watering of, the un-loading and re-loading of, the washing of, and the repair of vehicles and plant equipment stored at the site shall only take place between 08:00am and 19:00pm on any given day. Outside of that time the use of the site shall solely be restricted to the parking and movement (to and from) of either staff vehicles or the vehicles being stored at the site.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. The Noise Impact Assessment (6131/NIA1\_Reduced\_Rev3, 20<sup>th</sup> December 2021) in Section 7.2 outlines the conditions under which the noise modelling was carried out in respect of activities happening per hour at the site. At no time shall vehicle movements and activities on the site exceed the specified number of movements and speeds set out in the report.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. Within 3 months of the date of this consent, the acoustic barrier, as specified in the Noise Impact Assessment (6131/NIA1\_Reduced\_Rev3, 20<sup>th</sup> December 2021) at Section 7.2.3 (a *section of 5m high barrier to achieve minimum mass per unit area 10kg/m<sup>2</sup>*) and of the location and length detailed on plan ref. PR 110 Rev. AA – Proposed Site Plan (amended plan received 20/12/21) shall be installed on site. The colour of acoustic barrier shall first be agreed in writing with the Local Planning Authority.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. Within 1 month of the installation of the acoustic barrier, as specified in Condition 14, the developer shall submit to the Local Planning Authority for approval a noise assessment undertaken by an independent acoustic consultant to demonstrate compliance with the noise levels set out in the Noise Impact Assessment (6131/NIA1\_Reduced\_Rev3, 20<sup>th</sup> December 2021), the methodology of which shall first be agreed in writing with the Local Planning Authority.

Should noise levels not be in compliance with the details set out in Noise Impact Assessment (6131/NIA1\_Reduced\_Rev3, 20<sup>th</sup> December 2021), then further mitigation measures shall be submitted to the Local Planning Authority for approval within 1 month of the noise survey being undertaken.

Any additional mitigation required as a result of the above shall be installed on site within 1 month of the date of agreement by the Local Planning Authority and a further noise assessment, using the agreed methodology, shall be undertaken and submitted to the Local Planning Authority for approval.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. The acoustic barrier, as agreed in Conditions 14 and 15, shall remain in place and be maintained in good order in perpetuity. Should any part of the barrier become seriously damaged it shall be repaired in good time with like-for-like materials, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

17. Within 21 days from receipt of a written request of the Local Planning Authority, and following a complaint to the Local Planning Authority relating to noise emissions arising from the operation of any part of the application site, the site operator shall provide a written protocol for the assessment of the noise levels to the Local Planning Authority for approval. The written protocol shall be produced by an independent acoustic consultant.

Within 2 months of the protocol being approved by the Local Planning Authority the site operator shall provide to the Local Planning Authority the independent noise consultant's assessment, unless the Local Planning Authority gives written consent to any variation. The assessment shall include all data collected for the purposes of undertaking the compliance measurements and analysis and Certificates of calibration of the equipment.

Such data is to be provided in a format to be first agreed with the Local Planning Authority.

The assessment shall propose further noise mitigation measures should there not be compliance with the noise levels set out in Noise Impact Assessment (6131/NIA1\_Reduced\_Rev3, 20<sup>th</sup> December 2021); and any additional mitigation required as a result of the above shall be installed on site within 1 month of the date of agreement by the Local Planning Authority and a further noise assessment, using the agreed methodology, shall be undertaken and submitted to the Local Planning Authority for approval.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

18. The existing earth bund situated along the northern boundary of the site, separating the depot yard from the undeveloped field to the rear, and the existing embankment area along eastern boundary of the site shall be retained in perpetuity.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties and to clearly define the scope of this consent, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

17 MARCH 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1307/13 (BJW)  
**APPLICANT:** Mr C Donnellan  
**DEVELOPMENT:** Detached bungalow (Outline) - Coal Mining Risk Assessment received 18/03/2021.  
**LOCATION:** LAND TO THE REAR OF SWN Y FRO, GELLIFEDI ROAD, BRYNNA  
**DATE REGISTERED:** 18/03/2021  
**ELECTORAL DIVISION:** Brynna

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**RECOMMENDATION:** Approve

**REASONS:** The application is seeking to establish the principle of erecting a house within the rear garden of Swn y Fro, Gelli Fedi Road, Brynna.

The siting, scale and means of access have been offered and consist of a bungalow with access achieved directly onto Brynna Road at the south of the site.

It is considered that the proposal would make a productive use of the rear garden area for residential purposes that would be in keeping with surrounding land uses and of a scale and design that would be sympathetic to the character of the area.

The relationship between the proposed dwelling and neighbouring properties is such that the proposal is not considered to cause detriment to their amenities.

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its access and highway safety considerations, the amenities of nearby residential properties and the impact on the visual amenities of the area.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- More than 3 letters have been received objecting to the application

#### APPLICATION DETAILS

Outline planning permission sought for the construction of a bungalow within the rear garden of Swn y Fro. The application is at outline and seeks to establish the principle of erecting a dwelling on the site. However, the access, layout and scale of the proposal are offered for consideration within the current application, while the remaining reserved matters – landscaping and appearance would be considered as part of a subsequent application to discharge those reserved matters.

The details that are submitted for consideration indicate the following:

- A bungalow located within the south east corner of the rear garden of the existing property, facing onto Brynna Road;
- The bungalow would measure 10m in width by 10.5m in depth and with a height of 2.5m to the eaves and 5.1m to the ridge;
- Access would be located on the south west corner of the rear garden of the plot, directly onto Brynna Road and would include a turning facility and two off-street parking spaces.

The application is accompanied with a Coal Mining Risk Assessment received in response to the initial comments of the Coal Authority.

## **SITE APPRAISAL**

The application site comprises of the rear garden of Swn y Fro, Gelli Fedi Road. The site is irregularly shaped, with a street frontage of approximately 19m, a depth of between 21-28m and an area of 470 sq.m.

The site has a tree and hedge lined edge to the sides (east and west) and front (south).

## **PLANNING HISTORY**

20/5069/41	Land to the rear of Swn y Fro, Gelli Fedi Road, Brynna	Dwelling (informal enquiry)	Raise no objection 26/08/2020
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## **PUBLICITY**

This has included site notices and the direct notification of properties surrounding the site. 6 responses have been received, the main points of which are detailed below:

1. Firstly, a number of mature trees will be removed, which is always a matter of concern.
2. Secondly, and more importantly, creating an access to the property from Brynna Road would set a precedent that should be avoided. There are no other individual properties between the west of Brynna village and Llanharan that have direct access driveways from this busy

road. There is an obvious risk to both pedestrians and other road users.

3. I have no objection to the development per se. however any access should be from Gelli Fedi Road, which is a residential street and not a main road.
4. There is high use of the pavements on both sides of the road, with people walking to the village and children going to school and alighting from buses as they travel home from the comps. There is also a crossing island just to the Llanharan side of where an access point would be created.
5. There are another 6 properties which have gardens backing on to Brynna Road and I believe if the application should be passed and a precedent set, there could be a significant increase in road accidents.
6. In addition most houses face Brynna Road therefore their garden aspects are that their front gardens are also facing Brynna Road with their entrances, driveways and rear gardens to Gelli Fedi Road. This application would appear out of character to the existing houses.
7. The proposed height and nearness to the boundary will reduce light to our garden.
8. I am concerned also that there may be increases in height in the future, or dormer or roof windows overlooking our garden.
9. The main sewer for houses on this side of Gelli Fedi Road passes under our garden, recent difficulties were only just overcome to add these properties to mains drainage. I would not be willing to have our garden dug up again should this arise.
10. We have some mature trees near the boundary, a tall cherry tree in our garden near to the boundary and Brynna Road could be destabilised.
11. I am concerned that this application conflicts with the nature of properties in this road as bungalows with private gardens with a southerly view. This will lead to loss of privacy and also loss of value.
12. The existing drainage for the seven properties within the immediate area would not be sufficient to accommodate even one additional property.

## **CONSULTATION**

Transportation Section – no objection subject to conditions.

Land Reclamation and Engineering (Drainage) – no objection, subject to standard advice in relation to surface water flood risk and sustainable drainage requirements.

Public Health and Protection – no objection, subject to a condition to restrict the hours of operation during the construction phase of the development and standard informative notes in respect of noise, waste and dust associated with the proposed development.

Natural Resources Wales (NRW) – no response received.

Dwr Cymru Welsh Water (DCWW) – initially raised an objection to the application on the basis that the proposed development would overload the existing public sewerage system.

However, following discussions in respect of removing surface water flows to accommodate the foul flows generated by the proposed development, now withdraws the objection, subject to the imposition of a condition.

Countryside, Landscape and Ecology – no response received.

The Coal Authority – following receipt of the coal mining risk assessment, raises no objection.

Llanharan Community Council – no response received.

## **POLICY CONTEXT**

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it has been reviewed and a replacement is in the process of being produced. 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 site is within the settlement boundary and is unallocated.

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

**Policy AW1** - sets provisions for the creation of new housing throughout Rhondda Cynon Taf between 2006 –2021.

**Policy AW2** - supports development proposals in sustainable locations including sites within the defined settlement boundary.

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

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

**Policy AW10** – requires development proposals to have an acceptable impact on health and safety and local amenity in respect of issues such as pollution control and flooding.

**Policy SSA13** - permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

### **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.

### **Planning Policy Wales Technical Advice Note 12 Design.**

Sets out the objectives of good design and aims to encourage good design in all aspects of 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.

#### **Main issues:**

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

The site is within the defined settlement boundary and seeks to establish the principle of developing the site for a single dwelling, in this case a bungalow as this is the most common type of housing within the immediate locality.

The application includes the details of access, layout and scale of the proposed dwelling for consideration with the remaining details of landscaping and appearance reserved for future consideration.

It is considered that the principle of development is in accordance with the Local Development Plan, and is therefore broadly acceptable, and it represents a potential windfall site in terms of housing provision.

Nevertheless, the proposal must also be assessed in line with the other key requirements of planning policy as discussed below.

### **Impact on amenities of neighbouring properties**

The site currently forms the extensive rear garden of Swn y Fro which, like neighbouring properties, faces onto and accesses onto Gelli Fedi Road to the north.

The proposed dwelling would be located in the south east corner of the site and would access onto Brynna Road. While the rear trees and hedge boundaries would be removed to accommodate the access, the existing side foliage would be retained.

It is considered that the dwelling could be accommodated at the site without leading to overdevelopment and would, subject to conditions, provide adequate access, parking and amenity space.

Due to the proposed layout, it is not considered that the proposed dwelling would have a detrimental impact on the existing levels of privacy and amenity to neighbouring properties.

### **Character and appearance of the area**

It is acknowledged that this part of Brynna features properties that face onto Gelli Fedi Road. This application would differ in this respect as it would face directly onto Brynna Road and would also feature a highway access onto this road.

However, a similar situation does exist just 90m to the east of the site at Oaktree Close. While it is acknowledged that this access serves nine properties, it does demonstrate that access onto Brynna Road can be successfully created in a way that can be in-keeping with the existing pattern of development within the area and its character and appearance.

The proposal would create modern residential accommodation which, while slightly at variance with the existing pattern of development, would provide a windfall housing site and additional housing supply within the area.

It is considered that the scale, design and access would be acceptable. Therefore, the application is considered to be acceptable in this respect.

### **Highway safety**

The Transportation Section has raised no objection to the application on highway safety grounds subject to the imposition of conditions.

