



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: Hannah Williams - Uned Busnes y Cyngor (07385401954)

Bydd cyfarfod hybrid o'r **Pwyllgor Cynllunio a Datblygu** yn cael ei gynnal ar **DYDD IAU, 8FED MEDI, 2022** am **3.00 PM**.

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

MAE MODD I AELODAU NAD YDYN NHW'N AELODAU O'R PWYLLGOR AC AELODAU O'R CYHOEDD OFYN I ANNERCH Y PWYLLGOR YN YSTOD Y CYFARFOD SY'N YMWNEUD Â'R MATER SYDD WEDI'I NODI. RYDYN NI'N GOFYN EICH BOD CHI'N RHOI GWYBOD AM EICH BWRIAD I SIARAD DRWY E-BOSTIO GWASANAETHAUCYNLLUNIO@RCTCBC.GOV.UK ERBYN 5PM AR DYDD MAWRTH, 6 MEDI 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 gofynion y Cod Ymddygiad.

Noder:

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, pan fyddan nhw'n trafod y materion rheoli datblygu ger eu bron, roi ystyriaeth i'r Cynllun Datblygu a, cyn belled â'u bod yn berthnasol, i geisiadau ac i ystyriaethau eraill. Pan fyddan nhw'n gwneud penderfyniadau, rhaid i Aelodau sicrhau nad ydyn nhw'n gweithredu'n groes i'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 04.08.22

Cadarnhau cofnodion o gyfarfod y Pwyllgor Materion Rheoli Datblygu a gynhaliwyd ar 4 Awst 2022 yn rhai cywir.

7 - 12

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

5. CAIS RHIF: 20/1319

Cais rhannol ôl-weithredol i gadw estyniad a newidiadau i ganolfan ailgylchu gan gynnwys newidiadau i osodiad ac arwyneb; darparu pont bwyso, adeiladau ychwanegol, pwll gwanhau a diwygiadau draenio; newid math ac ansawdd y deunyddiau sy'n cael eu prosesu i gynnwys gwastraff gwyrdd, pren a gwydr, sychu deunydd, gweithredu boeleri biomas, prosesu deunydd ailgylchu cymysg sych, prosesu gwydr, compostio gwastraff gwyrdd, rhwygo coed, swmpio cewynnau; a gweithredu siop ailgylchu; ynghyd â newid i oriau gwaith cymeradwy (Derbyniwyd y Datganiad Amgylcheddol wedi'i ddiweddarau, cynlluniau a gwybodaeth ategol ar 14/05/21, derbyniwyd Strategaeth Ddraenio wedi'i diweddarau ar 03/08/21, a derbyniwyd Nodyn Technegol (sŵn) ar 10/01/22) **CANOLFAN AILGYLCHU LLANTRISANT, PANTYBRAD, TONYREFAIL, CF72 8YY.**

13 - 48

6. CAIS RHIF: 21/1547

Ysgubor arfaethedig ar gyfer campfa ynghyd â thanc nofio, 2 gynhwysydd nwyddau, ardal 'astro turf' a maes parcio cysylltiedig. **CANOLFAN YMWELWYR, PARC GWLEDIG CWM DÂR, HEOL DÂR, CWMDÂR, ABERDÂR, CF44 7RG**

49 - 64

7. CAIS RHIF: 21/1674

Datblygiad arfaethedig o 12 o fflatiau fforddiadwy, pwynt mynediad newydd, tirwedd a gwaith cysylltiedig (bydd fflatiau llawr gwaelod yn bodloni Safonau Cartrefi Gydol Oes, wedi'u dylunio i fod yn hygyrch i bob unigolyn ac i fod yn fwy addasadwy i anghenion hirdymor). (Derbyniwyd cynlluniau diwygiedig ar 14/01/2022) (Derbyniwyd Arolwg Ymlusgiaid, Cynllun Amwynder a Bioamrywiaeth a Chynllun Tirlunio ar 27/05/22) **TIR YN STRYD EDWARD, ABERCYNON, CF45 4PY**

65 - 88

8. CAIS RHIF: 22/0101

Estyniad deulawr i'r ochr a chefn yr adeilad, ac addasiadau i eiddo presennol i greu 2 fflat hunangynhwysol. Waliau cynnal basgedi caergawell i ffurfio teras i'r gofod mwynderol blaen (Ailgyflwyno 21/1012/10) (Derbyniwyd disgrifiad diwygiedig ar 28/02/22) (Derbyniwyd Aseiad Clwydo Posibl Ystlumod ar 02/06/22) **5 TAI WESLEY, STRYD KEITH, TYLORSTOWN, FERNDAL, CF43 3DS.**

89 - 100

9. CAIS RHIF: 22/0462

Annedd ar wahân, garej a maes parcio (Derbyniwyd cynllun ffin goch diwygiedig ar 17/06/22) **TIR GER 11 CAE SIROL, YNYS-HIR, PORTH.**

101 - 112

10. CAIS RHIF: 22/0659

Trosi Tŷ Amlfeddiannaeth yn dri fflat hunangynhwysol. **23 HEOL Y COED, TREFFOREST, PONTYPRIDD, CF37 1RQ**

113 - 122

11. CAIS RHIF: 22/0743

Cais am dystysgrif datblygiad cyfreithlon ar gyfer defnydd arfaethedig cartref gofal Dosbarth C3(b) (ar gyfer hyd at chwe phreswlydd yn byw fel un aelwyd gyda gofal yn cael ei ddarparu) **WINDY RIDGE, TREM HYFRYD, YNYS-Y-BWL, PONTYPRIDD, CF37 3PF.**

123 - 130

12. CAIS RHIF: 22/0920

Gosod ystafell newid ddu gwrth-fandaliaid **YSGOL GYMUNED GLYNRHEDYNOG, TERAS EXCELSIOR, MAERDY, GLYNRHEDYNOG, CF43 4AR**

131 - 136

ARCHWILIAD O'R SAFLE

13. CAIS RHIF: 22/0492

Ardal barcio (ôl-weithredol) a mynediad cwrw isel dros lwybr troed cyhoeddus. **36 HEOL ABER-RHONDDA, PORTH, CF39 0BB**

137 - 146

CEISIADAU WEDI'U GOHIRIO

14. CAIS RHIF: 22/0347

Cais i newid defnydd o siop (A1) i siop bwyd brys sy'n gwerthu pizzas (A3) gan gynnwys mân newidiadau allanol i ddrysau a ffenestri (derbyniwyd disgrifiad, cynllun a manylion diwygiedig ar 10/06/2022). **56A HEOL Y JIWBILÏ, ABERAMAN, ABERDÂR, CF44 6DD**

147 - 162

15. CAIS RHIF: 22/0614

Newid defnydd Siop Fanwerthu A1 i Siop Pysgod a Sglodion A3. **11 HEOL CLYDACH, CWM CLYDACH, TONYPANDY, CF40 2BD**

163 - 174

16. CAIS RHIF: 21/1690

Bwriad i adeiladu annedd newydd gyda garej ynghlwm (Ailgyflwyno 21/1208/10) (Ffin llinell goch ddiwygiedig wedi dod i law 10/03/2022), **TIR GER CARTREF MELYS, HEOL LLECHAU, WATTSTOWN, PORTH, CF39 0PP.**

175 - 188

17. CAIS RHIF: 22/0468/10

Newid defnydd hen glinig Llwyn yr Eos (Dosbarth Defnydd D1) i annedd preswyl (Dosbarth Defnydd C3). **CLINIG LLWYN YR EOS, YR HEOL FAWR, PENTRE'R EGLWYS, PONTYPRIDD, CF38 1RN**

189 - 210

ADRODDIAD ER GWYBODAETH

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

Rhoi gwybod i'r Aelodau am y canlynol, ar gyfer y cyfnod 08/08/2022 – 26/08/2022:

Penderfyniadau Cynllunio a Gorfodi – Apeliadau a Dderbyniwyd;
Penderfyniadau Dirprwyedig – Ceisiadau wedi'u cymeradwyo a'u gwrthod gyda rhesymau;
Trosolwg o Achosion Gorfodi; a
Penderfyniadau Gorfodi Dirprwyedig.

211 - 224

19. MATERION BRYS

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

Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu

Cylchrediad: -

Aelodau o'r Pwyllgor Cynllunio a Datblygu:

Cadeirydd ac Is-gadeirydd y Pwyllgor Materion Rheoli Datblygu
(Y Cynghorydd S Rees ac Y Cynghorydd W Lewis)

Y Cynghorydd J Bonetto, Y Cynghorydd D Grehan, Y Cynghorydd G Hughes,
Y Cynghorydd C Middle, Y Cynghorydd W Owen, Y Cynghorydd J Smith,
Y Cynghorydd L A Tomkinson, Y Cynghorydd D Williams ac
Y Cynghorydd R 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

tudalen wag



PWYLLGOR CABINET CYNGOR RHONDDA CYNON TAF PWYLLGOR CYNLLUNIO A DATBLYGU

Cofnodion o gyfarfod hybrid y Pwyllgor Cynllunio a Datblygu a gynhaliwyd
Dydd Iau, 4 Awst 2022 am 3.00 pm

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

Siambr y Cyngor

Y Cynghorydd S Rees (Cadeirydd)
Y Cynghorydd G Hughes Y Cynghorydd W Lewis

Zoom

Y Cynghorydd J Bonetto Y Cynghorydd C Middle
Y Cynghorydd W Owen Y Cynghorydd J Smith
Y Cynghorydd D Williams

Swyddogion oedd yn bresennol: -

Siambr Y Cyngor

Mr J Bailey, Pennaeth Cynllunio
Mr S Humphreys, Pennaeth y Gwasanaethau Cyfreithiol

Zoom

Mr C Hanagan, Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu
Mr C Jones, Pennaeth Datblygu Mawr a Buddsoddi

34 CROESO AC YMDDIHEURIADAU

Daeth ymddiheuriadau am absenoldeb gan Gynghorwyr y Fwrdeistref Sirol D Grehan, L Tomkinson a R Williams.

35 DATGAN BUDDIANT

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

12. CAIS: 22/0549.

Y Cynghorydd Gareth Hughes, Buddiant Personol, "Rydw i'n adnabod yr ymgeisydd"

36 DEDDF HAWLIAU DYNOL 1998 A PHENDERFYNIADAU RHEOLI DATBLYGU

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

37 DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

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

38 COFNODION 07.07.22

PENDERFYNWYD cadarnhau'r cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 07.07.22 yn rhai cywir.

39 NEWID I DREFN YR AGENDA

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

40 CAIS RHIF: 22/0171

Amrywio amod 2 (cynlluniau a gymeradwywyd) caniatâd cynllunio 20/1198/10 (ail-gyflwyno). PLOT 1, TIR YN 53 RHODFA CENARTH, CWM-BACH, ABERDÂR CF44 0NH

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

- Kevin Toland (Yn cynrychioli'r ymgeisydd, o blaid)
- Sian Davies (Gwrthwynebydd)
- Gavin Davies (Gwrthwynebydd)

Arferodd Kevin Toland yr hawl i ymateb i sylwadau'r gwrthwynebwyr.

Cyflwynodd y Pennaeth Materion Cynllunio y cais i'r pwyllgor ac argymhellodd fod y cais yn cael ei gymeradwyo gydag amod ychwanegol mewn perthynas â'r ffens/sgrin sydd wedi'i gosod, byddai'r amod yma'n

mynnu bod y ffens/sgrin yn cael ei chynnal a'i chadw am byth. Os bydd y ffens/sgrin yn cael ei hadnewyddu, rhaid defnyddio dyluniad a deunyddiau tebyg. Yn dilyn trafodaeth a dadl, **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr, Ffyniant a Datblygu, gan gynnwys yr amodau a nodir yn yr adroddiad ac amod ychwanegol mewn perthynas â'r ffens/sgrin, mae'r amod yn mynnu bod y ffens/sgrin yn cael ei chynnal a'i chadw am byth. Os bydd y ffens/sgrin yn cael ei hadnewyddu, rhaid defnyddio dyluniad a deunyddiau tebyg.