This view acknowledged the status of Brynna Road as a Class C road that serves as a bus route and diversion route should the A473 be closed to vehicular traffic. As such, the creation of an additional access point does give cause for concern.

However, the submitted information indicates a 4.5m wide private drive with off-street parking for 2 vehicles arranged to facilitate access and egress in a forward gear. Therefore, the proposed development is considered acceptable regarding access.

In terms of parking, and given that the application is at outline, information as to the number of bedrooms within the dwelling is not available. Nevertheless, there is scope for additional off-street parking to be provided and the issue can be overcome by means of a suitably worded planning condition.

The submitted proposed site plan currently indicates 2 no. off-street parking spaces which is sufficient to cater for up to a 2 bedroom dwelling.

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

### **Other Issues**

#### Drainage

As is detailed above the application has been subject to consultation with Dwr Cymru Welsh Water (DCWW). DCWW initially objected to the application as they considered that the proposed development would overload the existing public sewerage system and as no improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme, DCWW considered any development prior to improvements being undertaken to be premature.

However, discussions were then undertaken between DCWW and the applicant regarding the possibility of removing surface water flows from the public sewer network in order to accommodate the foul flows from the proposed development.

This approach would ensure that there is no net increase in flows communicating with the public sewer network, and therefore no further detriment to the public sewer network downstream of the development.

DCWW have completed a scheme to improve assets performance and are currently monitoring the network to understand whether additional capacity has been created as a by-product, enabling the connection of new development.

In light of this DCWW removed their objection and suggested conditions that would allow a means of exercising control over the proposed development. It would also ensure that an acceptable solution can be implemented in advance of any communication to foul flows to the public sewer network.

Consequently, subject to the suggested condition, it is considered that this issue can be adequately addressed.

### Neighbour responses

The application has been the subject of six representations from a neighbouring property during the consultation process. Having regard to the comments made the following observations are offered in response.

1. Ecological information and mitigation can be sought by way of a restrictive condition, prior to any works, including site clearance being undertaken.
2. Any subsequent application for the redevelopment to the rear of other properties within the area would be dealt with on its individual planning merits. The grant of consent for this application would not set a precedent within the locality.
3. The access proposed is off Brynna Road which has been assessed by the Council's Transportation Section and considered acceptable.
4. Similarly, the impact on pedestrian safety, particularly in relation to existing infrastructure has been assessed by the Transportation Section and considered acceptable.
5. There are other properties within the immediate locality that also face onto Brynna Road.
6. The property would be located in the south-east corner of the site and would be a reasonable distance from neighbouring properties. It is not considered that any reduction in light would be sufficient to warrant refusal of the application.
7. Any application to extend or increase the height of the property would be subject to a further application should, one be required.
8. The application has been subject to consultation with the Council's Drainage Section as well as Dwr Cymru Welsh Water (DCWW). While the deficiencies in the existing system are acknowledged DCWW have suggested a condition be imposed at this stage in order to address this issue.
9. Loss of property value is not a material planning consideration.

The comments of the Public Health and Protection Division in respect of a condition to restrict the hours of operation during construction are acknowledged, however it is considered that this issue can be better addressed through other legislative controls open to the Council.



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

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage but will be calculated for any future reserved matters or full applications.

## **Conclusion**

The proposed dwelling is considered to be of an acceptable scale and design that would not have a harmful impact on neighbouring properties, the visual amenity of the area or highway safety considerations. Consequently, the proposal is considered to be acceptable.

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

1. (a) Approval of the details of the appearance of the building(s), and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
  
(b) Plans and particulars of the reserved matters referred to in (a) above relating to the appearance of any building to be erected and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
  
(c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.  
  
(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)
  - Site Location Plan
  - Proposed layout plan

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure, satellite antennae or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the locality in accordance in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan

4. Prior to any works commencing on site, including works of site clearance, a phase 1 ecology survey shall be undertaken and submitted to the Local Planning Authority. Following approval of the recommendations set out in the survey they shall implemented on site prior to beneficial occupation of the dwelling and retained as such thereafter, unless the Local Planning Authority gives consent to any variation.

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

5. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied or in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

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

6. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of

building work in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan

7. Prior to the commencement of development, details for the provision of bat and barn owl boxes (incorporated within the conversion scheme) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

8. Before any works start on site, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: To protect residential and visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

9. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

10. No development shall commence on site until an assessment of the impact of the foul flows from this development on the public sewerage network has been undertaken by Dwr Cymru Welsh Water, with confirmation that sufficient capacity is available or:

A surface water trade-off on the public sewerage network, offsetting the proposed foul flows from the development against the removal of existing surface water flows has been undertaken by the developer and verified by Welsh Water and the Local Planning Authority.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the water environment in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. No surface water and/or land drainage shall be allowed to connect

directly or indirectly to the public sewerage network.

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

12. Before the development is brought into use the means of access, together with the parking facilities, shall be laid out in accordance with the submitted plans and approved by the Local Planning Authority.

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

13. Notwithstanding the submitted plans, development shall not commence until details providing for the creation of a vehicular crossover in accordance with Highway Design Guide Standard Details drawing no. 111 have been submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented on site prior to beneficial occupation of the dwelling.

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

14. The proposed private access shall be constructed in accordance with submitted drawing no. "20/010/1" in permanent materials and remain for the purpose of vehicular parking and turning only.

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

15. Off-street parking shall be in compliance with RCT's Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011).

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety and the free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

17. All HGV deliveries during the construction period shall only take place between the hours of 09:00 am and 16:30 pm on weekdays to and from the site

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.

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## PLANNING & DEVELOPMENT COMMITTEE

17 MARCH 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1237/10 (GH)  
**APPLICANT:** Mr Mohammed  
**DEVELOPMENT:** Change of use from hotel, takeaway and bar/restaurant to C2 residential care home, with associated landscaping and access. (Air Quality Report received 10th January 2022)  
**LOCATION:** DIAMOND JUBILEE HOTEL, EAST ROAD, TYLORSTOWN, CF43 3HE  
**DATE REGISTERED:** 13/09/2021  
**ELECTORAL DIVISION:** Tylorstown

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

**REASONS:** The application site is located within a residential area and in a sustainable location within the settlement boundary.

It is considered that a residential use of the site, for the care purposes identified, would be compatible with the surrounding dwellings and not harmful to the amenity of existing neighbouring residents.

In addition, the reuse of the building would result in a significant improvement in the appearance of the site and surrounding street scene.

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#### REASON APPLICATION REPORTED TO COMMITTEE

3 letters of objection have been received, and a request has been received from Councillors Robert Bevan and Mark Adams so that the Committee can fully consider the following issues:

- Lack of car parking including for visitors such as health and social care workers
- Development site is on a busy roundabout which will make deliveries difficult
- No disabled facilities or access
- C2 classification covers more than just care facilities
- How will refuse and recycling be collected
- No outdoor amenity space available

#### APPLICATION DETAILS

Full planning consent is sought for a change of use of the former Diamond Jubilee Hotel, East Road, Tylorstown, to a residential care home.

The building has been vacant for a considerable period of time but, in addition to its main past use as a hotel, had accommodated a bar, restaurant and food takeaway as ancillary functions.

The proposal does not involve any significant external changes to the property, or any new construction, save for the replacement of any rotten fixtures and fittings. Most of the work relates to the refurbishment of the building and the installation of a new sliding gate to the small yard area, neither of which would require planning consent.

However, the internal accommodation would be arranged to provide 20 x single bedrooms and 5 x double bedrooms, to house a maximum of 30 people in need of care. There would be a shared lounge/dining/recreational space, as well as a separate staff area, and the building could also be used to provide day care.

The Applicant's Agent has advised that the proposal means that the units of accommodation can work for a wide variety of special needs. As drawn, they would be less suited for severe needs such as senile dementia, but once the principle of the C2 care use has been agreed there is scope for internal revision.

In addition to the plans and elevation drawings accompanying the application, a Planning Statement and topographical survey have been submitted. An Air Quality Report was later submitted following a consultation response, as outlined further below.

## **SITE APPRAISAL**

The application property is located on East Road towards the southern part of Tylorstown and is in close proximity to a roundabout which connects East Road, Penrhys Road and Pleasant View.

The former hotel is a prominent Victorian building, the principal elevation of which faces east and is immediately adjacent to the highway. The internal accommodation is arranged over four floors, three of which are above ground.

It is understood that in addition to its use as a hotel the ground floor has previously been used for a bar, restaurant and takeaway food, and although there is no off-street parking provision at the site, there is a small, gated yard to its southern side.

There is a significant rise in land levels towards the rear of the building such that the ground is retained by a tall stone wall, beyond which is a steep vegetated bank. This bank is connected to the first floor of the hotel by a bridge/walkway.

The surrounding development consists primarily of terraced dwellings of the same era, although a Lidl supermarket and Primary School are within a short distance to north-east. The site is located within a Registered Landscape of Outstanding Historic Interest in Wales, but there are no environmental or policy designations of specific concern to the site.

## **PLANNING HISTORY**



The most recent or relevant planning applications on record associated with either the whole or part of this site are:

**21/5082/41:** Pre-app advice. Decision: 26/08/2021, Raise no objection.

**08/0659/10:** Conversion of building to 7no. flats, alteration to roof, erection of a single storey rear extension and storage sheds, and external alterations. Decision: 29/09/2008, Refuse (Granted at appeal, 17/07/2009).

## **PUBLICITY**

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

Letters of objection have been received from three residents raising concerns in respect of the following:

- My objection relates purely to the provision of parking. As a next door resident to the proposed development the addition of cars for staff and visitors will add to the already limited parking available to residents.
- My concerns are related around the car parking, there are currently only just enough (and occasionally not) enough parking spaces in the car park outside the Jubilee Hotel.
- Parking is already limited for the residents who live on Penrhys Road and Pleasant View.
- The application seems to be for a C2 residential care home, this brings to mind an old peoples home but in the extra documentation it is also referenced to as a C2 special-needs residential hostel, it also mentions severely handicapped persons of varying ages, and those with special needs related to mental health or learning difficulties.

## **CONSULTATION**

### Highways and Transportation

No objection or condition recommended.

### Flood Risk Management

The site location plan identifies that the existing site boundary is a Brownfield area. The site appears to be situated near to a low and medium surface water flood risk area caused by a pluvial conveyance route.

From a flood risk perspective, the applicant has proposed a change of use which does not increase the footprint of the building and does not increase the impermeable area.

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

#### Public Health and Protection

Conditions are recommended in respect of demolition, hours of operation, noise, dust and waste. However, since these matters would be better addressed by existing Public Health legislation, it is considered that an informative note would be more appropriate.

In addition, the mitigation measures set out in section 6.1 of the Air Quality Assessment should be implemented during the construction phase of the development.

#### Western Power Distribution

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

#### Countryside – Ecologist

The Applicant's Architect has stated that the development would not affect the loft or roof space of the building, in which case the bat survey protocol would not be triggered. However, as a precaution an appropriate bat informative note should be appended to any planning permission

#### Waste and Recycling

No objection, bin collection points should be at the front of the building on East Road.

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 has been reviewed and a replacement is in the process of being produced. 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 Tylorstown.

**Policy CS1** - Development in the North: seeks to build strong, sustainable communities. This will be achieved through promoting residential development in locations which reinforce the roles of the Principle Towns and Key Settlements.

**Policy AW2** - seeks to ensure that development is in sustainable locations. The policy sets out criteria which defines these locations, these include but are not limited to the following:

- Are within the defined settlement boundary.
- Would not unacceptably conflict with surrounding uses.
- Have good accessibility by a range of transport options.
- Have good access to key services and facilities.
- Support the roles and functions of the Principal Towns and Key Settlements and smaller settlements.

**Policy AW4** - notes that planning obligations may be sought to make development proposals acceptable in land use terms.

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

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

**Policy AW8** - seeks to preserve and enhance the County Borough's natural environment and heritage. This includes SINC designations. Development proposals will only be permitted where they would not cause harm to the features of the SINC subject to criteria.

**Policy AW10** - aims to prevent development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability or any other identified risk to local amenity and public health.

**Policy AW11** – alternative development proposals for existing employment and retail sites will be permitted subject to criteria.

**Policy NSA13** - supports the reuse and conversion of large buildings for residential purposes if located within the settlement boundary, the building is of merit and there are no viable alternative uses.

### **Supplementary Planning Guidance**

- Delivering Design and Placemaking
- Access, Circulation and Parking Requirements
- Planning Obligations
- Affordable Housing
- 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: The Welsh Government supports sustainable growth in all parts of Wales. In three National Growth Areas there will be growth in employment and housing opportunities and investment in infrastructure.

Policy 9 - Resilient Ecological Networks and Green Infrastructure: action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals.

#### SE Wales Policies

Policy 33 - National Growth Area - Cardiff, Newport and the Valleys: Cardiff, Newport and the Valleys will be the main focus for growth and investment in the South East region.

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 development comprises a proposal to convert the former Diamond Jubilee Hotel at East Road, Tylorstown to a residential care facility, with a possible element of day care.

The property is situated in the Northern Strategy Area within the defined settlement boundary where the development of unallocated sites is supported by LDP Policy AW2.

As noted further above, the property is a short walking distance from a range of local services and facilities, including a supermarket. The site would also be accessible by sustainable transport modes including bus, foot and bicycle, with connections to the rail network available at Porth.

Also, with regard to Policy AW2, a residential use of the property would be compatible with the surrounding residential development and is not subject to any environmental constraints, such as location within a flood zone. This means that the site can be considered a sustainable location, as defined by the LDP.

Whilst no specific end user has yet been identified for the proposed scheme, Use Class C2 'Residential Institutions' incorporates residential accommodation and care to people in need of care, such as residential schools, colleges or training centres, hospital or nursing homes. It does not include any kind of secure residential accommodation or house in multiple occupation.

The site constitutes previously developed land. Policy CS1 supports the re-use of under-used and previously developed land and buildings, as a way of dealing with dereliction. Likewise, Policy AW11 is supportive of such alternative developments for units with past employment and retail uses.

In this case, since the building has been vacant for so long and the refurbishment and re-use of the building would significantly enhance the site and immediate area, no evidence of marketing or similar justification would be required.

In principle therefore, the development would be considered acceptable and be compliant with both LDP and national planning policy. In respect of the latter, Chapters 2 and 3 of PPW11 are supportive of proposals which make use of previously developed sites, and the economic benefits generated by the care sector are also acknowledged.

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

As noted further above, the appearance of the building would be subject to some limited modification as part of the refurbishment necessary to bring it back into a habitable state, although its overall form and scale would remain unaltered.

The property is not subject to listing; however, it is still of historical interest, occupies a prominent position in the street scene, and relates to other neighbouring properties of the same era. Consequently, any proposals to retain the building are welcomed.

Noting the detrimental visual impact that boarded-up and evidently disused buildings can have on a neighbourhood, together with their associations with a sense of decline and anti-social behaviour, it is considered that the development would greatly benefit the character and appearance of the site and street scene.

## **Impact on neighbouring occupiers**

On account of there being no structural changes or extensions outside the footprint of the property, the physical relationship between the former hotel/bar/restaurant/takeaway and the neighbouring dwellings would be the same.

Furthermore, whilst the submitted site layout plan shows that the steep bank to the rear of the site could be used for sitting out, by the placement of benches, use of this amenity space would not require consent. Therefore, in respect of residential outlook and privacy, no material change would be caused by the development.

Whilst the three objectors raised concerns in respect of parking, which are considered in the succeeding section of the report, no concern was raised about the proposed care use, with the exception of an observation that a C2 use does not relate solely to what might be perceived as an 'old people's home'.

This is indeed the case, as the scope of Use Class C2 covers both establishments providing residential care as well as residential accommodation, such as boarding schools.

Nonetheless, residential care provision is considered to be a far more sympathetic neighbouring use for the existing residents of East Road, than a fallback to one of the hospitality elements of the lawful established use.

Therefore, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

## **Access and highway safety**

### **Access**

The existing building fronts onto East Road which has traffic regulations on both sides preventing on-street car parking taking place. Opposite the site is a public car park.

Above and to the rear of the site is a single width access lane. The lane to the rear is accessed from Brondeg Street which is maintained at public expense for part of its length, is private thereafter and in a poor state of repair.

There are no passing facilities located on the single width lane and there is concern regarding the poor state of the existing resident's boundaries / retaining walls and their ability to withstand vehicular loading.

However, the lane does not fall within the red line area and there is no proposal to provide any rear vehicular access or undertake any works which would require the benefit of planning consent.

## Parking

The Council's SPG for Access, Circulation and Parking advises that for residential children's homes / homes for elderly persons / nursing homes 1 space per resident staff, 1 space per 3 non-resident staff and 1 space per 4 beds are required.

The proposed facility would provide for 25 residential units (plus staff facilities), together with activity space located within the basement which could potentially be used as a community facility.

The applicant has indicated a maximum of 12 staff members will be present at any one time with no resident staff due to 8-hour shift patterns. This would result in a maximum off-street car parking requirement of 11 spaces in accordance with the SPG with none provided, only a drop off / pick up area, which gives some cause for concern.

Notwithstanding the above, it is noted that a previous application for 7 flats, reference 08/0659/10, was refused by Members for the reason that the proposal would not provide adequate car parking provision for the conversion of the property into residential dwellings. However, the subsequent appeal was allowed, and the Inspector concluded that the fall-back use of the existing building as a hotel and restaurant would require considerably more off-street car parking spaces (38) than the proposed flats (16), with none provided.

Therefore, while there is concern regarding the lack of off-street car parking facilities, taking into account the previous use of the building, the aforementioned, allowed appeal decision, the nearby public car park and the existing traffic regulations which maintain the free flow of traffic, the proposed scheme is, on balance, considered acceptable in this respect.

## Public Health

Initially, the Council's Public Health and Protection Division highlighted a concern that the development property is within 10m of a road with traffic flows in excess of 10000 AADT (Annual Average Daily Traffic Flow); thus, future residents could be affected by poor air quality.

Since not all habitable rooms would be set back further than 10m from the nearest carriageway edge the Applicant's Agent was requested to submit an Air Quality Assessment and to identify any mitigation measures required.

Such a report was submitted, and Public Health officers have advised that the development would be acceptable, subject to the construction measures outlined in section 6.1 of that report. In that regard, a condition is recommended requiring the development to be carried out in accordance with those measures.

### **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 below, the proposed development is considered to align particularly well with the following national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The development density is appropriate for the location and would contribute to the provision of community-based local care within the Northern Strategy Area.
- **Facilitating Accessible and Healthy Environments:** The application site is within walking distance of the main bus route and some local shops and services. Being within the settlement boundary it is considered to be a sustainable location. There is public open space within a short distance of the site and the development would provide safe accommodation and, as a care facility, would promote mental well-being.
- **Making Best Use of Resources:** The development would result in the use of previously developed land and would have regenerative benefits due to its support of construction jobs and the permanent care positions associated with the proposal.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and would foster economic activity.

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, and the scheme is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended.

However, the site is located within CIL Zone 1 where a £nil charge would be applicable and therefore no CIL would be payable.

## **Conclusion**

The proposed residential care facility would be unlikely to have a detrimental impact upon the residential amenity of the surrounding neighbouring properties. Further, the beneficial re-use of the building would constitute a significant improvement to the appearance of the site and therefore, given its prominent location, the wider street scene.

The issues relating to the adjacent highway network and the limited parking available are of concern and such the constraint is comparable to other developments considered previously by Members, where a large unused building, from a different era, is proposed to be put to a new use.

However, both the off-street parking requirement of the established use and the previous appeal decision in relation to the 7 flats, carry material weight, since both of these uses would generate a greater off-street parking requirement than the care use now proposed.

In the planning balance, therefore, the off-street parking situation is not determined to be of sufficient detriment to justify a reason for refusal. The application is therefore considered to comply with the Local Development Plan policies outlined within the body of the report.

## **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:
  - 2028.PL02B
  - 2028.PL03A
  - 2028.PL04
  - 2028.PL05
  - Air Quality Assessment (Viridian Air 10th December 2021)

and details and documents received on 7<sup>th</sup> September 2021 and 10<sup>th</sup> January 2022.

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

3. The development shall be carried out in accordance with the proposed mitigation measures outlined within Section 6 of the Air Quality Assessment undertaken by Viridian Air and dated 10<sup>th</sup> December 2021.

Reason: In the interests of public health and the amenity of neighbouring residents in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

## PLANNING & DEVELOPMENT COMMITTEE

17 MARCH 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1601/10 (GH)  
**APPLICANT:** Trivallis  
**DEVELOPMENT:** Proposed demolition of the existing school buildings and redevelopment to provide residential development of 18 dwellings and associated works. (Updated PEA; revised elevations for plots 1, 2 and 17 including housemartin cups; and WSI for historic building recording, received 17th January 2022. Revised site layout plan, to widen footpath and amend gradient, received 15th February 2022)  
**LOCATION:** LAND AT FORMER YSGOL GYNRADD GYMRAEG TONYREFAIL, SCHOOL STREET, TONYREFAIL, PORTH, CF39 8LE  
**DATE REGISTERED:** 03/12/2021  
**ELECTORAL DIVISION:** Tonyrefail East

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

**REASONS:** The property occupies a sustainable location well within the settlement boundary and close to the centre of Tonyrefail, where it would be within a short walking distance of shops, services and facilities, and convenient for both public transport and links for onward travel.

This previously developed brownfield site is surrounded by other residential uses and in accordance with the Council's Local Housing Market Assessment the proposed 100% affordable housing development would contribute towards local housing needs.

Furthermore, the scale, density and design of the development would benefit the appearance of the site and street scene, and its layout would not be harmful to the privacy and amenity of neighbouring occupiers.

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

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

#### **APPLICATION DETAILS**

Full planning consent is sought for the demolition of the former school buildings and the construction of an affordable housing development on the site of the former property at Ysgol Gynradd Gymraeg Tonyrefail, School Street, Tonyrefail,

It is proposed that the eighteen new dwellings would comprise the following mix of house types:

- 8 x one-bed flats
- 1 x two-bed bungalow
- 6 x two-bed houses
- 2 x three-bed houses
- 1 x three-bed houses

The traditionally designed properties would have elevations of dark red brickwork and off-white render, with large sections of stonework, the materials for which would be reclaimed from the demolished structures. Fenestration would be white uPVC and the roofs enclosed with reconditioned slate tiles.

The internal layout of the site has been set in relation to existing site levels, retaining features and access points. Whilst the various slopes and levels mean that not all parts of the site can be redeveloped, this has left ample private garden and landscaped shared space, in addition to the 35 off-street parking spaces proposed.