(**Nodwch:** Ymatalodd Cynghorydd y Fwrdeistref Sirol D Williams o'r bleidlais gan nad oedd yn bresennol ar gyfer yr holl ddadl.)

41 CAIS RHIF: 21/1385

Decin pren uchel. 36 TERAS BRONIESTYN, TRECYNON, ABERDÂR, CF44 8EG

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

- Chris Harris (Ymgeisydd)
- Gerrard O'Neill (Gwrthwynebydd)

Arferodd yr Ymgeisydd, Chris Harris, yr hawl i ymateb i sylwadau'r gwrthwynebydd.

Cyfeiriodd y Pennaeth Materion Cynllunio at lythyr 'hwyr' a dderbyniwyd oddi wrth y gwrthwynebydd, Gerrard O'Neill. Cafodd cynnwys y llythyr ei amlinellu yn ei anerchiad i'r Pwyllgor.

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

42 CAIS RHIF: 22/0614

Newid defnydd Siop Fanwerthu A1 i Siop Pysgod a Sglodion A3. 11 HEOL CLYDACH, CWM CLYDACH, TONYPANDY, CF40 2BD

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

- Robert Hathaway (Asiant, o blaid)
- David McNeil (Gwrthwynebydd)
- Heather Rennie (Gwrthwynebydd)

Arferodd yr Asiant, Robert Hathaway, yr hawl i ymateb i sylwadau'r gwrthwynebydd.

Cyflwynodd y Pennaeth Materion Cynllunio y cais i'r Pwyllgor ac yn dilyn trafodaeth, roedd yr Aelodau o blaid gwrthod y cais uchod yn groes i argymhelliad y Cyfarwyddwr Materion Ffyniant a Datblygu oherwydd pryderon am leoliad y datblygiad arfaethedig ac effaith defnydd A3 ar gymdogaion cyfagos, yr effaith ar y priffyrdd cyfagos a'r diffyg manylion ynglŷn â'r ddarpariaeth echdynnu. O ganlyniad i hynny, penderfynwyd gohirio'r mater tan y cyfarfod priodol nesaf o'r Pwyllgor Cynllunio a Datblygu fel bod modd derbyn adroddiad gan y Cyfarwyddwr Materion Ffyniant a Datblygu, a gaiff ei lunio drwy ymgynghori â Chyfarwyddwr y Gwasanaethau Cyfreithiol yn ôl yr angen. Bydd yr adroddiad yn tynnu sylw at y cryfderau a'r gwendidau posibl sydd ynghlwm â gwneud penderfyniad yn groes i argymhelliad swyddog, neu unrhyw reswm arfaethedig neu reswm cynllunio dros wneud penderfyniad o'r fath. Caiff yr adroddiad yma ei ystyried cyn dod i benderfyniad ar y mater.

43 CAIS RHIF: 21/1602

Dymchwel adeiladau presennol sy'n ymwneud â'r hen ysgol a chodi 5 tŷ ar wahân ynghyd â gwaith cysylltiedig gan gynnwys gwaith peirianeg, draenio a thirlunio. (Derbyniwyd cynlluniau ychwanegol ar 04/03/22) HEN YSGOL IAU'R PORTH, TERAS Y BRIALLU, PORTH, CF39 9TH

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

- Joan Isus (Asiant, o blaid y cais)
- David Walters (Sylwadau)

Arferodd yr Asiant, Joan Isus, yr hawl i ymateb i sylwadau'r gwrthwynebydd.

Cyflwynodd y Pennaeth Materion Cynllunio y cais i'r Pwyllgor. Ar ôl trafod y cais, **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr - Materion Ffyniant a Datblygu, yn amodol ar yr Amodau a amlinellir yn yr adroddiad, yn ogystal â'r amod ychwanegol ynghylch yr oriau gwaith, bydd y rhain yn cael eu dirprwyo i'r Pennaeth Materion Cynllunio, er budd amwynder preswylwyr cyfagos.

(Nodwch: Ar y pwynt yma, gadawodd Cynghorydd y Fwrdeistref Sirol D. Williams y cyfarfod (16:35pm))

44 CAIS RHIF: 22/0347

Cais i newid defnydd o siop (A1) i siop bwyd brys sy'n gwerthu pizzas (A3) gan gynnwys mân newidiadau allanol i ddrysau a ffenestri (derbyniwyd disgrifiad, cynllun a manylion diwygiedig ar 10/06/2022). 56A HEOL Y JIWBILÍ, ABERAMAN, ABERDÂR, CF44 6DD

Yn unol â'r gweithdrefnau a gafodd eu mabwysiadu, derbyniodd y Pwyllgor Chris Peters (Ymgeisydd). Cafodd bum munud i gyflwyno'r cais uchod i'r Aelodau.

Cyflwynodd y Pennaeth Materion Cynllunio y cais i'r Pwyllgor ac yn dilyn trafodaeth, **PENDERFYNWYD** gohirio penderfynu ar y cais tan un o gyfarfodydd y Pwyllgor Cynllunio a Datblygu yn y dyfodol er mwyn caniatáu trafodaethau pellach rhwng Swyddogion y Priffyrdd a'r Ymgeisydd mewn perthynas â'r argymhelliad i weithredu Gorchymyn Rheoleiddio Traffig (TRO) i atal ceir rhag parcio ar y stryd, yn benodol ar y tro.

(**Nodwch:** Cymerodd y Pwyllgor doriad o bum munud ar yr adeg yma)

45 CAIS RHIF: 22/0308

Amrywio amodau 2 a 3 i ymestyn yr amser i gyflwyno materion wedi'u cadw'n ôl (cyf 13/0070/13) TIR I'R GORLLEWIN O DERAS ARDWYN, TONYPANDY

Yn unol â'r gweithdrefnau a gafodd eu mabwysiadu, derbyniodd y Pwyllgor Elene Gegeshidze (Asiant). Cafodd hi bum munud i gyflwyno'r cais i'r Aelodau ar y 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.

46 CAIS RHIF: 21/1661

Ychwanegu llawr caled o flaen y byngalo. 17 NANT Y GLYN, ABERPENNAR, CF45 3DH

Amlinellodd y Pennaeth Materion Cynllunio gynnwys llythyr 'hwyr' a dderbyniwyd oddi wrth un o drigolion Nant y Glyn, roedd y llythyr yn nodi pryderon ynghylch preswylwyr eiddo 17 Nant y Glyn sy'n parhau i barcio ar y stryd yn hytrach na defnyddio'r cyfleuster parcio ychwanegol ar gyfer dau gar.

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.

47 CAIS RHIF: 22/0468

Newid defnydd hen glinig Llwyn yr Eos (Dosbarth Defnydd D1) i annedd preswyl (Dosbarth Defnydd C3). CLINIG LLWYN YR EOS, YR HEOL FAWR, PENTRE'R EGLWYS, PONTYPRIDD, CF38 1RN

Yn dilyn trafodaeth, ac yn sgil y pryderon a godwyd mewn perthynas â defnydd C3(b) a C3(c), **PENDERFYNWYD** gohirio'r penderfyniad i gyfarfod o'r Pwyllgor Cynllunio a Datblygu yn y dyfodol er mwyn mynd ati i ymgynghori â'r Heddlu i weld a oes yna enghreifftiau o ymddygiad gwrthgymdeithasol ar safle'r datblygiad arfaethedig ar hyn o bryd.

48 CAIS RHIF: 22/0549

Cael gwared ar gysgodfan ysmegu bresennol ac ymestyn y man yfed awyr agored presennol. GWESTY'R LION, STRYD BUTE, TREORCI, CF42 6AH

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.

49 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'u 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 11/07/2022 tan 22/07/2022.

Daeth y cyfarfod i ben am 5.28 pm

**Y Cyngorydd S Rees
Cadeirydd.**

PLANNING & DEVELOPMENT COMMITTEE

08 SEPTEMBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO:	20/1319/10 (MF)
APPLICANT:	Llantrisant Recycling Centre
DEVELOPMENT:	Partially retrospective application for the retention of extension and changes to recycling centre including changes to layout and surfacing; the provision of a weigh bridge, additional buildings, attenuation pond and drainage amendments; change to the type and quality of materials being processed to include green waste, timber and glass, drying of material, operation of biomass boilers, dry mixed recycling processing, glass processing, composting of green waste, wood shredding, nappies bulking; and operation of recycling shop; plus a change to approved working hours (updated Environmental Statement, plans and supporting information received 14/05/21, updated Drainage Strategy received 03/08/21, and Technical Note (noise) received 10/01/22)
LOCATION:	LLANTRISANT RECYCLING CENTRE, PANTYBRAD, TONYREFAIL, CF72 8YY
DATE REGISTERED:	03/08/2021
ELECTORAL DIVISION:	Town (Llantrisant)

RECOMMENDATION: Approve, subject to conditions.

REASONS: The application site forms an established recycling centre, comprised of two separate facilities, at the edge of Llantrisant Business Park industrial estate. The scheme has seen various works within the boundaries of the original site as well as an extension of the site to improve services and allow the facilities to keep up with demand, most of which without the necessary planning permissions.

The extension of the site is located outside of settlement limits and there has undoubtedly been an impact to the character and appearance of this semi-rural area. However, the necessity of the facility and the benefit it brings to the County Borough and its residents is a key consideration, as is the extension of an existing site rather than the creation of a new or additional facility elsewhere.

In this instance, while regrettable, it is considered the loss of open countryside in this location and to the degree that has occurred is outweighed by the

benefits of the facility which processes much of RCT residents' recyclable materials, a process that must continue in order to meet relevant Council and Welsh Government sustainability targets.

While it is accepted the facility results in a degree of impact to the amenities of the closest residents, it is not considered any impact is significant enough to warrant refusal of the application.

Furthermore, it has also been demonstrated that the impact of the development upon ecology has been appropriately mitigated and that a suitable land drainage scheme has been / will be implemented on site.

Subsequently, while it is accepted the development is not strictly in accordance with all relevant local and national planning policy guidance, it is, on balance, considered the benefits of the scheme outweigh the negative impacts. The application is therefore recommended for approval.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Background

Planning permission for a private, inert waste recycling facility and a separate public, community recycling facility was originally granted at the site on 24 March 2014, ref. 12/0037/10.

Since the original approval the private facility's site area has been extended and reconfigured including the construction of new buildings and installation of drainage infrastructure, and it operates differently to that originally approved, all without the necessary planning permissions. The unauthorised works at the private facility have in turn resulted in some reconfiguration of and drainage works being undertaken at the adjacent public recycling facility, again without the necessary permissions.

The applicant states that the extension of the site / development works / change in operations at the private facility have occurred due to a significant increase in recycling within Rhondda Cynon Taf in recent years, which the facility services, and therefore the facility has had to evolve in-line with the increase to ensure the County Borough's recyclable materials can be processed at the site.

This application therefore seeks to retain the entire site, both the private and public facilities, 'as built' and 'as in operation'. No further changes to the current design,

layout and operation of the site are proposed, other than a small office unit. Most works in these terms are retrospective. It is noted however that some further drainage/landscaping works are required/proposed as set out in detail below.

Members are advised that an earlier planning application for the same, ref. 18/1347/10, was submitted in 2019 but during the determination of that application it was considered the information provided was not sufficient to properly assess the development that has occurred at the site and any potential impacts.

The earlier 2019 application was subsequently withdrawn by the applicant in January 2021 and replaced by this 'cover all' application which includes an Environmental Impact Assessment (EIA) and associated Environmental Statement (ES) to consider the impacts of the site/uses upon ecology, specifically in respect of the proposed drainage infrastructure and the impacts upon water quality and biodiversity at the adjacent Nant Muchudd.