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

- Pre-Application Consultation Report (PAC)
- Geotechnical and Geoenvironmental Report
- Drainage Strategy and Survey Report
- Bat Survey Report
- Preliminary Ecological Appraisal
- Landscape Design Statement, Specification and Management Plan
- Design and Access Statement
- Transport Statement
- Tree Report
- Written Scheme of Investigation for Historic Building Recording)

As noted in the description of development revised details were received as a response to consultee comments regarding ecology and historic building recording. Further amended plans were received to widen a section of footpath within the site and to ensure that the longitudinal road section incorporated a maximum 1 in 20 gradient for the first 15m of the adopted road section.

## **SITE APPRAISAL**

The former Ysgol Gynradd Gymraeg Tonyrefail occupies a site to north-east of Tonyrefail and in close proximity to the retail centre.

The School comprises a cluster of buildings, namely two large teaching blocks and a caretaker's house of Victorian construction, two single storey structures, including one demountable, and a couple of ancillary buildings. The earlier buildings are constructed of natural stone with brickwork quoin detailing.

Just about all of the site, other than that occupied by buildings, is hard-surfaced and provided level play areas for the children attending the School. Due to the southerly fall in level towards School Street a prominent feature of the site is the numerous and substantial retaining walls, all of which are faced with dressed stone.

Currently, there are two vehicular accesses from School Street at the eastern and western ends of the site, which it is understood provided small areas for staff car parking. There are also numerous gated entrances for pedestrians.

To the north of the site, the boundary is either adjacent to a community centre or the Tonyrefail Primary School. In other directions, the surrounding development is mostly residential, although there is a clinic on the opposite side of School Street. In addition, there is a Grade II Listed site to the south-west, consisting of the Capel Y Ton ruin and graveyard.

The site, which is within the defined settlement boundary, is located within an area designated by the Coal Authority as high risk to development.

## **PLANNING HISTORY**

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

**21/5049/10:** Pre-app advice. Decision: 08/06/2021, raise no objection.

**10/0522/08:** Installation of a single pre-fabricated building to provide 2 no. classrooms and toilet facilities. Decision: 09/08/2010, granted.

## **PUBLICITY**

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

Furthermore, in accordance with the Development Management Procedure (Wales) Order the relevant press notice was published on 14<sup>th</sup> 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.

### Flood Risk Management

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

### Public Health and Protection

No objection although conditions are recommended in respect of demolition, noise, dust, waste, and lighting. However, given that these matters will fall within either the scope of existing Public Health powers, or a Construction Method Statement, it is considered that an informative note is appropriate.

However, given the proximity of the property to a former landfill site and the potential for contamination to exist on site, a condition for a site investigation has been recommended.

### Natural Resources Wales

No objection to the application as submitted but requests that an informative note is attached to any planning permission regarding bats and the need to obtain and EPS licence.

### Dwr Cymru Welsh Water

Dwr Cymru Welsh Water has been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

The information submitted as part of this application has been reviewed with particular focus on the Drainage Layout Drawing No. S.7711-06 revision C. We can confirm that foul water flows can be accommodated in the public sewer system.

### Western Power Distribution

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

### South Wales Fire and Rescue Service

Advice has been provided for the benefit of the Developer relating to adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances.

### Countryside – Ecologist

No objection, subject to a condition to secure ecological mitigation and enhancement measures.

### Waste and Recycling

Properties 1-13 will have to put their waste on the corner of the access road just before the private drives.

### Glamorgan Gwent Archaeological Trust (GGAT)

The School is contained within the National Monuments Record and although it is unlikely that nationally important archaeological remains will be encountered, the School will be demolished, and historic fabric adversely affected.

Therefore, it is recommended that a historic building level 2 survey is made prior to the commencement of work, which should be subject to a condition. The Written Scheme of Investigation already submitted by the Applicant is fine.

### The Coal Authority

The Coal Authority considers that the content and conclusions of the supporting Geotechnical and Geoenvironmental Report are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for development. The Coal Authority therefore has no objection to the proposed development.

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

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it has been reviewed and a replacement is in the process of being produced. 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 Tonyrefail.

**Policy CS2** - sets out the strategy for the Southern Strategy Area (SSA) with an emphasis 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 CS4** - identifies the housing requirement figure for the plan period.

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

**Policy AW1** - outlines how the housing requirement figure will be met during the plan period. This includes but is not limited to the development of unallocated land in the settlement boundary and through the provision of affordable housing.

**Policy AW2** - seeks to ensure that development is in sustainable locations. The policy sets out criteria which defines these locations, these include but are not limited to the following:

- Are within the defined settlement boundary.
- Would not unacceptably conflict with surrounding uses.
- Have good accessibility by a range of transport options.
- Have good access to key services and facilities.
- Support the roles and functions of the Principal Towns and Key Settlements and smaller settlements.

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

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

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

**Policy AW7** - seeks to protect sites of architectural and/or historical merit and sites of archaeological importance.

**Policy AW8** - seeks to protect the natural environment from inappropriate development unless there would be no unacceptable impact upon the features of importance to landscape or nature conservation.

**Policy AW10** - prevents development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability or any other identified risk to local amenity and public health.

**Policy SSA4** - indicates that residential development in the key settlement of Tonyrefail will be permitted where it supports and reinforces the role of the centre as a key settlement; is of a high standard of design and integrates positively with existing development; promotes the beneficial re-use of vacant and underused floor space; supports the provision of local services and promotes accessibility by a range of sustainable modes of transport.

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

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

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



## **Supplementary Planning Guidance**

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

## **National Guidance**

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

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

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

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

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

### SE Wales Policies

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing  
PPW Technical Advice Note 5: Nature Conservation and Planning  
PPW Technical Advice Note 12: Design  
PPW Technical Advice Note 18: Transport

Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The applicant seeks permission to demolish the former school and develop 18 affordable dwellings in its place. The development would consist of 8 one-bedroom flats, 1 adapted bungalow, 1 adapted three-bedroom house, 6 two-bedroom houses and 2 three-bedroom houses.

The development of unallocated sites within the defined settlement boundary is supported by LDP Policies AW1 and AW2.1. The proposal also complies with national guidance and Policy CS2 which promotes the redevelopment of previously used land in preference to Greenfield sites.

The site is within the defined settlement boundary and is accessible by sustainable transport modes including bus, foot and bicycle. There is also good access to key services and facilities, as it is within 100m of the Key Settlement retail centre of Tonyrefail. The site can therefore be considered a sustainable location for development, in accordance with Policy AW2.

The site is situated in the Southern Strategy Area within the defined settlement boundary, and consequently a minimum provision of 20% affordable housing is required in order to comply with Policy SSA12. The applicant is proposing 100% of the 18 units to be affordable dwellings, thus exceeding the policy requirement, as confirmed by the Council's Housing Strategy Team.

The minimum net residential density permitted by Policy SSA11 is 35 dwellings per hectare. The site is approximately 0.56 hectares, which results in a net residential density of approximately 32 dwellings per hectare. However, this slight shortfall is considered to be acceptable given the topographical challenges that would prevent a greater degree of development.

Lastly, with regard to the Council's SPG for the Development of Flats, it is acknowledged that the SPG states that there is a severe and growing shortage of affordable one bedroom accommodation. The inclusion of 8 one-bedroom flats is therefore welcomed.

Therefore, in light of the above, the development is considered to be acceptable in principle.

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

The development proposes the demolition of all existing buildings on the site, which since the School closed in 2018, have been vacant and the site secured with boarding and Heras fencing to prevent unauthorised entry.

As the consultation response from GGAT notes, the historic fabric of these prominent buildings will be lost, although it is recognised that the property is not subject to any designation which might offer protection.

It is also recognised that regardless of any redevelopment proposals, the buildings could be demolished without the need for planning consent, via the prior notification process, so minimal material weight has been attributed to any concerns in this regard.

Therefore, whilst it is disappointing that none of the extant structures will be retained and converted, it is appreciated that at this site to do so may neither be feasible nor provide the kind of accommodation that would meet local needs.

However, the proposed site layout has been dictated by the constraints of its irregular form and the steep changes in topography; thus, the existing ground levels, and most of the internal and external stone retaining walls, metal railings and pedestrian entrances will be kept.

A further benefit of those constraints is that the density of the development is relatively low, and although that density exceeds the requirements of Policy SSA11, this is attributable to the inclusion of eight flats rather than the surface area taken by the footprint of the new dwellings.

Consequently, a large swathe to the rear of the site will be left as open space and seeded with a wildflower meadow mix, within which seven native trees would be planted. There is a significant amount of formal landscaping across the rest of the site as the detailed soft landscape proposal plan demonstrates. This includes the use of rain gardens as part of the sustainable drainage strategy.

With regard to the new dwellings, their appearance, scale and siting is considered to be appropriate to the site, both in respect of how they relate to the existing surrounding development and the massing and density of the former School buildings. The proposed re-use of salvaged coursed stone to the front of the properties and elsewhere on site is also welcomed.

Taking the above into account, the combination of the site design and layout, the high proportion of green and planted areas, re-use of salvaged materials and the retention of the existing stone walling and railings, is expected to result in an extremely attractive development, and one which will make a positive contribution to the street scene.

## **Impact on the amenity of residents**

In respect of any direct impact from the development upon neighbouring properties, those located on the opposite side of School Street to the south would be separated

from the closest new dwellings by a gap ranging from 24m to 30m, which, given the level changes, intervening structures and boundary treatments, should prevent intrusive views.

Other properties to the north and west of the site, namely the Day Care Centre and no. 18 School Street, are set at a higher level than the site. The Day Centre is also very well screened by a tree and vegetation lined boundary. In both cases the outlook from either property would not be adversely affected.

However, no. 14 School Street is aligned with the western boundary of site, against which the rear gardens of plots 3-8 would abut, and there was a concern about how this might, if at all, affect the neighbouring residents. Nonetheless, having compared the position of the new properties and the pre- and post-development site levels, relative with those of no. 14, it is considered that any views would be limited or subject to a high angle of skew.

Consideration was also given to the future residents of the site, particularly the flats since the Council's SPG for the development of flats is of particular relevance to amenity. The flats would be located at plots 5-8 and 14-17 and would benefit from external space for drying, and private or communal garden areas.

Internal floorspace would have to comply with the Welsh Government's WDQR social housing standards and as new buildings, rather than conversions or market properties, there appears to be sufficient natural light, ventilation and outlook such that no concerns are highlighted regarding the SPG.

In light of the above, and in terms of the impact on the amenity and privacy of neighbouring and future residents, and the absence of any representations to the contrary, the application is considered to be acceptable.

## **Access and highway safety**

### Access

The application site is accessed from School Street which has a carriageway width of 7.3m, is a one-way system and has traffic calming to reduce speeds to the region of 20mph. Pedestrian access is gained by continuous pedestrian links which are acceptable for safe and satisfactory access.

The private shared access serving plots 3-8 accords with the Council's Highways Design Guide for Residential Estate Roads. There is also direct access to plots 5-8 from School Street via a footway link which is acceptable.

In respect of the section of highway to be offered for adoption, the proposed access road / cul-de-sac is suitable for both pedestrians and vehicles, and a number of conditions have been suggested to ensure implementation of the works to an adoptable standard.

The proposed visibility splays proposed are acceptable. The submitted site layout indicates no obstruction or planting above 900mm will be placed within the required vision splay envelope.

### Parking and circulation

The Council's SPG for Access, Circulation & Parking indicates that the proposed development requires a maximum of 39 off-street car parking spaces for residents and 3 visitor spaces, with a proposed provision of 31 spaces for residents and 2 for visitors.

Taking into account that the 2 & 3 bed dwellings would meet the maximum standards and the proposed 1 bed apartments have a minimum off-street car parking provision of 1 space per apartment, the off-street car parking provision is acceptable.

### School Keep Clear Markings (No TRO)

There are existing 'School Keep Clear' markings in place along the site frontage at School Street, which require removal. It is the Developer's responsibility to remove these which currently prevent on-street car parking. A condition is recommended to secure this since the works could result in carriageway resurfacing.

Removal of the existing School Keep Clear markings will free up space for on-street car parking of existing residents and potential visitors without impacting on the free flow of traffic.

### TRICS (Trip Rate Computer System)

The proposed scheme would have a minimal impact on the surrounding highway network since it is calculated that it would only result in up to 8 two-way trips in the morning and afternoon peak hours. Taking into account the previous use of the site which would have generated substantially more trips at pick up and drop off times, there are no concerns in this regard.

### Conclusion

The proposed development is acceptable in terms of the SPG for Access, Circulation & Parking, for both vehicles and pedestrians, and accords with the Council's Design Guide.

The site is located within a sustainable location within easy walking distance of local amenities and public transport with satisfactory pedestrian links, which would support sustainable modes of transport in accordance with PPW 11.

### **Ecology**

The Ecological Ltd Bat Survey (October 2021) identifies a small number of common pipistrelle roosting (assessed as a day roost) in two of the buildings. A European Protected Species Licence from NRW will therefore be required.

In addition to the bat assessments the PEA includes other species and reports a number of house martins nests on Building 2. The Council's Ecologist advised that house martin is a hugely declining species in RCT and this is likely to be a very important nesting site in Tonyrefail.

Details regarding targeted mitigation for house martins was included within the updated PEA and revised plans which, together with post construction monitoring, will need to be subject to a condition.

As highlighted further above, NRW has clarified that an EPS licence would be necessary to develop the site, and in line with their request, a standard informative note is proposed to be appended to any planning permission.

### **National Sustainable Placemaking Outcomes**

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

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

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

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

- **Creating and Sustaining Communities:** The development density is appropriate for this town centre location and as a social housing scheme would contribute to the affordable housing requirement within the Northern Strategy Area.
- **Facilitating Accessible and Healthy Environments:** The application site is in a very sustainable location, being close to a bus route and services and facilities located within walking distance.
- **Making Best Use of Resources:** The development accords with the aim to prioritise the use of previously developed land and buildings.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and create footfall in the nearby retail centre.
- **Maximising Environmental Protection:** The development would include a condition for biodiversity enhancement measures.

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

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

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application site lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is an indexed liability of £40/sqm for residential development.

However, it is appreciated that social housing relief may be claimed on the social housing element of the development and therefore no CIL would be payable.

### **Section 106 Contributions / Planning Obligations**

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

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

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

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

### **The Section 106 requirements in this case**

In this case the proposed development, on behalf of the Registered Social Landlord Trivallis, would provide 100% affordable housing for social rent.

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

Furthermore, if the S106 Agreement is not signed within 6 months of the Planning Committee's resolution, then delegated powers be granted to officers to refuse the application.

### **Conclusion**

The application site is located within the settlement boundary and the principle of residential development on this previously developed site would be in accordance with the placemaking requirements of PPW11 and the Core, Area Wide and Northern Strategy Area policies of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

- LT2104.04.01 Rev P5
- LT2104.04.02 Rev P2
- LT2104.04.03 Rev P2
- LT2104.04.04 Rev P3
- LT2104.04.05 Rev P1
- LT2014.04.101 Rev P3
- LT2014.04.102 Rev P2
- LT2014.04.103 Rev P2
- LT2014.04.104 Rev P2
- LT2014.04.105 Rev P2
- LT2014.04.106 Rev P3
- LT2014.04.107 Rev P1
- S.7711-02 Rev A
- S.7711-09 Rev D
- TDA.2598.01(A)

and details and documents received on 2<sup>nd</sup> December 2021 and 17<sup>th</sup> 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 a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:



(i) 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.

(ii) 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 (i) above.

(iii) 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 in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

4. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme required by condition 3 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 in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

5. 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 in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with the approved written scheme of investigation (Archaeology Wales Project No. 2969, dated January 2022) and submitted to and approved in writing by the Local Planning Authority.

Reason: Since the building is of architectural and cultural significance the specified records are required to mitigate impact in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence until details of all ecological mitigation and enhancement measures identified in Section 4 of the Ecological Ltd PEA and Bat Survey (January 2022), as well as a house martin mitigation strategy (including ecological supervision and post construction monitoring of house martin mitigation), have been submitted to and approved in writing by the Local Planning Authority.

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

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

8. No development shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:

a) full engineering design and details of the internal road layout including sections; tie in detail with School Street, vision splays, highway structures, street lighting details, traffic calming, and surface-water drainage details.

b) full engineering design and details of the private shared access including its tie in with School Street, together with vision splays, sections and surface-water drainage details.

The approved details shall be implemented prior to beneficial occupation of the first dwelling.

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

9. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for:

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

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

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

10. Prior to beneficial occupation of the first dwelling a scheme for the removal of the existing school keep clear lines in the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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## PLANNING & DEVELOPMENT COMMITTEE

17 MARCH 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1613/10 (GH)  
**APPLICANT:** Infinite Renewables Group Limited  
**DEVELOPMENT:** Development of solar scheme and associated infrastructure. (Cable drilling method statement received 20th January 2022)  
**LOCATION:** LAND AT RHIWFELIN FACH FARM , LLANTRISANT ROAD, YNYSMAERDY, LLANTRISANT, PONTYCLUN, CF72 8LQ  
**DATE REGISTERED:** 07/12/2021  
**ELECTORAL DIVISION:** Town (Llantrisant)

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**RECOMMENDATION: GRANT, SUBJECT TO CONDITIONS.**

**REASONS:** As a small scale solar farm, the principle of the development is considered to be acceptable. The development would accord with PPW11 and FW2040 and would provide a contribution to the renewable energy generation targets set out by the Welsh Government. It is considered that the appearance and location of the solar farm, in terms of the local and wider impact would not result in visual harm. Furthermore, no objections have been raised from any statutory consultees with respect to the potential impacts upon either the amenity of nearby residential properties, highway safety or ecology. The development is therefore considered to comply with the relevant policies of the Local Development Plan.

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

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

#### **APPLICATION DETAILS**

Full planning consent is sought to construct a 0.5 MW solar farm and associated plant and paraphernalia, at Rhiwfelin Fach Farm, Llantrisant Road, Ynysmaerdy.

The scheme is intended to supply energy to Fei Foods which is located a short distance away to the south at Llantrisant Business Park and would consist of fixed ground photo-voltaic (PV) panels that will be mounted no greater than 2.3 metres from ground level and orientated southwards to maximise power generation.

The PV panels will be arranged in rows that run east to west and will be spaced to avoid shadowing effects. Metal frames with support posts would be inserted into the ground to a depth of 1.5 metres (depending on ground conditions) upon which the PV panels would be mounted.

Around the boundary it is proposed to erect a 2m high perimeter post and wire (deer) fence for security reasons, which would also enable the movement of wildlife. In addition to the PV panels, two small buildings would be erected for switchgear and for a substation.

In respect of access, this is proposed to be achieved via existing field gates and an existing gateway adjacent to the main farm access. This connects with the public highway at Llantrisant Road a little further to the north. The use of matting tiles on internal field access tracks would allow grass to continue to grow during construction and operation.

Lastly, the operational life of the solar farm has been identified at 30 years. During this period, it is estimated that there would be no site based staff, and there would be an occasional requirement for routine inspections/maintenance.

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

- Design and Access Statement
- Archaeology and Heritage Assessment
- Ecological Assessment
- Landscape and Visual Impact Appraisal
- Planning Statement
- Cable Drilling Method Statement

## **SITE APPRAISAL**

The land to which the application relates is located no greater than 150m from the northern boundary of Llantrisant Industrial Estate and around 50m, at the closest point, from Llantrisant Recycling Centre.

With a surface area of approximately 0.49 hectares, the site comprises part of a field which is currently used for grazing and is screened to the north and west by established trees and hedgerows.

Access is currently gained from within the agricultural holding, although Llantrisant Road (aka Pantybrad) is a short distance from the western site boundary. In addition, the site is crossed, from north to south, by Public Right of Way ANT/172/1.

Although the northern and western boundaries are demarcated with mature hedges, the fall in level to the south/south-east is pronounced and views towards the site are possible from the south, particularly the northern fringe of Llantrisant town and across Llantrisant Common.

The site is located outside of the defined settlement boundary and is both within a locally designated Special Landscape Area (SLA) and where there is a high risk to development from historic coal mining. The site is also east of the Rhos Tonyrefail SSSI.

## **PLANNING HISTORY**

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

**21/1487/35:** Screening opinion - proposed solar farm. Decision: 24/11/2021, EIA not required

## **PUBLICITY**

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

Furthermore, in accordance with the Development Management Procedure (Wales) Order the relevant press notice was published on 14<sup>th</sup> December 2021 advertising the proposal in respect of the Public Right of Way crossing the site.

No letters of objection or representation have been received.

## **CONSULTATION**

### Highways and Transportation Section

No objection subject to conditions.

### Flood Risk Management

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

### Public Health and Protection

Conditions are recommended in respect of noise, dust, waste and hours of operation. However, noting the location of the site and the provisions of existing public health legislation, which can better control these matters, such conditions would be unnecessary.

With regard to the proximity of the development to a landfill site the Public Health and Protection Division considers that there is a potential for adverse ground gas conditions to exist on site.

If this were an application to build a new residential property on the site, then a condition for a site investigation would have been recommended. However, the Applicant is advised to note that adverse ground conditions may exist on site and may

wish to carry out such investigations in order to satisfy themselves that there would be no adverse impacts from the work being carried out.

#### Natural Resources Wales

Conditions regarding pollution prevention should be attached to any planning permission granted. Without the inclusion of these conditions NRW would object to this planning application.

#### Dwr Cymru Welsh Water

No comments or objections.

#### Taff Ely Ramblers

The developer is thanked for recognising that footpath 172 Llantrisant is in the vicinity of the development and the fact that, if the proposal goes ahead, the line of the path is being used as the edge of the scheme. We have neutral view on this proposal.

#### The Coal Authority

The Coal Authority records indicate that coal seams of workable thickness infer to outcrop across part of the application site (part of the existing access road only) that may have been historically worked.

Accordingly, the area where the development is proposed lies outside of the defined High Risk Area. Therefore, The Coal Authority does not consider that a Coal Mining Risk Assessment is necessary to support this proposal and does not object to this planning application.

#### Countryside, Landscape and Ecology – Ecologist

Ecology issues relating to the site will be adequately dealt with if any consent is conditioned as per those recommended by NRW and set out within their consultation response.

#### Countryside, Landscape and Ecology – PROW Officer

I would like to draw attention to the existence of Footpath 172 Llantrisant which crosses the property but has been unofficially rerouted by changes in the field boundaries at some time after the creation of the Definitive Map (01/01/1971). Since this time the alternative route has been used by the public to exercise their right of way with the permission of the landowner.

It should be conditioned that in the interests of visual amenity and to ensure the protection of the PROW, the applicant must submit a scheme of works to reinstate the legal line of the Footpath to a suitable standard before the unofficial route can be obstructed.

#### Glamorgan Gwent Archaeological Trust



There is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.

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 has been reviewed and a replacement is in the process of being produced. 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 LDP 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 north of Llantrisant.