Due to the complexity of the site's evolution and its planning/development history it was considered that the withdrawal of the earlier 2019 application and the submission of this current application was the most appropriate approach. If granted, this application 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 carried out at the site.

Original permitted scheme (application ref: 12/0037/10)

The original planning permission granted consent for 2 complementary uses at the site – a private recycling facility for the storage and processing of inert materials (northern half of the site - Llantrisant Recycling Centre (LRC)), and a public, community recycling facility (southern half of the site – Llantrisant Household Waste Recycle Centre (HWRC)).

Whilst the entire site is under the ownership of the applicant and all development works have been carried out by the applicant, only the private facility is operated by the applicant. The public, community recycling facility is operated separately by Amgen Cymru, although it is serviced by the applicant's recycling business, Tom Pritchard Contracting Ltd (as set out in detail below).

The private facility gained consent to process construction and demolition waste material into re-usable graded stone, stone dust, subsoils and topsoils in connection with the applicant's separate earthmoving business which is based nearby at a different site within Llantrisant Business Park.

These processed materials were to be stored in up to a maximum of 7 stockpiles, each with a maximum height of 3m.

A condition of the original permission restricted this use to a maximum throughput of 100,000 tonnes of inert waste per annum and a maximum storage of 15,000 tonnes of material at any one time.

It was also conditioned that the private inert recycling operations would only operate between 07:30am to 16:00pm Monday to Friday and 07:30am to 13:30pm on Saturdays, not being open at all on Sundays or Bank Holidays.

This aspect of the scheme involved re-profiling the ground at the northern element of the site to create a level plateau and the formation of a 1m high perimeter bund around, with a 3.5m high hedge and 1.8m high fence above for screening/security. Along the south-eastern boundary the perimeter bund would be located between 8m and 32m from the edge of the northern bank of the Nant Muchudd, although the edge of the plateau earthworks would be located a minimum of 5m from the riverbank.

The separate public, community recycling facility would occupy the southern element of the site and would serve the south-western part of the County Borough, allowing a maximum of 35,000 tonnes of various recycled materials to be brought to the site by members of the public and stored in several demountable containers/bins at any one time before being transported to other sites for processing.

This aspect of the scheme involved the formation of a level concrete slab, a surface water attenuation pond, gate house, staff welfare building and re-use centre, along with 1.8m high security fencing around.

The community recycling facility would be open from 08:00am to 19:30pm Monday to Sunday, April to October (inclusive), and from 08:00am to 17:30pm Monday to Sunday, November to March (inclusive).

A number of improvement works to the site access and adjacent highway were also granted.

Current (retrospective) / proposed scheme (application ref: 20/1319/10)

The overall site area has increased from approximately 2.25ha to approximately 2.75ha (by approximately 18%). This has involved the private recycling facility being extended into areas of open countryside beyond its north-western and south-eastern boundaries. The layout across the entire site has also altered from that originally approved, including the construction of several buildings. And the materials processed at the private facility have altered from that originally approved.

The applicant has detailed that the private facility now receives, sorts and repackages up to 350,000 tonnes of recyclable material each year in compliance with a separate Natural Resources Wales (NRW) Environmental Permit held, which allows up to 350,000 tonnes and also covers activities at the site that may give rise to pollution

outside the site from odour, noise, vibration, pests, emissions and dust; that the material processed at the private facility is now received from each of the RCT community recycling centres and many other Local Authority and commercial sources instead of just applicant's separate earthmoving business; but that the community recycling centre element still operates as originally approved and only stores up to 35,000 tonnes of recycled materials at any one time.

It is detailed that the majority of inert material that would have been brought to the private facility for processing (approved by the original consent) is now processed at a different site operated by the applicant near Groesfaen, however, a small amount is still brought to this site depending on the material/amount/processing operation.

Therefore, specifically, this application seeks planning permission for:

Private recycling facility (LRC) (all works retrospective unless specified)

- Change from the sole processing of inert materials associated with the applicant's separate earthmoving business to also include the processing of various recyclable materials from RCT community recycling centres and other Local Authority and commercial sources, up to 350,000 tonnes per annum (an increase of 250,000 tonnes). This includes aggregates, kerbside recycling, timber and green waste, road sweepings, glass fines and nappies. Green waste is also composted on site.
- The extension of this area of the site into the open countryside to the north-west / south-east, an increase of approximately 0.5ha. This has involved regrading works to provide an extension of the level plateau.
- A single-storey storage unit at the south-eastern corner that accommodates 7 separate bays and amounts to approximately 541m². This unit is used for sorting, drying and storage of recycled materials until they are transported off-site for processing.
- A single storey waste-to-energy unit at the south-west corner that accommodates 6 separate bays and amounts to approximately 697m². 2 biomass boilers are located within this unit that generate energy and heat for the site. The boilers are internal save for ventilation plant affixed to the external walls and 2 chimneys that project from the roof. The remaining bays are used for the drying/storage of biomass fuel – timber and green waste that is processed on site. It is stated that the biomass boilers and drying rooms run 24 hours a day as the boilers cannot be shut down and re-started in a reasonable time at the start/end of each working day. The boilers are remotely monitored but occasionally require attention from maintenance/operational staff out of hours.
- Hardsurfacing of much of this area.

- A 7m high debris fence along the south-eastern boundary to prevent materials blowing into the adjacent Nant Muchudd. A concrete drainage channel is sited beyond the fence to catch any leachate from the site. A mixed-species hedge is proposed to be planted at the riverbank between the site and the watercourse.
- 5m high walls throughout to create bunkers for the storage of and to separate the various materials. Each of the walls are formed by stacking several large concrete 'Lego block' type blocks on top of one another and can be moved around the site / raised/lowered as/when/where necessary. Recycled materials are stored in piles no more than 4m in height within each bunker. It is detailed that the bunkers are required by the separate NRW Environmental Permit to reduce fire risk and cross contamination.
- A 6m high earth bund along the north-eastern and north-western boundaries. A mixed-species hedge has been planted on top of the earth-bund for additional screening. A drainage ditch is located outside of the bund and a low post and wire fence beyond this.
- Proposed extension of hours of operation at this area to 06:30am to 18:30pm each day, including Bank Holidays except Christmas Day and New Years Day. However, processing on the site would only occur between 07:00am and 18:00pm on Weekdays and 07:00am and 13:30pm on Saturdays and outside of those hours the only operations would be the emptying of skips from the County Borough's community recycling centres.

To justify this the applicant has stated that weekends are the peak time for the community recycling centres and in order for these facilities to open at 08:00am and remain open throughout the day, any full bins need to be removed before the public start visiting the sites and at intervals during the day to avoid a build-up / potential closure.

Furthermore, most of the private customers that bring recycled materials to the private facility work their plant on extended hours and send transport to their sites for collection of recycled materials before or after their sites are in operation.

Public community recycling facility (HWRC) (all works retrospective)

- A steel elevated platform erected along the eastern boundary of this area that allows cars to drive through and users to access containers/bins from above.
- A re-use shop under the elevated platform structure where residents can leave items of good condition for resale.

- A single-storey staff cabin at the entrance.
- Various demountable containers/bins sited throughout.

Other development works across the site (all works retrospective unless specified)

- Various alterations have been made to the site's internal access arrangements to provide for better and safe access for members of the public accessing the community facility and HGVs accessing the private facility. This has included hard-surfacing, roundabouts/islands, signage and the formation of an informal carpark area for staff/visitors at the south-western corner. No works have been undertaken to the public highway outside of the site, other than those approved under the original 2014 planning permission.
- A single-storey weighbridge building at the entrance to the private recycling facility that amounts to approximately 62m².
- 2 attenuation ponds at the south-eastern corner.
- It is proposed a single-storey staff office/facility unit be constructed to the rear of (east) the weighbridge building. It would be of the same external materials of the adjacent building and would amount to approximately 87m².
- It is proposed various additional landscaping be installed around the site boundaries.

Site drainage arrangements (all works retrospective unless specified)

Prior to submitting this application the applicant undertook an EIA at the site to assess any potential impacts upon water quality and biodiversity to the adjacent Nant Muchudd which, along with its banks, is a designed Site of Importance for Nature Conservation (SINC) – Nant Muchudd SINC.

This level of assessment was considered necessary to fully consider the site drainage scheme originally proposed, a reed bed system that would 'clean' leachate from within the private recycling facility and then discharge the resulting water directly into the adjacent River.

However, following an initial objection from NRW and the Council's Ecologist to the proposed reed bed system as there was uncertainty of reaching achievable water quality targets and fears that it would be too difficult to control and manage in future, this method of site drainage was abandoned and a new on-site management system conceived/implemented which does not result in any leachate entering the Nant Muchudd. Following the change to the site drainage system it is no longer considered this application requires assessment at EIA level and that the usual level of drainage strategy and ecology reports submitted with a planning application would be sufficient.

However, the ES was updated along with all relevant plans and supporting documents on 14 May 2021 and the Drainage Strategy on 03 August 2021 to include the new drainage system, any impacts and future mitigation.

Much of the latest site drainage scheme has already been implemented on site, however some features are yet to be installed. Full details are set out below:

- The northern, upper area of the site is bunded to prevent runoff from the surrounding hillside entering the site. Runoff from the surrounding land is independently conveyed to the Nant Muchudd via a network of existing ordinary watercourses.
- Surface water runoff generated by the northern area of the site, which is at high risk of leachates, is directed by falls across the site slab to the eastern boundary where it is intercepted by an open concrete channel that directs runoff to a holding tank. In times of extreme weather overflow from the holding tank is conveyed to the northernmost holding pond. Both the holding tank and northernmost holding pond have no positive conveyance and water is either pumped back to the upper slab for use in dust suppression and on-site operational processes or emptied by tanker as/when necessary for processing off-site by a licenced waste carrier. The holding tank is alarmed which indicates when the water level reaches 75% capacity to trigger operational measures to be taken for the tank to be emptied within 24 hours.
- Roof runoff from the biomass boiler building is conveyed along the site's western boundary and discharges directly into the Nant Muchudd.
- Roof runoff from the storage unit is collected in a series of holding tanks to the rear of the building with a capacity of 40,000l. This water is stored for emergency use in case of fire as there is no mains water supply at the site. Overflow from these tanks connects to the southernmost holding pond which features a weir control prior to discharging into the Nant Muchudd.
- The flow path of an existing ordinary watercourse which crosses the site (from the north-west corner to south-east corner) has been culverted under the northern plateau and into the southernmost holding pond, before discharging into the Nant Muchudd. Concerns were raised by NRW in relation to the hillside runoff being combined with the development runoff and it is therefore proposed a new outfall be created and the culverted watercourse instead discharge directly into the Nant Muchudd.
- Surface water from the lower slab, the community recycling centre, passes through an alarmed Class 1 bypass petrol interceptor and silt separator prior to discharging into the Nant Muchudd.

- Each of the outfalls at the site include sluice gates to provide a mechanism to shut off conveyance into the Nant Muchudd in the event of an emergency.
- Foul drainage is limited to staff waste and is conveyed to an on-site cess pit which is periodically disposed of off-site by a licenced waste carrier as/when required.

The supporting information details that the above drainage measures collectively provide storage volume in excess of that required for the 1 in 100 year storm event plus an allowance of 30% for climate change and 6 hour duration storm event.

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

- PAC Report
- Design and Access Statement
- Planning Statement
- Environmental Statement
- Landscape and Visual Appraisal
- An Ecological Survey of the Nant Muchudd, Llantrisant
- Dust Management Plan
- Contaminated Land Report
- Coal Mining Risk Assessment
- Transport Note
- Floodlight Specifications
- Air Quality, Odour and Dust Assessment
- Odour Management Plan
- Environmental Sound Impact Assessment
- Technical Note (addendum to the Environmental Sound Impact Assessment)
- Drainage Strategy

SITE APPRAISAL

The application site extends to an area of approximately 2.75ha and comprises two separate, established recycling facilities; a community recycling facility for use by members of the public and a private facility for the storage, sorting and processing of recyclable waste by the applicant.