**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** - The policy seeks to protect resources and to contribute to local, regional and national demand for a continuous supply of minerals.

**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. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. In addition, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

**Policy AW6** - 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 AW7** - The policy seeks to protect sites of architectural or historical merit from inappropriate development.

**Policy AW8** - This policy seeks to protect and enhance ecological features and promote biodiversity. All development proposals will be required to demonstrate what

measures are proposed for ecological protection and management, and the mitigation of, or compensation for, potential impacts.

**Policy AW10** - The policy prevents development which could cause or result in a risk of unacceptable harm to health or local amenity due to flooding, contamination, land instability, or any other identified risk to local amenity and public health.

**Policy AW12** - Development proposals that promote the provision of renewable and non-renewable energy will be permitted where it can be demonstrated that there is no unacceptable effect on the interests of soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity.

**Policy AW14** - The policy safeguards resources of sandstone from any development which would unnecessarily sterilise them or hinder their extraction.

**Policy SSA 23** - The policy states that Special Landscape Areas have been designated to protect areas of fine landscape quality within Rhondda Cynon Taf. In order to protect the visual qualities of each SLA, development proposals within these areas will be required to conform to the highest possible design standards.

### **Supplementary Planning Guidance**

- Design and Place-making
- Access, Circulation and Parking Requirements
- The Historic Built Environment
- 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 – investment in infrastructure
- Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure

## SE Wales Policies

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

Other relevant national policy guidance considered:

PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 22: Sustainable Buildings;  
PPW Technical Advice Note 24: The Historic Environment.

WG Practice Guidance – Planning Implications of Renewable and Low Carbon Energy (February 2011)

WG 'Dear CPO' letter MA-P/CS/1303/16 re: Green Growth (15<sup>th</sup> March 2016)

### **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 solar farm and associated infrastructure will have a peak electrical generating capacity of approximately 0.5MW, and is designed to supply power directly to Fei Foods over a period of 30 years

PPW11 states that the planning system should facilitate delivery of renewable energy proposals. Since the withdrawal of TAN8, FW2040 has set out the context and specific policies for renewable energy development.

Policy 17 of FW2040 is particularly relevant and contains guidance relating to renewable and low carbon energy development. The Policy gives a clear direction to decision makers that significant weight must be attributed to the Welsh Government's target to meet 70% of electricity demand by renewable means, by 2030.

In terms of the LDP, Policy AW12 supports renewable energy projects, providing that there is no unacceptable impact to the environment, ecology, landscape, public health or residential amenity.

Furthermore, although the location of the solar farm would not be in accordance with some aspects of Policy AW2, in that a site in the open countryside is unlikely to qualify as a sustainable location, this type of development would normally be expected to be found in the countryside or on the settlement fringe. Therefore, the Policy is of less material relevance and little weight is attributed to it.

Consequently, subject to the other material policy matters discussed below, the development is considered to be acceptable in principle.

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

The proposed site comprises the lower parts of a field located on sloping ground to the north of Llantrisant Business Park and Llantrisant Recycling Centre.

Although the ground is at a higher level than the business park it does not constitute an elevated position compared with that of the existing 'daffodil' turbine, and the land continues to rise in a northerly direction towards Rhiwfelin Fach Farm.

So, whilst the panels would have some visibility from the south and east, particularly across Llantrisant Common and from the western side of Beddau, they would not have an unacceptable prominence. In addition, given their proximity to the mass of buildings at the adjacent Business Park, it is more likely that they would appear to be part of that wider development closer to the valley floor.

It was also noted that the western and southern boundaries of the site contain a number of mature trees and tall hedgerows, which suggests that from Pantybrad and the lower part of Heol Y Sarn, much of the development would be screened.

Taking the above into account, it is considered that the development can be justified within the Special Landscape Area setting.

The location of the site relative to the Llantrisant Conservation Area and scheduled monuments means that LDP Policy AW7 and TAN 24 must be considered and in this regard an Archaeology and Heritage Assessment report was submitted with the application.

The report notes 33 designated historic assets within 2.5km of the site boundary, most of which are to the south, within Llantrisant Town or at Ynysmaerdy Farm. Following Cadw methodology the report identifies that the scope of assessment should include Llantrisant Conservation Area, Llantrisant Castle (GM074), The Church of St Illtyd, St Gwynno and St Dyfodwg, Grade II\* Listed Building (23942) and Y Felin Wynt Tower, Grade II Listed Building (16877).

In addition, the report notes that within a 1km radius study area around the site, there are only three monument records for non-designated historic assets, none closer than 350m to the site.

Consequently, the assessment has not identified any potential for adverse effects to the significance of any historic assets within the wider landscape around the site; and

in terms of the site's archaeological potential, records do not indicate any potential for unrecorded archaeological remains to be present within the site.

Therefore, subject to conditions in respect of the future decommissioning and the remediation of the site, it is considered that the proposed solar farm development would not be harmful to the character and appearance of the site, the Special Landscape Area or any heritage assets.

### **Impact on neighbouring occupiers**

The closest neighbouring dwellings to the site comprise the application property Rhiwfelin Fach Farmhouse, which is approximately 220m to the north of where the closest PV panels would be sited; and Glanmychudd Fach Farmhouse around 136m to the south-east.

Given that the PV panels would be static, there would be an absence of noise generation and traffic would only need to access the site infrequently, post-construction, the proposed development would not cause harm to the amenity of neighbouring land users.

Similarly, the relatively low panel row heights, taking note of the screening provided by vegetation and intervening topography, means that any harmful impact to the outlook from the aforementioned dwellings would be minimal.

Consequently, it is considered that there would be no detriment to the privacy, outlook or amenity of other occupiers and the development would be acceptable in this regard.

### **Ecology and Environment**

NRW has noted that part of the proposed cable route would pass through the Rhiwfelin Fach Farm historic landfill site, whereby underground cables in dug trenches have the potential to act as pathways for contamination. The landfill site is a likely source of contamination in close proximity to the Nant Muchudd, a sensitive receptor.

However, the Applicant has confirmed that the cable would share the same cable trench as that proposed for the wind turbine at Rhiwfelin Fach Farm (application ref 21/0661/10) which has already been approved by Members, subject to a S106 agreement.

As recorded further above, the same Cable Drilling Method Statement has been submitted by the Applicant. The Statement advises that the cable route under the recycling centre and stream will be installed via directional drilling or 'moling'.

This means that there will be no excavation of open trenches or disturbance of the stream bed or surface areas in the Recycling Centre. The rest of the route through the fields will be installed via a traditional trench and backfill method.

NRW previously acknowledged and approved the Method Statement for the wind turbine and requested that it be included within the condition identifying approved

plans and documents on the decision notice. Accordingly, condition 2, recommended below, has been drafted in this regard.

Lastly, NRW has requested that conditions relating to a Construction Environmental Management Plan (CEMP) and Water Quality Monitoring Plan should be attached to any planning consent regarding pollution prevention, and these are replicated as conditions 4 and 5.

### **Access and highway safety**

The development would be served from Pantybrad Road via the existing access to Rhiwfelin Fach Farm. The access is directly opposite that created to construct the existing neighbouring wind turbine. As such, the use of Pantybrad Road is considered acceptable to serve the proposed solar farm in principle.

From the existing access to the farm, access ways will be created internally within the land to the proposed solar farm site, which gives no cause for concern.

Nevertheless, conditions are suggested below to restrict the times of HGV movements to suitable roads and outside of peak times as well as a construction method statement detailing the methodology of construction and delivery of equipment to then site.

### **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 principle of the proposed solar farm would be in accordance with national planning policy for renewable energy developments and would not have a harmful impact on the character and appearance of the locality, including the Llantrisant Conservation Area to the south and the closest scheduled monuments. The development would also not be detrimental to the amenity of the nearest neighbouring occupiers. The application is therefore considered to comply with PPW11, FW2040 Policies AW5, AW6, AW7, AW8, AW10 and AW12 of the Local Development Plan.

### **RECOMMENDATION: GRANT, SUBJECT TO CONDITIONS**

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

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

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

- IR-501 Rev E
- IR-Rhiw-903
- IR-Rhiw-904
- IR-Rhiw-905
- TR17 EKV0091
- DT Civils Ltd., DTC-J1156-001, Method Statement, 28th July 2021.

and documents received by the Local Planning Authority on 6<sup>th</sup> December 2021 and 22<sup>nd</sup> January 2022 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

3. The permission hereby granted shall endure for a period of 30 years from the date when electricity is first exported from the development hereby approved to the electricity grid network ('First Export Date'). Written confirmation of this shall be provided to the Local Planning Authority within one month of the First Export Date.

Reason: In the interest of visual amenity, in accordance with Policies AW5, AW8 & AW12 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence, including site clearance, until a site-wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Soil Management: details of topsoil strip, storage and amelioration for re-use; silt management.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of managing silt run-off, emergency spill procedures and incident response plan.

- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To protect water quality and ensure protection of the natural environment during construction, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until a water quality monitoring plan for the protection of water quality in the watercourses has been submitted to and approved in writing by the Local Planning Authority. The water quality monitoring plan should include:

- Details and frequency of the monitoring methods.
- Details of triggers for specific action and any necessary contingency actions, for example the need to stop work.

The water quality monitoring plan shall be carried out in accordance with the approved details during the site preparation and construction phases of the development.

Reason: To protect water quality, manage any potential adverse impacts of construction on water quality in watercourses and ensure protection of the natural environment during construction, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

- a) Details of delivery programme identifying all anticipated rigid and articulated vehicles deliveries to site and anticipated delivery times,
- b) The parking of vehicles of site operatives and visitors,
- c) The management of vehicular and pedestrian traffic along the access route to accommodate delivery movements to the site,
- d) Consultation with all stakeholders such as police, emergency services, public transport operators, properties and businesses affected by the proposals, and notification to the travelling public and the local communities/businesses.
- e) Temporary signage to be provided along the access route,
- f) Management of delivery traffic and loading and unloading of plant and materials,
- g) Storage of plant and materials used in constructing the development,
- h) Wheel cleansing facilities,



i) The sheeting of lorries leaving the site.

The approved Construction Traffic Management Plan / 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.

7. Prior to the beneficial use of the development, a Decommissioning Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Decommissioning Plan shall include details of the works necessary to revert the site to its original agricultural condition, including; the method for the removal of all the solar panels, structures, enclosures, equipment and all other apparatus above and below ground level from the site and details of their destination in terms of waste/recycling, and details of how the site is to be restored to its original condition and any financial arrangement for this. The decommissioning works shall be carried out in accordance with the approved details.

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

8. Within 30 years and six months following completion of construction of the development, or within six months of the cessation of electricity generation by the solar photovoltaic facility, or within six months following a permanent cessation of construction works prior to the solar photovoltaic facility coming into operational use, whichever is the sooner, the solar photovoltaic panels, frames, fencing, access tracks and all associated structures and foundations, hereby approved shall have been dismantled and removed from the site. The developer shall notify the Local Planning Authority, in writing, no later than five working days following cessation of power production.

The site shall subsequently be restored (in accordance with the scheme required by Condition 7) no later than six months following the cessation of power production or within 25 years and six months of the completion of construction, whichever is the sooner.

Reason: In the interests of visual amenity and to ensure that any derelict or obsolete features do not adversely affect the environment in accordance with Policies AW5, AW8, AW12 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall take place until a scheme of works for the reinstatement of the legal line of Footpath ANT/172/1 has been submitted to and approved in writing by the Local Planning Authority. The reinstatement works shall be implemented in accordance with the approved details prior to the obstruction of the unofficial route.

Reason: In the interests of maintaining safe and convenient walking environments in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. All construction Heavy Goods Vehicles shall access and egress the site via the A4119 and Hoel-Y-Sarn. In addition, all HGV deliveries during the construction period shall only take place between the hours of 09:00 am and 15:30 pm on weekdays to and from the site.

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

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

Reason: To ensure the risks, associated with previously unsuspected contamination at the site, are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, 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.

## PLANNING & DEVELOPMENT COMMITTEE

17 MARCH 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0088/10 (AM)  
**APPLICANT:** Mr C Robbins  
**DEVELOPMENT:** Construction of a single garage.  
**LOCATION:** LAND OPPOSITE 16 BRYNHEULOG TERRACE,  
TYLORSTOWN, FERNDALE  
**DATE REGISTERED:** 25/01/2022  
**ELECTORAL DIVISION:** Tylorstown

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**RECOMMENDATION:** Approve

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

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#### REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from Councillors Bevan and Adams so that Members can consider the impact of the development upon the loss of allotment land.

#### APPLICATION DETAILS

Full planning permission is sought for the construction of a detached garage on a parcel of land opposite 16 Brynheulog Terrace, Tylorstown.

The proposed garage would be located to the front of the site and accessed from the highway at Brynheulog Terrace. The garage would be sited on a recently constructed raised hardstanding which has been built at street level. This structure also forms part of the application. The garage and hardstanding would measure a width of 3.9 metres by a depth of 8 metres. The proposed garage would incorporate a mono-pitched roof design measuring a maximum height of 3 metres sloping to 2.9 metres from street level.

External materials would include box profile sheeting to the roof, side and rear elevations and timber cladding to the front. A wooden garage door would be sited within the front elevation.

It is proposed the garage be used for domestic storage purposes only.

## **SITE APPRAISAL**

The application site forms a parcel of vacant land opposite 16 Brynheulog Terrace, Tylorstown. The site is split into two separate elements, the front occupied by an existing raised hardstand with a feather edge fence and gates fronting the public footpath, and the rear at a lower ground level and overgrown. The site is bound by three similar existing garages to the northwest and vacant but overgrown land to the rear and southeast. Traditional terraced residential properties are sited opposite.

There are a number of existing detached garages of varying design and scale located along Brynheulog Terrace, several of which are comparable to that proposed, including three directly to the northwest.

## **PLANNING HISTORY**

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

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site. 1 letter of objection has been received, which raised the following points (summarised):

- Removal of allotment land;
- Issues with ground stability;
- The land may belong to the end cottage (no. 2 Brynteg Cottages).

## **CONSULTATION**

### Highways and Transportation

No highway objection is 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 has been reviewed and a replacement is in the process of being produced. 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 Ferndale and is not allocated for any specific purpose.

**Policy AW2** – supports development in sustainable locations.

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

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

### **National Guidance**

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

Planning Policy Wales (Edition 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 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 national policy guidance considered:

PPW Technical Advice Note 12: Design

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

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

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

## **Main Issues:**

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

The application relates to the construction of a domestic garage on a parcel of unallocated land within the settlement boundary for Tylorstown. The principle of development is therefore acceptable subject to compliance with the relevant criteria set out below.

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

The proposed development is considered to be acceptable in terms of the design, siting, massing, scale, materials and overall visual appearance. This view is taken for the following reasons:

Policy AW5 stipulates that the scale, form and design of a development should not have a detrimental effect on the site or surrounding area. Similarly, Policy AW6 is supportive of proposals that are of a high standard of design, reinforce attractive qualities, and that are appropriate to the local context.

It is acknowledged that the proposed garage would be a visible addition to the street scene given its position directly fronting Brynheulog Terrace. However, it is considered to be of an acceptable domestic scale and design, similar to that of several other garages along the street, including three directly to the northwest of the site; and would be of appropriate external materials. Therefore, when viewed in the wider context of the street scene, it is not considered the proposal would form an overly prominent feature or be out of character with its surroundings.

As such, the proposal is considered acceptable in terms of its siting, scale, design, and overall visual appearance, in accordance with Policies AW5 and AW6 of the Local Development Plan and the Supplementary Planning Guidance.

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

Neighbouring properties located at the opposite side of Brynheulog Terrace are separated from the site by 14 metres and are located higher in elevation. Therefore, the proposed garage would not have any overbearing or overshadowing impact to these properties.

It is accepted that the garage may result in a degree of noise and disturbance in the immediate locality, but given its domestic use and minor scale, it is not considered any impact would be significantly greater than that which already occurs as a result of the existing garages here.

Further, whilst it is noted that the neighbouring properties located at East Road to the rear of the site are significantly lower in elevation, as the proposed garage would be separated from the rear elevations of these properties by 43 metres and existing boundary treatments and vegetation exist in-between giving an element of screening, it is not considered any impact would occur to these properties.

It is therefore considered the proposal complies with the relevant policies of the Local Development Plan (AW5 and AW6) in this regard.

### **Impact on highway safety**

The proposal would allow for vehicular access to the application site off Brynheulog Terrace. The Highways and Transportation section have no objection to the scheme but did note that there is some concern that no details of a vehicular crossover have been submitted and that the proposed garage doors may open out over the highway. However, conditions requiring these details be submitted to the Local Planning Authority prior to beneficial use would overcome any concern.

The Highways and Transportation section also noted that the proposed garage entrance is insufficient to provide access for a car or larger vehicle, but taking account that it would be sufficient to provide access for motorbikes and small vehicles which will decrease on-street parking demand in the area, on-balance, the proposed is considered acceptable in this regard.

### **Other issues**

With regard to the objections raised that have not been covered above, a search of Council records has found that the site is not currently and was not formally allocated as allotment land. It is instead privately owned land that may have been informally used as allotments by previous owners.

In regards to ground stability, while the objector's comments are acknowledged, the application site is not located within an area at high risk from former underground coal mining works and as such, no Coal Mining Risk Assessment is required. Furthermore, during the Officer site visit, there was no visible evidence of ground stability issues at the site or at the existing adjacent garages.

Further, any concerns regarding land ownership are a civil matter between the relevant parties that the Council cannot enter in to. Members are advised however that the applicant has signed Certificate A of the application forms and confirmed that they are the sole owners of the application site.

## **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, the residential amenity of the surrounding neighbouring properties, or highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 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(s) no(s) Proposed Elevations, Proposed Floor Plan and documents received by the Local Planning Authority on 20/01/2022, 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 garage, sited as shown on the submitted plan, shall be fitted with inward-opening doors or a roller shutter, which will not open over the highway. No doors shall be added or replaced which would open over the highway thereafter.

Reason: To prevent obstruction to the public highway in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.

4. 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.



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 Taff Local Development Plan.

5. Notwithstanding the details shown on the submitted plans, no further development shall commence until design and details of the vehicular crossover along with garage entrance apron tie-in have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use.

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

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

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

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## PLANNING & DEVELOPMENT COMMITTEE

17 MARCH 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0004/10 (JE)  
**APPLICANT:** Mr J Wool  
**DEVELOPMENT:** New detached 4 bed dwelling.  
**LOCATION:** LAND TO THE REAR OF 1 LLWYNFEN ROAD, PONT-Y-CLUN, CF72 0TW  
**DATE REGISTERED:** 04/01/2022  
**ELECTORAL DIVISION:** Pontyclun

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#### **RECOMMENDATION: REFUSE DUE TO THE FOLLOWING**

**REASONS:** The principle of the development is unacceptable as the proposal represents unjustified residential development outside of settlement limits. Further, the proposal would result in a detrimental impact upon highway safety in the vicinity.

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

A request has been received from ward Member, Councillor Margaret Griffiths, so that Members can consider the full impact of the development proposed.

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of a detached dwelling on land to the rear of 1 Llwynfen Road, Pontyclun. The proposed dwelling would be split level in design and would be located towards the eastern boundary of the site with access gained via the existing rear access lane.

On its ground floor the proposed dwelling would measure a maximum width of 16.9 metres by a maximum depth of 13 metres. On the lower ground floor, it would measure a width of 11.5 metres by a depth of 8.2 metres. The structure would have a multi pitch roof design measuring a maximum height of 6.4 metres sloping to 5.2 metres on its southern elevation and a height of 3.5 metres sloping to 2.5 metres on all other elevations.

The dwelling would provide accommodation over two levels with an integral garage, office, en-suite bedroom, bathroom, utility, lounge and large kitchen/dining/living room on the ground floor, and 3 no. bedrooms on the lower ground floor.

## **SITE APPRAISAL**

The application site relates a parcel of land located to the rear of Llwynfen Road, Pontyclun. It is irregular in shape, extending to approximately 0.76ha, and is located outside of but adjacent to the settlement boundary for Pontyclun. The site is located towards the southern boundary of the settlement of Pontyclun with access gained via an unmade lane from the north west. The site is currently largely laid with concrete and accommodates 2 no. storage containers and various materials being stored in connection with the applicant's business. It is bound by the access lane to the north beyond which are the rear gardens of properties along Llwynfen Road, a steeply sloping vegetated embankment to the south, and no.11 Rhyd Y Nant to the east.

Surrounding development consist of largely of traditional terraced properties along Llwynfen Road and Palalwyf Avenue to the north and north west, and chalet bungalows along Rhyd Y Nant to the east.

## **PLANNING HISTORY**

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

## **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:** Objection raised.

**Flood Risk Management (Drainage):** No objection. Informative note suggested to make the applicant aware that separate SuDS approval will be required should the application gain consent.

**Public Health and Protection:** No objection. Conditions suggested with regard to hours of operation, noise, dust, waste and contamination.

**Dwr Cymru/Welsh Water:** No objection.

**Countryside (Ecology):** No objection.

## **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 has been reviewed and a replacement is in the process of being produced. 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 4<sup>th</sup> 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 4<sup>th</sup> 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 24<sup>th</sup> 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 of but adjoining the settlement boundary for Pontyclun. It is not allocated for any specific purpose.

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

**Policy AW1** – Sets out the criteria for new housing proposals.

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

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

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

**Policy AW6** – Requires development to involve a high quality design and 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 could cause or result in a risk of unacceptable harm to health and/or amenity.

**Policy SSA13** - Permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

#### Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking

#### National Guidance

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

Planning Policy Wales (Edition 11) (PPW) 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 not 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. It is also considered the proposed development is not compliant with FW2040.

Other national 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 proposed site for the dwelling is adjoining but outside the defined settlement boundary of Pontyclun where new residential development is not normally permitted. Planning Policy Wales requires new housing to be well integrated into the existing pattern of settlements and development away from established settlements to be strictly controlled.

In this case, whilst the red line boundary of the application site abuts the defined settlement boundary of Pontyclun, site is outside of settlement limits and the siting of the proposed dwelling, located to the rear of the existing linear terrace and on land significantly lower in level, lacks a clear physical relationship with the existing settlement edge.

The supporting statement makes reference to the existing use of the site, accommodating a shed and container that are used in conjunction with the applicant's business. Whilst this use is not disputed and was clear during the Officers site visit, such uses are typical around the periphery of settlements and is not considered to provide justification for residential development at the site.

As such, whilst it is acknowledged that the proposed site would be physically linked to a Pontyclun, being located outside of the settlement boundary the site would be contrary to LDP Policies AW1, AW2 and SSA13 which do not support the provision of new housing outside of the settlement boundaries in the Southern Strategy area.