The site is divided into 2 distinct areas, the community facility at the southern half, and the private facility at the northern half (as set out in detail above). The 2 areas are set at differing ground levels with the upper area being approximately 2.5m above that of the lower. Both facilities share the same access off Pantybrad Lane at the south-eastern corner of the wider site.

The site is located at the edge of Llantrisant Business Park industrial estate with the Royal Mint to the south-west and several industrial units of varying design and scale

to the south-east. The Nant Muchudd bounds the site to the east with open countryside to the north and west. It is noted however that a number of scattered residential dwellings are located in this area, the nearest being Glanmychudd-fach Farm directly adjacent to the site entrance (west), and Rhiwfelin Fach Farm approximately 200m to the north. Further residential dwellings are located approximately 400-600m to the north-east.

The site and immediate surrounding countryside comprise largely of land which has been subject to several previous planning permissions for land filling of inert materials to improve the agricultural use (ref. 90/0916, 92/0898 and 96/2168). The landfill operations have long since ceased and the area has been restored to agriculturally improved grassland, although the application site has been developed as detailed above.

PLANNING HISTORY

Previous planning applications submitted at the site:

18/1347/10 – Retention of extension and proposed changes to recycling centre; including changes to layout and surfacing, the provision of a weighbridge, additional buildings, an attenuation pond and drainage amendments, change to the type and quantity of materials being processed to include green waste, timber and glass, and a change to the working hours, as detailed in the Design and Access Statement.
Decision: Withdrawn, 18/01/21

12/0037/10 – Recycling facility for the storage and processing of inert materials from construction and demolition activities and the operation of a community recycling centre.
Decision: Granted, 24/03/14

PUBLICITY

Given the application involves development where 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 15 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).

Several letters of objection have been received from occupiers of 3 neighbouring residential dwellings to the north/north-east of the site, summarised below:

- The extension of the site is outside of settlement limits in the open countryside. Development in this area should not be allowed.
- The development has a detrimental impact upon the rural character and appearance of the area.
- The site results in significant noise disturbance to the nearest residential properties each day from the various operations/processes/plant/traffic etc. This disturbance occurs both within the permitted hours of operation and often outside of those hours. This issue has been raised and investigated by the Council's Public Health and Protection and Planning Enforcement sections on numerous occasions.
- The site results in significant odour disturbance to the nearest residential properties from the storage and processing of various waste materials.
- The site has resulted in a significant deterioration in air quality for the nearest residents.
- The site results in pests and vermin in the area. The seagulls, and subsequent seagull scarer which goes off all day, every day add to the noise disturbance emanating from the general operation of the site.
- Conditions were attached to the original planning permission restricting the hours of operation and waste throughput of both facilities to reduce any impact on surrounding residents. These should not be altered.
- The expansion of the site has resulted in a significant increase in traffic on site and on the surrounding highways.
- The waste processes on site could have a serious impact upon the natural environment in the area.
- Litter often blows from the site to the surrounding area.
- The site has been subject to numerous inspections by NRW which have found several breaches, resulting in it having a poor rating and NRW stating that it could result in having a major effect on the environment.
- The site has no resemblance to that approved under the original planning permission, in terms of both the use/operations and buildings/engineering works undertaken. How has the site been allowed to operate as such without any relevant enforcement action being taken? If this application is granted the applicant will continue to operate in breach.

- How can the Council be allowed to determine this planning application when they clearly have an interest in its outcome? They have given waste contracts to the applicant knowing the site does not have the necessary permissions and allowed the applicant to continue to operate as/when he wants, to the detriment of local residents, and without any repercussions.

CONSULTATION

Public Health and Protection – No objection to the site operating to the hours previously permitted by the original, extant planning permission (12/0037/10); or in respect of the biomass boilers operating 24 hours a day, subject to relevant restrictive noise/operation related conditions and informative notes. However, while the principle of extending the hours of operation at the private facility is generally considered acceptable, it is not considered the full extension of hours of operation proposed by the applicant at the private facility is necessary. Therefore, a condition to restrict the hours of operation to that considered necessary/appropriate and to restrict the way in which this facility operates during the extended hours is suggested.

Also satisfied that any dust/odour/pest management would be appropriately controlled by the separate NRW Environmental Permit held, and that the development should not result in any land contamination issues.

Water, Flood and Tip Risk Management – No objection or conditions suggested. Satisfied that the drainage strategy implemented on site would ensure the development's surface water flood risk will be adequately managed.

Natural Resources Wales – No objection subject to conditions. There are concerns with the development as submitted but it is considered the concerns can be overcome through conditions in respect of a Construction Environmental Management Plan (CEMP), an otter conservation plan, lighting, contamination, and the secure implementation of submitted plans and mitigation/enhancement measures set out within the submitted supporting documents.

It is also noted that the applicant would have to apply to vary existing or gain a new Environmental Permits with regard drainage and protection of the water environment.

Countryside, Landscape and Ecology – No objection subject to conditions. The amended drainage arrangements have overcome the initial concerns with the proposed reed bed system. Recommends the conditions suggested by NRW are added to any permission to ensure there is no impact in future.

Dwr Cymru Welsh Water – No objection or conditions suggested. As the proposal intends utilising an alternative to mains drainage it is advised the applicant seek advice from NRW and/or the Local Authority Building Control Department / Approved Building Inspector as both are responsible to regulate alternative methods of drainage.

Highways and Transportation – No objection subject to condition. While the development has increased traffic to/from the site, appropriate improvements to the access, internal circulation, parking and surrounding roads were made as part of the previous planning permission (12/0037/10) and since, which are each acceptable. It is however suggested a condition be attached to any consent limiting the throughput of recycled materials to that approved by the separate NRW Environmental Permit to ensure that any increase in future can be properly assessed.

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 Woodland Trust – No objection but concerns raised regarding potential impacts to an area of Ancient Semi Natural Woodland to the east of the site (the banks of the Nant Muchudd). It is requested the applicant provides further detail regarding the potential impacts of the development on this habitat and demonstrates that an appropriate buffer has been / would be provided.

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

Llantrisant Community Council – No comments received.

POLICY CONTEXT

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. 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 04 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 04 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 24 September 2020.

Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

Rhondda Cynon Taf Local Development Plan

The application site is located outside of settlement limits and within the Mynydd y Glyn and Nant Muchudd Basin Special Landscape Area, and a Sandstone Resource area. It is also located directly adjacent the Nant Muchudd SINC (eastern boundary).

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

Policy CS9 – identifies areas for waste management sites, advising that facilities to serve sub-regional need will be permitted within existing and allocated sites.

Policy CS10 – seeks to protect mineral resources in the County Borough.

Policy AW2 – supports development in sustainable locations which includes sites that are within the defined settlement boundaries, are accessible by a range of sustainable transport modes, have good access to key services and facilities, and would not unacceptably conflict with surrounding uses.

Policy AW4 – details the criteria for planning obligations including Section 106 agreements and the Community Infrastructure Levy (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 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 AW12 – supports development proposals which promote the provision of renewable energy where it can be demonstrated there would be no unacceptable effects.

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

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

Policy SSA23 – advises that development within Special Landscape Areas will be expected to conform to the highest standards of design, siting, layout and materials appropriate for the site.

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 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, 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 6: Planning for Sustainable Rural Communities
- PPW Technical Advice Note 11: Noise
- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 15: Development and Flood Risk
- PPW Technical Advice Note 18: Transport
- PPW Technical Advice Note 21: Waste
- 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 Development

Planning permission for a private inert waste recycling facility (the LRC) and a separate public, community recycling facility (the HWRC) was originally granted at the site in 2014. Since the granting of the original consent it has been found that several aspects of the development were not implemented in accordance with the approved plans and that a number of other development works have been undertaken at the site since without the necessary planning permissions, including the extension of the private LRC facility and an alteration to the way it operates (as set out in detail above).

This application therefore seeks to retain the entire site, both the private and public facilities, 'as built' and 'as in operation'. No further changes to the current design, layout and operation of the site are proposed, all works in these respects are retrospective. Although several relatively minor complimentary are required/proposed (office building, drainage works and landscaping).

The majority of the application site forms an existing, established recycling centre, split between the private LRC facility at the northern extent and the public, community HWRC facility at the southern extent, for which planning permission was granted by Committee in 2014 (12/0037/10). As such, while outside of settlement limits and while it is accepted elements of the works undertaken in these locations do not comply with the original planning permission / additional works have been carried out, it is considered the principle of using these areas for the purposes of waste recycling has long been established.

However, since the granting of the original consent the private facility has been extended into areas of open countryside outside of settlement limits, increasing the overall site area by approximately 0.5ha (approximately 18%), and the operation of this facility has altered and intensified, from the recycling of inert waste materials to various domestic wastes; and from 100,000 tonnes of waste per annum to 350,000 tonnes.

The applicant states that the development works across the site and extension of / change in operations at the private facility have only occurred due to a significant increase in recycling within RCT in recent years, which the facility services, and therefore the facility has had to evolve in-line with the increase to ensure the County Borough's recyclable materials can be processed at the site.

It is noted that recycling has nationally become increasingly important in recent years and that the recycling of waste to reduce the amount sent to landfill and to help reduce the impacts of climate change is supported and promoted by both local and national planning policy. As such, it can generally be considered that waste recycling facilities such as that proposed by this application are much needed, providing they comply with the relevant policies or can justify deviation.

The LDP makes provision for such facilities under Policy CS9, setting out 2 no. regional sites (Bryn Pica and Hirwaun Industrial Estate) and advising that sub-regional facilities such as this should be located on existing B2 employment sites. Therefore,

being carried out on greenfield land outside of the settlement boundary, from a strict policy perspective, both the existing approved facilities and the extension sought do not comply with the guidance of the LDP.

However, as set above, the works have not resulted in a new facility, but the extension of an existing facility that is already outside of settlement limits and any allocated employment site. Further, the private recycling centre now provides a much needed waste management facility within the southern part of the County Borough, and the necessity of the facility and the benefit it brings to the County Borough and its residents is a key consideration; as is the extension of an existing site rather than the creation of a new or additional facility elsewhere.

In this case, while it is accepted the throughput of the private facility has increased significantly, NRW have already granted a separate Environment Permit for this amount of waste which has been in place for a number of years and is regularly monitored. It is considered that the granting of the Environment Permit evidences the site can accommodate such throughput, and therefore, the principle of the intensification of use is generally acceptable.

With respect to the extension of the site, while it is accepted the areas of land are outside of settlement limits and that there has undoubtedly been an impact to the character and appearance of this semi-rural area, it is considered the extensions are relatively minor additions that have not taken a significant area of greenfield land; and further, that a facility that can accommodate the amount of waste produced in this area of the Country Borough is required, and the extension of this existing facility is the most appropriate option, preventing the need for a new site elsewhere which could result in a worse impact.

Subsequently, while the loss of open countryside is regrettable, taking the importance of reducing landfill waste and recycling going forward, and the fact that these works form an extension of a long established existing facility which already has planning permission for this use, it is broadly considered the loss of open countryside in this location and to the degree that has occurred is outweighed by the benefits of the facility which processes much of RCT residents' recyclable materials, a process that must continue in order to meet relevant Council and Welsh Government sustainability targets.

Therefore, in conclusion, while it is accepted the development is not strictly in accordance with all relevant local and national planning policy guidance, it is, on balance, considered the benefits of the scheme outweigh the negative impacts and the principle of development is generally considered acceptable.

Environmental Statement / Water Quality / Biodiversity of adjacent Nant Muchudd

Due to the nature of uses in operation at the site and the potential contamination risks to the adjacent Nant Muchudd, a complex surface water drainage system has been installed on site and would be improved upon should this application be granted (as set out in detail above).

It is noted that a reed bed system that would 'clean' leachate from within the private recycling facility and then drain the resulting water directly into the adjacent Nant Muchudd was originally proposed, and it was this method of surface water drainage and the potential water quality / biodiversity impacts that warranted assessment at EIA level. However, following an initial objection from NRW and the Council's Ecologist to this method the applicant has abandoned the reed bed proposal and instead proposes to continue to use the existing surface water drainage system that has been installed on site, as well as make several minor alterations/improvements to the current system in-line with recommendations from NRW.

Full details of both the proposed original reed bed system, the reason for it being abandoned and the existing/proposed surface water drainage system that has been installed on site are set out above, however, in brief, the lower community facility's surface water discharges to the adjacent Nant Muchudd via interceptors / silt traps, as does that from the roof of the biomass boiler building at the upper private facility; roof runoff from the storage building at the upper private facility is stored on site in case of fire with excess water discharging into the River via one of the holding ponds; and surface water runoff generated by the upper private facility, which is at high risk of leachates, is stored on site and removed by a licenced waste carrier as/when required, although some is reused on site for dust suppression. Foul water is stored on site and removed by a licenced waste carrier as/when required.

The main area of concern is the treatment of surface water run off from the upper slab, which both the ES and supporting Drainage Strategy report identify as at high risk of pollution/contamination by way of leachates, and which could potentially have a significant detrimental impact on the water and biodiversity qualities of the Nant Muchudd and beyond.

Following removal of the reed bed system from the scheme and assessment of the existing site drainage arrangements via the ES and Drainage Strategy report both NRW and the Council's Ecologist have no objection to the application. NRW did note however that the applicant would need to apply to them to vary the existing or gain a new Environmental Permit with respect to drainage and protection of the water environment, and also suggested several conditions be attached to any consent to ensure no contamination would occur in future.

The Council's Ecologist concurred with NRW's comments and advised the conditions suggested by NRW should be added to any consent.

Finally, having considered the scheme, the Council's Water, Flood and Tip Risk Management section have no objection to the method of surface water drainage at the

site, stating that they are satisfied the drainage strategy implemented would ensure the development's surface water flood risk will be adequately managed.

In light of the above, it is considered that the potential for significant environmental impacts has been reduced and that future impacts on the Nant Muchudd would be adequately and appropriately controlled by the separate NRW Environmental Permit and conditions set out below.

Neighbour Amenity

The application site is bound by a variety of industrial/commercial uses to the south / south-east / south-west located within the established Llantrisant Business Park industrial estate. Therefore, whilst it is accepted the development works across the site and modifications to the way in which the private facility operates have resulted in an alteration to the character of the site compared to that originally approved, given that the proposed scheme results in uses comparable to that originally approved, and the fact that no concerns have been raised by occupiers of the neighbouring units on the industrial estate, it is not considered the development has resulted any undue impact upon the amenities or operation of the neighbouring properties in these areas.

It is acknowledged however that a number of residential dwellings are located sporadically throughout the open countryside to the west / north / north-east, and therefore, given the nature of the development works undertaken and alterations to operations, there has inevitably been a degree of impact to the amenity standards previously enjoyed by the occupiers of these properties. This issue has been highlighted by the fact that occupiers of 3 no. of the nearest properties to north / north-east have submitted objections to the scheme, mainly noting impacts by way of increased noise and general disturbance emanating from the recycling activities and vehicles manoeuvring around the site. The objectors have also detailed that the noise and disturbance is occurring outside of the hours permitted by the original permission, earlier in the morning, later in the evening and at weekends which this application proposes to be retained; and in addition, noise is experienced throughout the night from the 24 hour running of the biomass boilers which interrupts sleep and causes stress and anxiety. Further comments point to odour, dust, litter and pests as being issues that are affecting the closest residents on a daily basis.

In assessing the supporting information the Council's Public Health and Protection section (PH&P) first noted that the application is largely in retrospect, the development has been operating as proposed for some time, and during that time they have received and investigated numerous complaints from residents in respect of noise emanating from the private facility. However, to date, none of their separate investigations have found that noise levels at the site amount to a statutory nuisance.

Notwithstanding these comments, Members are advised that noise levels do not need to be at the statutory nuisance level to be considered unacceptable in planning terms and the impact of noise upon the amenity standards of residents also needs to be

considered thoroughly through the planning process. The applicant has acknowledged that impacts in these respects do occur and has subsequently undertaken various surveys to identify any potential impacts and any necessary mitigation measures.

Following consideration of the original submitted noise assessment report PH&P commented that it has been undertaken in accordance with the relevant British Standards and assesses the impact of the site and its operations on the relevant surrounding residential properties. Further, there is a context to the assessment in that both the private and public facilities already have permission, albeit the private facility in a different form to that proposed. Therefore, despite the assessment indicating that noise levels are elevated above the background noise level without the site operating, it is felt that the context argument of the proximity of the surrounding residential properties to an existing industrial estate which contributes to the existing soundscape is a reasonable context argument and is accepted in respect of the extant operational hours of the site.

Subsequently, with the above in mind, PH&P agree with the conclusions of the noise assessment in respect of the private and community facilities operating during the hours already permitted and have no objection to their continued use during these hours.

The applicant has however requested that the hours of operation at the private facility be extended to 06:30am to 18:30pm each day, including Bank Holidays except Christmas Day and New Years Day, although it is detailed that processing of waste at the private facility would only occur between 07:00am and 18:00pm on Weekdays and 07:00am and 13:30pm on Saturdays, and that outside of those hours the applicant only wishes to receive waste from RCT's community recycling centres and not process it during this time. The applicant details that these extended hours are necessary as the Council's community recycling centres operate into the evenings and at weekends and that materials need to be taken away to avoid a build-up / potential closure.

PH&P note that the applicant's original noise assessment for the proposed extended hours was based on full operation of the private facility, and it details the noise impact would vary between 5 and 12 decibels above the background noise level depending on location and that BS4142 states that where there is an increase in noise of 10 decibels or higher, it is an indication that significant adverse impact would occur, depending on context. As such, they would object to the extension of hours proposed at the private facility in respect of the processing of waste outside of the current permitted hours.

However, it is understood that the permitted hours of the Council's community recycling facilities are longer than those of the applicant's private facility where the relevant waste is stored/processed, and in practical terms the operations of both uses are obviously interrelated and that skips from the community facilities need to be emptied regularly to ensure that they can continue to operate to their potential; and that this activity is likely to be a series of quieter and shorter timed activities than that

of processing waste. As such, the current restrictions on skip emptying are presenting an ongoing issue that needs to be addressed.

In light of this issue an addendum to the original noise assessment report was submitted in January 2022 which assesses the impact of emptying skips only at the private facility during the proposed extended hours.

Having considered the additional noise information PH&P commented that it demonstrates that the levels of noise from the private facility would not be unacceptable if permission were given for the hours to be extended to 18:30pm each day (for skip emptying only). But as it stands the private facility already has permission to open prior to the opening times of the community facilities (from 07.30am) so on the basis that the aim of this application is to service the community facilities, there is no need for the site to open earlier than already permitted which could result in the amenities of the closest residents being affected. Therefore, while the principle of extending the hours of operation at the private facility to allow the emptying of skips from the Council's community facilities is generally considered acceptable, it is not considered the full extension of hours proposed by the applicant at the private facility is necessary. Therefore, no objection is raised, but a condition to restrict the hours of operation to that considered necessary/appropriate by PH&P and to restrict the way in which the private facility operates during the extended hours is considered necessary.

PH&P also commented that the noise assessment indicates that the 24 hour running of the biomass boilers on site is below the existing night-time background noise levels at the closest residential properties and as such, there are no objections to the boilers running 24 hours each day.

In addition to the above, Condition 16 of the original consent (12/0037/10) restricted throughput at the private facility to a maximum 100,000 tonnes and only 15,000 tonnes of materials to be stored at any one time. This was considered necessary to control traffic movement and noise emitted from the site. However, the separate NRW Environmental Permit restricts the site to a maximum throughput of 350,000 tonnes, which the applicant works to. No objection to this increase has been raised by PH&P and it subsequently considered the increase of materials is acceptable in amenity terms. It is considered however that a condition should be added to any consent to restrict the throughput to that allowed by the separate NRW permit to ensure any noise is minimised. The Highways and Transportation Section have also suggested a condition to this effect in respect of controlling vehicle movements (as set out in detail further below).

While the comments received from the objectors in respect of dust, odours and pests are acknowledged, PH&P commented that the information provided by the applicant is acceptable and they are satisfied with the suppression management processes on-site. Further, these issues are controlled by the separate NRW Environmental Permit

held and therefore it is not considered these matters should be duplicated by conditions if planning permission is granted.

Finally, with respect to the general development of the site and any potential impact the new buildings themselves may have upon the nearest properties, the few residential properties that are located to the north / north-east of the application site are of an adequate distance to ensure that no physical detriment has occurred. Further, while it is accepted Glanmychydd-fach Farm is located directly to the west, no buildings within the application site are located adjacent to this property and as such no physical impact occurs. It is also noted that no comments have been received from the occupiers of Glanmychydd-fach Farm following the consultation process.

Therefore, with the above in mind, it is appreciated that residents are experiencing noise and other issues from the site, however, this would have, to some extent, been the case or similar from the original permitted scheme which is broadly comparable to that proposed. For example, it could be argued that the crushing of stone from the permitted inert waste recycling facility may have had a similar impact to the current domestic waste processing operations which take place at the same area, albeit this area has been extended, but only by approximately 18% which is not itself considered would have resulted in a significant increase in activities.

Subsequently, with no objections from PH&P and while the concerns of the objectors are fully acknowledged, on balance, it is not considered that any detrimental impact which occurs to the closest residents as result of the works undertaken at the site, the site operating in the manner applied for and to hours set out below, is to a degree that would warrant refusal of the application.

Character and Appearance

The development works undertaken at the site have clearly altered its character and appearance and have inevitably formed visible features in the immediate locality. However, it is not considered they have resulted in a detrimental visual impact significant enough to warrant refusal of the application when the site, including the extension, is viewed in its entirety and in the context of its wider surroundings.

The application site is located within the Mynydd y Glyn and Nant Muchudd Basin Special Landscape Area (SLA) where Policy SSA23 requires development to conform to the highest possible design standards. A Landscape and Visual Assessment report has been submitted with the application. It concludes that the built development at the site is within the established boundaries of the already approved facilities, and given its siting, the wider site is viewed in the context of the adjacent Llantrisant Business Park industrial estate. Further, it points out that the boundaries of the site, as extended, already enjoy the benefit of established bunding/landscaping which acts as appropriate screening to the countryside beyond, which will only increase with maturity and the further landscaping proposed. Subsequently, while the report accepts the development has resulted in a degree of visual impact to the immediate surroundings,

the Author is of the view that the development does not result in significant harm to the surrounding landscape or wider visual environment.

In assessing the visual impact of the development, it firstly has to be accepted that the granting of the original planning permission at the site (12/0037/10) has resulted in its previous rural character and appearance being lost and replaced with an industrial site. As such, it is only the impact of the development that has occurred since the granting of the original consent that can be considered under this planning application, i.e. the buildings erected and any reconfiguration within the approved site, in the context of an industrial site; and the extension of the private facility and its change in operation.

Several new buildings have been erected across the site without planning permission since the original 2014 approval, and buildings approved within the original 2014 planning permission have not been constructed in accordance with the approved plans. This has undoubtedly further industrialised the character of the site from that originally approved. However, whilst 2 no. of the buildings are relatively large and are visible in the surrounding locality, especially given their siting at the upper private facility (the biomass boiler and storage buildings), they are located within the area originally approved by the 2014 permission and are of a typical industrial design and scale that is comparable to numerous other industrial buildings at the neighbouring industrial estate, to which this site is generally read in context with being directly adjacent to it. It could also be argued that these units are comparable to the design and scale of many agricultural buildings in the surrounding countryside and could therefore be acceptable in an agricultural setting. As such, it is not considered they result in a significant visual impact.