### **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 the historic use of the site, access, visibility, circulation and car parking.

The historic use of the site by the applicant is not considered to have any bearing upon the current application under consideration, nor would it circumvent the assessment criteria required to be applied to this type of development.

Access to the proposed site will be via a network of residential streets where carriageway width for two-way traffic is reduced due to on street parking to both sides of the road. Access to the site will be via an un-adopted, unnamed lane from Llwynfen Road and Palalwyf Avenue that have narrowed carriageway width due to on street parking. Further, the unadopted, unnamed road is sub-standard in terms of vertical alignment, geometry, carriageway width, segregated footways, street lighting, highway drainage, turning areas, forward visibility and structural integrity.

The proposed development would introduce residential traffic and pedestrian movements onto the lane to the detriment of highway safety and the free flow of traffic. The submitted information attempts to demonstrate that the proposed means of access would be improved and should be acceptable in highway safety terms. However, the submitted information does not adequately address the issues raised above.

The vision splay requirement at the junction between the lane and Llwynfen Road for a 30Mph speed limit is 2.4m x 40m based on TAN 18. Due to the adjacent boundary wall and sub-standard junction radii the achievable visibility is well below this and considered to be severely sub-standard. Visibility is further impacted upon by the narrow width, sub-standard junction radii and high demand for on-street car parking within the vision splays. Any additional residential use would be to the detriment of safety to all highway users and result in additional risk to all highway users.

In accordance with the councils adopted SPG the proposed dwelling would require up to 3 off street parking spaces with 3 provided. However, while the parking spaces shown on the submitted plans measure 2.4m wide x 4.8m deep, making them just large enough to accommodate a single vehicle each, the lane providing access is only circa 2.7 – 3.3 metres in width. It is also noted from the submitted plans that the site around the spaces is narrow and constricted and no swept path analysis has been submitted to show that these spaces could be used in conjunction with one another or even individually, especially as at least one of the space relies on the other two spaces being clear to allow for the parking of a vehicle.

As such, the parking spaces would be constricted in their use by the manoeuvring areas required in order to utilise them, resulting in further reversing manoeuvres along the lane and onto the publicly maintained highway.

This would either result in the proposed spaces being underutilised, or dangerous manoeuvres on and around the access lane. In turn, this would lead to on-street parking demand to the detriment of highway safety and the free flow of traffic or reversing manoeuvres onto the public highway, to the detriment of safety to all highway users and result in additional risk to all highway users.

In light of the above, the proposed means of access to the site is considered sub-standard to serve a residential use and inadequate off-street parking provision is provided. The submitted information and proposed alterations/improvements to the lane would not adequately address the concerns raised above. Therefore, highway objections are raised.

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

The design of the proposed dwelling is considered acceptable in relation to its built form which is low lying to minimise its overall appearance. The submitted plans also indicate that the site is large enough to accommodate a dwelling of the scale proposed and retain sufficient space for amenity, access and parking. The proposed development would also result in a positive contribution to the appearance of the application site which is currently unkempt in appearance being used for storage purposes.

As such, taking the above into account, it is considered that the development would be acceptable in this regard.

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

As set out above, the site is located to the rear (south) of residential properties that front Llwynfen Road. Given the design of the dwelling which is single storey facing these properties and the separation distance of approximately 26m that would be achieved between the proposed dwelling and the rear property lines of the nearest residential units at Llwynfen Road, it is not considered the development would result in any significant impact upon the amenity of these properties.

With regard to properties at Rhyd Y Nant to the east, whilst the proposed dwelling would be separated from the closest dwelling, no.11, by only approximately 9.8 metres, as the proposed dwelling would be viewed as single storey on this elevation, it is considered that existing boundary treatments would provide an element of screening with any impact no greater than that which already occurs between neighbouring properties in the vicinity.

Consequently, it is considered that the proposed dwelling will not result in any adverse impact upon existing dwellings at Llwynfen Road and Rhyd Y Nant. Therefore, in terms of



the impact on the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

### **Public Health & Protection**

No objections have been received from the Council's Public Health and Protection Division. They did however note that a search of their records relating to potentially contaminating past land uses has shown that the application site is within 250m of a landfill and therefore potential hazards associated with land contamination may exist on site. As such a number of conditions are suggested requiring site investigations to be undertaken at the site and the results be submitted to and approved by the LPA prior to any development works starting on site.

The Public Health and Protection Division also suggested a number of conditions be attached to any consent in relation to construction noise, waste, dust, lighting and soil sampling. Whilst these comments are appreciated, it is considered these matters can be more efficiently controlled by other legislation available to the Council.

### **Drainage**

No objection was raised to the application following consultation with the Council's Flood Risk Management Team. Their response sets out that a separate SuDS consent will be required for the development and requests that an informative note is included on any consent to make the applicant aware of this requirement.

The application site is located directly adjacent to, but outside of the C2 Flood Zone of the River Ely. As such no flood defence information is required to allow determination of this application.

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

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £33957.32

### **Conclusion**

The application site is located outside of the defined, fixed, settlement boundary of Pontyclun within an unsustainable location. Consequently, the proposed development fails to comply with key sustainable development objectives of Policies CS2, AW1, AW2 and SSA13 of the

Rhondda Cynon Taff LDP. The development would also have a detrimental impact upon highway safety within the vicinity of the site, contrary to Policy AW5 of the LDP.

**RECOMMENDATION: Refuse**

- 1 The proposal represents unjustified residential development outside of settlement limits. As such it fails to comply with the key sustainable development objectives of Policies CS2, AW1, AW2 and SSA13 of the Rhondda Cynon Taf Local Development Plan and those set out in Planning Policy Wales Edition 11, and is therefore unacceptable in principle.
- 2 The proposal would result in an unacceptable detrimental impact upon highway safety in the locality, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan, for the following reasons:
  - i The proposed additional use of the sub-standard lane as a principal means of access to serve the proposed development will create increased traffic hazards to the detriment of highway and pedestrian safety.
  - ii The proposed access lane lacks adequate geometry, width of carriageway, segregated footway turning area and forward visibility and therefore further intensification of use would be to the detriment of safety of all highway users and the free flow of traffic.
  - iii The proposed access lacks an adequate turning area to cater for vehicular turning movements to and from the site and would therefore create hazards to the detriment of highway and pedestrian safety.
  - iv The proposed development will generate vehicular reversing/turning movements to and from the highway, creating traffic hazards to the detriment of highway safety and the free flow of traffic.
  - v The proposed development would generate additional on-street parking demand to the detriment of the safety of all highway users and the free flow of traffic.

## PLANNING & DEVELOPMENT COMMITTEE

17 MARCH 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 28/02/2022 – 04/03/2022

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**

**17 MARCH 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**

**NO APPEALS RECEIVED**  
**NO APPEALS DECISIONS**  
**NO DELEGATED REFUSALS**

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**Report for Development Control Planning Committee**

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**Aberdare East**

**21/1692/10** Decision Date: 02/03/2022  
**Proposal:** Change of use from Shoe Repair Shop (Use Class A1) to a Vegan Coffee House (Use Class A3).  
**Location:** QUICK N NEAT SHOE REPAIRS, 1A WEATHERAL STREET, ABERDARE, CF44 7BB

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**Abercynon**

**21/1702/10** Decision Date: 28/02/2022  
**Proposal:** Construct new first floor extension on existing ground floor footprint (Amended plans received 17/02/2022).  
**Location:** 43 CARDIFF ROAD, ABERCYNON, MOUNTAIN ASH, CF45 4PL

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**Ynysybwl**

**21/0725/10** Decision Date: 03/03/2022  
**Proposal:** Erection of raised balcony/decking area to the rear of property.  
**Location:** MOUNTAIN VIEW, CHURCH STREET, YNYS-Y-BWL, PONTYPRIDD, CF37 3LB

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**Trealaw**

**21/1642/10** Decision Date: 28/02/2022  
**Proposal:** Demolition of an old outhouse and construction of a summer house.  
**Location:** 152 TREALAW ROAD, TREALAW, TONYPANDY, CF40 2NX

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**Porth**

**22/0008/23** Decision Date: 01/03/2022  
**Proposal:** Prior Approval - Alteration to existing bridge parapet.  
**Location:** NORTH ROAD, OVERBRIDGE

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**Cymmer**

**22/0036/23** Decision Date: 03/03/2022  
**Proposal:** Prior approval – Alteration to existing bridge parapet.  
**Location:** BRITANNIA OVERBRIDGE

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**Rhydyfelin Central**

**21/1645/15** Decision Date: 01/03/2022  
**Proposal:** Variation of condition 1 of application 16/0988/10 to extend time period for commencement of development by 5 years (Holiday Chalet on site of disused barn - part of previous Glyn Taf Farmyard).  
**Location:** LAND TO THE SOUTH OF GLYN TAF FARM, BRYNTAIL ROAD, GLYN-TAF, PONTYPRIDD, CF37 5LJ

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**Report for Development Control Planning Committee**

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**Ffynon Taf**

**22/0051/31** Decision Date: 02/03/2022  
**Proposal:** The removal of 4no. antennas and replacement with 4no. antennas and additional 2no. antennas (6no. apertures) on new support poles at a top height of 22m, 27no. Remote Radio Units, 3no. Equipment Cabinets  
**Location:** ROMBOURNE INDUSTRIAL CENTRE, MOY ROAD INDUSTRIAL ESTATE, TAFFS WELL, CARDIFF, CF15 7QR

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**Llantwit Fardre**

**21/1442/19** Decision Date: 03/03/2022  
**Proposal:** A 1/3 crown reduction to two Alder trees.  
**Location:** 19 FFORDD GWYNNO, LLANTWIT FARDRE, PONTYPRIDD, CF38 2TR

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**21/1488/10** Decision Date: 01/03/2022  
**Proposal:** Retention and completion of replacement roof over garage and solar panels to south elevation.  
**Location:** 9 CHURCH CLOSE, LLANTWIT FARDRE, PONTYPRIDD, CF38 2NW

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**21/1688/10** Decision Date: 01/03/2022  
**Proposal:** Proposed side extension above garage.  
**Location:** 18 VIBURNUM RISE, LLANTWIT FARDRE, PONTYPRIDD, CF38 2JU

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**Tonteg**

**21/1532/19** Decision Date: 28/02/2022  
**Proposal:** Works to trees  
**Location:** TONTEG ROAD, TON-TEG

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**Town (Llantrisant)**

**22/0132/10** Decision Date: 28/02/2022  
**Proposal:** Erection of Garden room in rear garden.  
**Location:** 11 PORTREEVE CLOSE, LLANTRISANT, PONTYCLUN, CF72 8DU

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**Pontyclun**

**21/1495/10** Decision Date: 02/03/2022  
**Proposal:** New front open porch, reconfiguration ground floor, first floor extension, attic conversion and new pitch (gable) roof to garage.  
**Location:** 35 MANOR HILL, MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 8JP

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**Report for Development Control Planning Committee**

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**Llanharan**

**22/0025/10**

Decision Date: 03/03/2022

**Proposal:** The proposed works consists of a single storey rear extension and works to rear garden to create decked area and raised patio.

**Location:** 27 Ffordd-y-dolau, Llanharan, Pontyclun, CF72 9ZD

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**Brynna**

**22/0016/10**

Decision Date: 02/03/2022

**Proposal:** Rear single storey extension (Re-submission of 21/1152/10).

**Location:** 19 Tan-y-bryn, Brynna, Pontyclun, CF72 9QR

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Total Number of Delegated decisions is 16

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