Further, the buildings that have been erected at the lower community facility and staff areas have also been located within the area originally approved by the 2014 permission and are relatively small in terms of their scale, each being single storey units of a minor footprint. They are also each of a design similar to that of the industrial units at the neighbouring industrial estate, and additionally, the proposed office building would replicate the design and scale of the existing weighbridge building, having no further impact. As such, it is not considered any of the buildings at the lower area of the site result, or would result, in a detrimental visual impact.

It is also considered all reconfiguration works and ancillary structures across the entire site are relatively minor in terms of scale and design and are not readily visible from outside of the site. As such, it is also considered they do not result in any detrimental visual impact.

With respect to the extension of the upper, private facility into the adjacent countryside, while regrettable, in visual terms it is also generally considered a relatively minor addition when considered in the wider context of the surrounding area.

From long views, particularly from Llantrisant Common and Llantrisant Town where the site is most prominent due to the topography of the surrounding landscape, being located directly adjacent to the northern boundary of the adjacent Llantrisant Business Park, it is considered the site appears to be within and forms the natural boundary of the industrial estate. Further, the main areas of the industrial estate are more visible in the landscape than the application site and given the relatively low lying level of the site within the landscape and surrounding mature tree cover, it is, in the main, largely screened from long distance views. It could therefore be argued that the visual impact from Llantrisant is negligible.

It is however accepted that the extension of the site is more prominent from closer views, but it is considered the existing bunding/landscaping that surrounds the site (including the extension) adequately screens it from the nearest residential properties to the north / north-east, with direct views largely mitigated. It is also noted that additional landscaping is to be introduced that would further ensure any visual impact is minimised. It is considered necessary however to attach a condition to any consent to ensure the proposed additional landscaping is implemented.

It is noted that the previous planning permission restricted the height of materials being stored in piles at the private facility to no more than 3m in height, and that the stockpiles have now been increased to 4m in height and are sited within up to 5m high moveable concrete block bunkers. While these stockpiles/bunkers are visible in the immediate area, they are below the height of the surrounding bunds and landscaping and are largely screened from outside of the site. As such, the current heights (proposed by this application) are considered acceptable when taken in the context of the surroundings. It is however considered necessary to attach a condition to any consent to control the stockpile/bunker heights in the interests of visual and residential amenity.

Finally, it is noted that a 7m high debris fence has been erected along the south-eastern boundary which forms a prominent feature within the immediate vicinity. However, while the structure could be considered inappropriate visually given its siting in this semi-rural location, it is necessary to prevent materials blowing from the site into the adjacent Nant Muchudd. As such, its design and scale are commensurate to its purpose and when taken in the wider industrial context of the site, its visual impact is generally considered acceptable.

Therefore, in conclusion, whilst it is accepted the retrospective development has further industrialised the site and has extended it into the open countryside, the large majority of the site has a long established and lawful industrial status due to the existing planning permission; and it is not considered the extension has resulted in a significant loss of open countryside when taken in the wider context of the surrounding area. Further, the works are not overly prominent from long or short distance views, and existing bunding/landscaping helps to screen the site, which will also be improved.

Subsequently, whilst it is accepted the retrospective development has inevitably resulted 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/need, and it is not considered any resulting impact is significant enough to warrant refusal of the application. The scheme is therefore, on balance, considered acceptable in these terms.

Highway Safety

Following consideration of the scheme the Council's Highways and Transportation section has raised no objections. In their assessment it was commented that while the development has increased traffic movements to/from the site each day and the site is served via the existing means of access off Pantybrad Lane which is substandard when compared to current standards, appropriate improvements to accommodate increased traffic movements to/from the site were implemented as part of the original planning permission. Further, there are ample opportunities for vehicles to turn within the site and re-join the public highway in a forward gear, and off-street parking provision is adequate. As such, there is no cause for concern in these respects.

It was however suggested a condition should be attached to any consent limiting the throughput of recycled materials to that approved by the separate NRW Environmental Permit to ensure any future increase in vehicle movements can be properly assessed.

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

Ecology

As well as the water quality issues covered above, the impact of the uses / development upon ecology on/around the site is also a key consideration, especially as the site lies adjacent to the Nant Muchudd SINC where evidence of bats and otters have been found, both European Protected Species, as well as salmonid use.

Following consideration of the ecology information submitted with the application NRW noted that there are some concerns with the development as submitted, but it is considered the concerns could be overcome through conditions in respect of a Construction Environmental Management Plan (CEMP), an otter conservation plan, lighting, contamination, and the secure implementation of submitted plans / mitigation measures set out within the relevant supporting reports. As such no objections were raised.

The Council's Ecologist agreed with NRW's observations and also has no objections to the scheme, subject to the conditions suggested by NRW being attached to any consent.

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.

It is noted the Woodland Trust raised concerns regarding potential impacts to an area of Ancient Semi Natural Woodland to the east of the site (the woodland along the banks of the Nant Muchudd) and requested that further information in this respect be provided. However, the significant majority of development works have already been undertaken and have not encroached into this area of woodland which is outside of the application site. Further, both the Council's Ecologist and NRW have concluded that the environmental/ecology information submitted with the application and the existing/proposed landscaping is sufficient to demonstrate that there has been / would be no impact to the surrounding environment, subject to relevant conditions/mitigation. Therefore, while the Woodland Trust's comments are appreciated and acknowledged, it is considered sufficient information to demonstrate that there would be no further impact in this respect has already been submitted and it would be unreasonable to request any further information in this regard.

Subsequently, 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 application is acceptable in ecology terms.

Flood Risk

The eastern boundary of the site that forms an element of the Nant Muchudd riverbank is located within a C2 flood zone. However, no development has occurred or is proposed here. As such, no objection has been raised by NRW in this respect, but general advice has been provided for the applicant with regard a separate Flood Risk Activity Permit that will be required for the works carried out within 8m of the River.

Sandstone Resources

The application site is located in a Sandstone Resources area. Policy AW14 seeks to safeguard sandstone resources from any development that would unnecessarily sterilise them or hinder their extraction. In this instance mineral extraction has already been sterilised at the site by the previous development and the established commercial use. As such, there is no objection in this respect.

Neighbour Consultation Responses

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

- *The site has no resemblance to that approved under the original planning permission, in terms of both the use/operations and buildings/engineering works undertaken. How has the site been allowed to operate as such without*

any relevant enforcement action being taken? If this application is granted the applicant will continue to operate in breach.

It is accepted that a significant amount of works have been carried out at the site and that a change in operations has occurred without the necessary planning permissions. However, these unauthorised works/operations have been thoroughly investigated by the Council resulting in this comprehensive application which seeks to rectify the position. Should Members be minded to refuse the application, the information gathered through the investigations and this application will allow the Council to take full and effective enforcement action where required.

- *How can the Council be allowed to determine this planning application when they clearly have an interest in its outcome? They have given waste contracts to the applicant knowing the site does not have the necessary permissions and allowed the applicant to continue to operate as/when he wants, to the detriment of local residents, without any repercussions.*

While the HWRC site does have a commercial arrangement with the applicant's business for the recycling, treatment and disposal of waste generated, it is not reliant on the existence of the adjacent LRC site, they are two separate entities and this type of arrangement is standard practice and is no different from the Council seeking services from other commercial providers where/when necessary. Therefore, the commercial arrangements between the Council and the applicant are outside of the remit of this planning application and have had no bearing upon the full and proper consideration of the planning merits of the case to date; and will not have any bearing upon the associated Committee decision making process.

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 with the national sustainable placemaking outcomes is set out below:

- **Creating and Sustaining Communities:** The development provides a recycling facility for use by all RCT residents.
- **Growing Our Economy in a Sustainable Manner:** The development has a small but positive effect in terms of employment at the site.
- **Making Best Use of Resources:** The development's energy is generated on site through renewable sources and the site manages much of its water resources naturally.
- **Maximising Environmental Protection and Limiting Environmental Impact:** The development includes appropriate site drainage, landscape planting and biodiversity measures, is resilient to climate change and prevents landfill waste.
- **Facilitating Accessible and Healthy Environments:** The application site is in a broadly sustainable location and adjacent to 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

The extension of the site is located outside of settlement limits and there has undoubtedly been an impact to the character and appearance of this semi-rural area. However, the necessity of the facility and the benefit it brings to the County Borough and its residents is a key consideration; as is the extension of an existing site rather than the creation of a new or additional facility elsewhere.

In this instance, while regrettable, it is on balance considered the loss of open countryside in this location and to the degree that has occurred is outweighed by the benefits of the facility which processes much of RCT residents' recyclable materials, a process that must continue in order to meet relevant Council and Welsh Government sustainability targets.

Additionally, while it is accepted the facility results in a degree of impact to the amenities of the closest residents, it is not considered any impact is significant enough to warrant refusal of the application.

Furthermore, it has also been demonstrated that the impact of the development upon ecology can be appropriately mitigated and that a suitable land drainage scheme can be implemented on site.

Subsequently, while it is accepted the development is not strictly in accordance with all relevant local and national planning policy guidance, it is, on balance, considered the benefits of the scheme outweigh the negative impacts. The application is therefore recommended for approval, 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:
 - DP 100 – Site Location Plan (received 12/02/21)
 - DP 101 Rev. B – Existing Site Plan (received 12/02/21)
 - DP 110 Rev. D – Proposed Site Plan (received 14/05/21)
 - DP 200 – Existing & Proposed Waste-to-Energy Unit Plans (received 12/01/21)
 - DP 201 – Existing & Proposed Storage Unit Plans (received 12/01/21)
 - DP 202 – Existing & Proposed Office Plans (received 12/01/21)
 - DP 210 – Existing & Proposed Waste-to-Energy Unit Elevations (received 12/01/21)
 - DP 211 – Existing & Proposed Storage Unit Elevations (received 12/01/21)
 - DP 212 – Existing & Proposed Office Elevations (received 12/01/21)
 - DP 213 – Existing & Proposed Recycling Centre & Storage Unit Elevations (received 14/05/21)
 - DP 220 Rev. C – Existing & Proposed Site Sections (received 14/05/21)
 - DP 221 – Existing Debris Fencing Typical Elevation (received 14/05/21)
 - 100 Rev. P4 – Drainage Strategy (received 20/11/20)
 - Lighting Plan (received 20/11/20)

and documents received by the Local Planning Authority on 20/11/20, 25/11/20, 14/05/21, 18/05/21, 19/05/21, 03/08/21 and 10/01/22, 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:

- Environmental Statement (Mango, May 2021)
- Landscape and Visual Appraisal (Aspect Landscape Planning, September 2020)
- An Ecological Survey of the Nant Muchudd, Llantrisant (Aseda, June 2020)
- Dust Management Plan (George Harvey, November 2020)
- Contaminated Land Report (Rhondda Geotechnical Services, June 2018)
- Coal Mining Risk Assessment (Rhondda Geotechnical Services, May 2018)
- Transport Note (Coron, July 2020)
- Air Quality, Odour and Dust Assessment (Air Quality Consultants, November 2020)
- Odour Management Plan (Environmental Focus, April 2017)
- Environmental Sound Impact Assessment (Hunter Acoustics, November 2020)
- Technical Note (addendum to the Environmental Sound Impact Assessment) (Hunter Acoustics, January 2022)
- Drainage Strategy (Grays, July 2021)
- Floodlight Technical Specification Note (30W) (Lumineux)
- Floodlight Technical Specification Note (200W) (Lumineux)
- Floodlight Product Specification Note (FL100 Series) (Lumineux)

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. The proposed site drainage arrangements, as set out in the approved Drainage Strategy (Grays, July 2021) and other relevant approved supporting documents/plans, shall be implemented on site within 3 months of the date of this consent and shall be retained as such thereafter. A validation report evidencing that the site drainage arrangements have been installed in accordance with the approved details shall be submitted to the Local Planning Authority within 1 month of installation.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from

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

4. Within 3 months of the date of this consent, a site wide Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval in writing. The CEMP should include, but not be limited to:

- Construction methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable; details of site clearance; details of site construction; drainage; containments areas; appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection; avoidance; and mitigation measures.
- 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.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

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

Reason: To ensure necessary management measures are agreed prior to commencement of development and are implemented for the protection of the environment during construction in accordance with Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Within 3 months of the date of this consent, an Otter Conservation Plan shall be submitted to the Local Planning Authority for approval in writing. The Otter Conservation Plan should include, but not be limited to:

- Retention of the existing vegetated corridor buffer along the Nant Muchudd a minimum of 10 metres wide, to minimise disturbance to otter using the stream corridor.
- Measures to ensure that the design and construction of the drainage scheme and outfall(s) within the riparian habitat corridor shall minimise potential impacts on otters and will avoid resting places.

- Details of protective measures to prevent incidental killing, injuring or capture of otters during construction and operation.

The Otter Conservation Plan shall be implemented in accordance with the approved details immediately after approval and shall be retained and adhered to thereafter.

Reason: To ensure that an approved Otter Conservation Plan is implemented, which protects species affected by the development in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

6. Within 3 months of the date of this consent, full details of site lighting shall be submitted to the Local Planning Authority for approval in writing. The Lighting Plan should include, but not be limited to:

- Details of the siting and type of external lighting to be used.
- Drawings setting out light spillage in key sensitive areas that demonstrate that the Nant Muchudd and associated buffer shall not be illuminated by external lighting and will be maintained as a dark corridor.
- Details of lighting to be used both during construction and operation.

The approved lighting scheme shall be installed on site within 3 months of approval and shall be retained as approved thereafter.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no further external lighting equipment, other than that approved by this condition, shall be erected or installed at the site unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To reduce the impacts of lighting in the interest of protected species, habitats and commuting corridors in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

7. Within 3 months of the date of this consent, a comprehensive scheme of landscaping, which shall include native species, ground preparation, indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development, details of the planting of the stream edge and a programme of long-term maintenance and protection shall be submitted to the Local Planning Authority for approval in writing.

Reason: To protect the visual amenity of the surrounding area and the amenities of the closest residents in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. All planting, seeding or turfing in the approved details of landscaping (approved under Condition 7) shall be carried out in the first planting and seeding season following the date of approval, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. And the long-term maintenance and protection plan shall be adhered to throughout the lifetime of the development.

Reason: To protect the visual amenity of the surrounding area and the amenities of the closest residents in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

10. Hours of operation (working/deliveries/collections, within/to/from the site) shall be restricted to the following times, unless otherwise agreed in writing by the Local Planning Authority:

Public, community recycling facility (Llantrisant Household Waste Recycling Centre)

- i. 08:00 to 19:30 hours Mondays to Sundays (April to October inclusive).
- ii. 08:00 to 17:30 hours Mondays to Sundays (November to March inclusive).

Private recycling facility (Llantrisant Recycling Centre)

The opening hours of the site shall be:

- 07:30 to 18:30 each day (excluding Christmas Day and New Year's Day).

However, between the hours of:

- 16:00 to 18:30 Monday to Friday
- 13:30 to 18:30 Saturdays
- 07:30 to 18:30 Sundays and Bank Holidays

The only operations that shall be undertaken are the receiving and emptying of skips from the Rhondda Cynon Taf County Borough Council community recycling centres.

There shall be no sorting or processing of any waste nor shall there be any other activity other than that specified above undertaken during these times.

Reason: To define the extent of the consent granted, and to ensure that noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

11. The development hereby permitted shall take place in accordance with the submitted details and the following restrictions, unless otherwise approved in writing by the Local Planning Authority:

Public, community recycling facility (Llantrisant Household Waste Recycling Centre)

- i. The maximum storage of 35,000 tonnes of recyclable waste material at any one time.

Private recycling facility (Llantrisant Recycling Centre)

- i. The maximum throughput of 350,000 tonnes of recyclable waste material per annum.
- ii. The maximum storage of 15,000 tonnes of recyclable waste material at any one time.

Reason: To define the extent of the consent granted, and to ensure that the traffic movements and noise emitted from this development are not a source of nuisance to occupants of nearby residential properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. The outside storage of recyclable waste materials at the private recycling facility (Llantrisant Recycling Centre) shall only take place at the existing open yard area identified on approved plan ref. DP 110 Rev. D (Proposed

Site Plan). At no time shall any necessary storage bunker walls exceed 5m in height above existing ground levels; or the stockpiles of recyclable waste materials within the yard/bunkers exceed 4m above existing ground levels.

Reason: To protect the visual amenity of the surrounding area and the amenities of the closest residents in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

13. At such time as any part of the recycling facilities hereby approved ceases to be used, all buildings, welfare facilities and bins, plant and equipment used in connection with the use shall be removed from the site and the land shall be restored in accordance with a scheme of restoration, including a timetable of works and persons responsible for carrying out the works. The scheme of restoration shall be submitted to and approved in writing by the Local Planning Authority, within 1 month following the recycling uses ceasing and shall be implemented thereafter in accordance with the approved details.

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

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PLANNING & DEVELOPMENT COMMITTEE

8 SEPTEMBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1547/10 (KL)
APPLICANT: Mr Gilson
DEVELOPMENT: Proposed barn to accommodate a gym along with a swim tank, 2 no. shipping containers, an area of astro turf and associated parking.
LOCATION: VISITOR CENTRE, DARE VALLEY COUNTRY PARK, DARE ROAD, CWMDARE, ABERDARE, CF44 7RG
DATE REGISTERED: 21/03/2022
ELECTORAL DIVISION: Aberdare West/Llwydcoed

RECOMMENDATION: Approve

REASONS: Whilst the application site is located outside of the defined settlement boundary, the site forms part of the wider Dare Valley Country Park which is a well-established leisure facility offering a range of leisure uses. The applicant has advised that the Commando Fit business has operated a number of fitness classes from the wider Dare Valley Country Park for some time and so the construction of a barn (gym) along with a swim tank and Astro-turf area would provide a dedicated space for the business to operate and grow.

Furthermore, the scale and design of the proposal would have no adverse impact upon the character and appearance of the site or the surrounding area or upon the highway network serving the site. The site is situated well within the boundary of the wider Dare Valley Country Park and the proposal would not have any impact upon the amenity and privacy of surrounding residential properties.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the construction of a barn at Dare Valley Country Park, Cwmdare in order to accommodate a gym. The proposal also includes the provision of a swim tank, 2 no. shipping containers, an area of Astro turf and associated parking. The proposed works would be carried out at 'tier 3' of a tiered area of land to the south-west of the main car park.

The proposed barn would be constructed to the north-western end of the plateaux. It would measure 15 metres in width by 30 metres in depth with an off-centre pitched roof design that would measure 9.1 metres in height to the ridge and 5.4 metres and 7.1 metres to the eaves (front and back respectively). External materials would consist of a mixture of fibre cement cladding and timber cladding with a grass roof. The building would facilitate a gym with a yoga room and office being created by a mezzanine floor (11 metres in width by 9 metres in depth, including the steps).

The proposed swim tank would be constructed to the south-west elevation of the proposed barn. It would measure 5 metres in width by 10.5 metres in length with a surround that would measure 1.1 metre in height from ground level. The applicant has indicated that the swim tank will not be chemically treated.

Two shipping containers would be sited at the site: one to the south-eastern elevation of the proposed barn and one immediately opposite, to the south-east of the swim tank. They would each measure 2.5 metres in width by 6 metres in depth and would be of typical steel container construction.

The proposed Astro-turf would be sited to the south-east of the barn, swim tank and storage containers. It would measure 49 metres in length by 20 metres in width.

A total of 8 no. off street car parking spaces would be set out at the very south-eastern part of the site, adjacent to the existing entrance to the tier. The spaces would be arranged either side of an area of hardcore which would facilitate internal circulation and turning. The area of hardcore would be extended along the south-western boundary of the proposed Astro-turf in order to create a pedestrian walkway between the car parking spaces and the proposed barn/swim tank/storage containers. The applicant also indicates that an agreement is in place for any additional parking requirements to be provided within tier two.

The existing hedgerows and shrubs around the perimeter of the site would be retained.

In addition to the standard application forms and plans, the application is accompanied by the following supporting documents:

- Coal Mining Risk Assessment

The applicant has also indicated that fitness classes are already being held at the Dare Valley Country Park Site.

SITE APPRAISAL

The application site relates to a parcel of land which forms part of the wider Dare Valley Country Park. It forms one of 3 plateaux areas to the south-west of the existing visitor centre which previously formed a camping site.

The site measures approximately 0.2 hectares in area and is predominantly flat in ground profile. It was originally characterised by two areas of mowed grass either side of a stone track with trees, hedgerows and shrub around the perimeter however, it is understood that the applicant has recently installed a small area of temporary artificial grass within the site.

The site sits at the highest of three tiered plateaux's and so the land to the north-east slopes away from the site. Ground levels to the north-west of the site inevitably increase, forming part of the adjacent mountainside.

Access to the wider Dare Valley Country Park is situated off Heol-y-Mynydd to the east. The application site itself is situated to the south-west of the internal road with a track leading up to a metal gate to the south-eastern end of the site.

Dare Valley Country Park comprises of a leisure facility which comprises of approximately 500 acres of woodland, pasture and moorland mountainside. It features two artificial lakes, a visitor centre with visitor accommodation and a café, camping facilities, two outdoor play areas and an environmental and outdoor education centre. It also features a number of bike tracks and uplift area. These facilities support a range of family-orientated experiences, such as hiking and nature walks, outdoor play provision and environmental education programmes. The park has a large parking area adjacent to the visitor centre.

PLANNING HISTORY

19/1211	Dare Valley Country Park	Proposed bike workshop consisting of shipping containers and green roof system and extension to existing shower block	Grant 17/01/20
10/0675	Dare Valley Country Park	Demolish existing toilet block and construct base for prefabricated metal workshop	Grant 02/09/10
09/0004	Dare Valley Country Park	New glazed screen to existing first floor walkway above entrance conservatory	Grant 29/01/09

08/1581	Dare Valley Country Park	Extension to existing car park	Grant 28/11/08
08/1479	Dare Valley Country Park	New reception area with glazed conservatory entrance to existing accommodation block and alterations to existing workshop	Grant 30/10/08
08/0878	Visitor Centre, Dare Valley Country Park	New extension for reception office plus stairwell and internal alterations to toilets, store and locker room	Grant 22/07/08
08/0584	Dare Valley Country Park	Extension to existing campsite and engineering operations	Grant 09/07/08
08/0583	Dare Valley Country Park	New campsite on unused meadow and engineering operations	Grant 23/06/08
06/1267	Dare Valley Country Park	Construction of an environmental centre with outdoor sporting equipment store, shower block, classrooms and general office	Grant 13/10/06
06/0626	Visitor Centre, Dare Valley Country Park	Construction of an outdoor classroom 3.5 metres in height with a diameter of 6 metres	Grant 29/06/06
05/0277	Dare Valley Country Park	Installation of platform lift	Grant 24/08/05
98/4597	Touring caravan site, Dare Valley Country Park	Alterations and extension to existing amenity block	Grant 11/12/98
91/0571	Land at Dare Valley Country Park	Light railway (tourism) and railway shed	Grant 20/11/91
90/0745	Land adj. to visitor centre, Dare Valley Country Park	Change of use to short stay touring caravan park	Deemed consent 25/02/91

PUBLICITY

The application has been advertised through the erection of site notices in the vicinity of the site. A press notice was also published in a local newspaper.

One letter of objection has been received and is summarised as follows:

- Concern is raised with regards to the quality of the consultation exercise carried out. It is considered that the way in which the Council gives members of the public the opportunity to comment on developments is shoddy.
- It is commented that notices should be placed in a prominent place and easily read by anyone.
- One notice was placed on the gate to the field which says that it is private property. This is public land, administered by the Council on behalf of the constituency.
- The land has been walked by visitors for over 60 years and we are now not only being stopped from walking through the field but are presented with notices claiming it to be private land, before any permission is given for its use.
- Unless the Council is selling the field, it can never be private property.
- The gate to the field is now padlocked. The user should not be allowed to lock the gate without giving an alternative access to the field.
- There is no objection to any development in the Country Park that can bring people to the area in general however, more respect should be given to those people who use the park daily.

Further consultation was undertaken during the course of the application in order to advertise a change in the application description (to include the siting the two storage containers). No further representations have been received.

CONSULTATION

The following consultation responses have been received and are summarised as follows:

Coal Authority: No objection, condition recommended.

Countryside, Ecology and Landscape: No objection, subject to conditions

Fire Safety: No objection, advice provided on climate change and the need to ensure that adequate water supplies are provided on site for firefighting purposes.

Flood Risk Management: No objection, condition recommended.

Glamorgan-Gwent Archaeological Trust: No objection.

Highways and Transportation: No objection, condition recommended.

Natural Resources Wales: Advises that advice is sought from the Council's Ecologist to determine if there is a reasonable likelihood of bats within the application site.

Public Health and Protection: No objection, conditions recommended.

Welsh Water: Advises that there are no public sewerage systems available within immediate vicinity of the site and that any new development will require the provision of satisfactory alternative facilities for sewage disposal.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS1 (Development in the North): emphasis on building strong, sustainable communities which will be achieved by encouraging a strong, diverse economy which promotes new forms of employment in the leisure and tourism sectors.

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

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

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

Policy AW8 (Protection and Enhancement of the Natural Environment): seeks to preserve and enhance RCT's natural heritage by protecting it from inappropriate development. Development proposals shall not cause harm to the features of a Site of Importance for Nature Conservation.

Policy AW10 (Environmental Protection and Public Health): development proposals must overcome any harm to public health, the environment or local amenity as a result of land instability.

Policy AW14.4 (Safeguarding of Minerals): requires resources of Coal will be safeguarded from development which would unnecessarily sterilise them or hinder their extraction.

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced

provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the 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.

Supplementary Planning Guidance

Design and Placemaking
Nature Conservation
Access Circulation and Parking

National Guidance

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

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

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design
PPW Technical Advice Note 16: Sport Recreation and Open Space
PPW Technical Advice Note 18: Transport
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application site is located outside of the defined settlement boundary where development would not usually be permitted; however, the site forms part of the wider Dare Valley Country Park site which offers a variety of other leisure-type facilities. The applicant has indicated that fitness classes have been run from the wider Dare Valley Country Park site by Commando Fit for some time and the proposal would therefore provide dedicated facilities for the business to be operated in all weathers and potentially enable additional services/classes to be provided.

Whilst the development would effectively be contrary to Policy AW2 of the Rhondda Cynon Taf Local Development Plan, the proposal is considered to form an exception to this policy in that it would enhance the current offer of leisure facilities at an established leisure facility.

As such, the proposal to provide a gym and associated features at the site would widen the leisure facilities on offer at the site and the principle of the proposal is therefore considered to be acceptable.

Impact on the character and appearance of the area

The proposed barn would form a sizeable addition to the site and given its elevated position on the highest level of an existing plateaued area, there is potential that it could be visible from the wider surrounding area. However, due to existing trees, hedgerows and other vegetation around the perimeter of the site and in the surrounding area, the barn and associated works would be relatively well screened, particularly during summer months, and it is not considered that the development

would give rise to any significant concerns in relation to the impact of the development upon the character and appearance of the site and surrounding area.

Furthermore, the scale of the building is considered to be appropriate and in-context with the size of the plot upon which it would be constructed and sufficient space would be maintained to the south-eastern end of the site in order to accommodate the associated swim tank, storage containers, Astro-turf and parking area. It is therefore not considered that the proposal would result in overdevelopment of the plot.

The building would be constructed from appropriate materials, including timber cladding with a grass roof system, which would further limit its visual impact upon the surrounding area. It is also noted that a building of a similar finish (albeit at a smaller scale) is situated on the lower tier (bike workshop) and so it is not considered that the building would appear overly prominent within the surrounding area.

The proposed storage containers, swim tank and Astro-turf are also considered to be acceptable in terms of their scale and design with these elements of the proposal largely being screened from the surrounding area by the existing vegetation around the perimeter of the site.

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

Impact on residential amenity and privacy

The application site is situated within the wider boundary of Dare Valley Country Park with the nearest neighbouring properties being situated over 300 metres away. The proposed barn and associated works would therefore not give rise to any overbearing, overshadowing or overlooking impact towards the nearest residential properties.

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

Access and highway safety

The proposal has been assessed by the Council's Highways and Transportation section in order to determine the potential impact of the proposed development upon highway safety in the vicinity of the site. The comments received indicate that no objection is raised (subject to one condition).

Access

It is indicated that the application site is served off a private road, which is accessed off Monk Street. The private road incorporates traffic calming measures in the form of speed bumps and has a speed limit of 10mph.

The proposed development would be accessed off the private road leading to the Visitor Centre, which provides vehicular access to the development site. It is indicated that the access to the site will remain as existing, which is considered to be acceptable.

Parking

The proposal has a parking requirement of 1 space per 2 facility uses, in accordance with SPG: Access, Circulation and Parking (2011). The proposal includes a total of 8 off-street car parking spaces, which includes one disabled parking bay. The applicant also advises that visitors will also have access to shared car parking facilities within the wider site which would accommodate any overspill parking. The level of parking is therefore considered to be acceptable.

Other Issues:

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

Land Drainage and Flooding

Consultation has been undertaken with the Council's Flood Risk Management team and it is noted that no objection has been raised in relation to the proposal. It is indicated that the site is not within an area of surface water flood risk and that the total construction area is greater than 100 square metres. As such, it is advised that under Schedule 3 of the Flood and Water Management Act 2010, the applicant will be required to submit a separate application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB). The applicant will also be required to comply with Part H of the Building Regulations.

Further to the requirement of SuDs, the Flood Risk Management team consider that a standard condition should be added to any grant of planning consent for details to be submitted to evidence that the development complies with the requirement of Section 8.3 of Technical Advice Note 15. Whilst this recommendation is noted, it is not considered necessary to add such a condition as the matter is dealt with via the SuDs process.

Ecology

The proposal has been assessed by the Council's Ecologist and the comments received indicate that the application is mostly affecting short mown grass and hardstanding with vegetation around the edges of the site, which has been planted

relatively recently. The vegetation is therefore considered to be too immature for bat habitat and it is not believed that there would be any loss of potential bat roosts. Furthermore, given that the area is already well used with no bat records for this site (closest bat record was 250m away), no ecology or bat survey work is required. However, it is recommended that conditions be added in respect of the removal of vegetation and for biodiversity enhancement measures.

Historic Coal Mining

The application site falls within the defined Development High Risk Area in respect of historic coal mining. The application is therefore accompanied by a Coal Mining Risk Assessment (CMRA) and consultation has been undertaken with the Coal Authority.

The comments received indicate that the eastern part of the site lies within an area of recorded underground shallow workings, which pose a risk to surface stability and public safety. The CMRA identifies a potential risk to the development from shallow coal workings and it recommends that intrusive site investigations are carried out on site.

The proposed barn, swim tank facility and part of the Astro-turf area all lie outside the defined Development High Risk Area. The remaining part of the Astro-turf, the associated parking area and the hardstanding area all fall within the defined Development High Risk area. These particular elements of the scheme do not appear to require substantial foundations or earthworks.

The Coal Authority consider that the author of the CMRA was aware of the layout of the development when preparing the report and that the conclusions are based on works that they are aware may be taking place within the area identified as being at potential risk of instability. Whilst no objection is raised to the proposal, it is recommended that a condition be added to any grant of planning consent for intrusive site investigations to be carried out on site to establish the exact situation in respect of coal mining legacy.

Public Health

Consultation has been undertaken with the Council's Public Health and Protection team and no objection has been raised in relation to the proposal. A number of standard conditions have been recommended in relation to hours of operation, noise, dust and waste however, it is considered that these matters are better and more efficiently dealt with via separate environmental health legislation. It is therefore not considered necessary to duplicate these matters through the imposition of planning conditions.

Issues Raised by Objector

As indicated previously, one letter of objection has been received in relation to the application however, it must be noted that the objections do not relate to the design or potential impacts of the development itself and instead relate to the way in which the application has been advertised during the consultation exercise undertaken during the process of the application. As indicated in the *Publicity* section above, the application was advertised through the erection of site notices and through the publication of a press notice. There are no residential properties located in the immediate vicinity of the site and so no direct neighbour notification was undertaken.

A total of two site notices were erected: one at the junction between the internal private road and the track up to the site, and one at the entrance to the relevant field. The notices were clearly placed in locations that were clearly visible and in places that were relevant to the proposal. The notices followed the standard template used by the Council and included all of the relevant/required information. The officer undertook a second consultation exercise due to a minor change in the description of the application and erected 2 further site notices in the exact same places of the original notices. It was noted that the original notices were still in place and were still legible and noticeable at the time of the second consultation exercise.

The objector also indicates that a sign has been erected to indicate that the field is private property and that a padlock has now been attached to the entrance gate. The site is recorded as being within the Council's ownership and it is noted that the applicant has served notice on the Council and completed the correct ownership certificate. The sign has not been erected by the Council.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

Whilst the application site is located outside of the defined settlement boundary, the site forms part of the wider Dare Valley Country Park which is a well-established leisure facility offering a range of leisure uses. The applicant has advised that the Commando Fit business has operated a number of fitness classes from the wider Dare Valley Country Park for some time and so the construction of a barn (gym) along with a swim tank and Astro-turf area would provide a dedicated space for the business to operate and grow.

Furthermore, the scale and design of the proposal would have no adverse impact upon the character and appearance of the site or the surrounding area or upon the highway network serving the site. The site is situated well within the boundary of the wider Dare

Valley Country Park and the proposal would not have any impact upon the amenity and privacy of surrounding residential properties.

RECOMMENDATION: Approve, subject to conditions

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

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

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

- Drawing No. 811.001: Proposed Site Plan.
- Drawing No. 811.002: Site Location Plan
- Drawing No. 811.003: Proposed Plans.
- Drawing No. 811.004: Elevations.
- Drawing No. 811.005: Elevations.
- Drawing No. 811.006: Elevations.
- Drawing No. 811.007 Block Plan.

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

3. The off-street parking spaces indicated on submitted drawing no. "811.001" shall remain for the purpose of vehicular parking only.

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

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

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

Reason: To ensure that the development would not cause or result in a risk of unacceptable harm to health and/or local amenity as a result of land instability, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure that the development would not cause or result in a risk of unacceptable harm to health and/or local amenity as a result of land instability, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. The site shall be cleared outside of the nesting bird season (1st March to 1st August) unless a suitable method statement for clearance at any other time has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.

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

7. Notwithstanding the submitted details, prior to above ground works, a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting features or nesting opportunities for birds, shall be submitted to and agreed in writing by the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for the designed purpose in accordance with the approved scheme. The scheme shall include, but not be limited to, the following details:

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

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

Reason: To provide biodiversity enhancement, in accordance with Chapter 6 of Planning Policy Wales and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

8 SEPTEMBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1674/10 (KL)
APPLICANT: Newydd Housing Association
DEVELOPMENT: Proposed development of 12 no.affordable flats, new access point, landscaping and associated works (ground floor flats will meet Lifetime Homes Standards and are designed to be accessible for all individuals and to be more adaptable to long-term needs). (Amended plans received 14/01/2022)(Reptile Survey, Amenity and Biodiversity Plan and Landscaping Plan rec. 27/05/22).
LOCATION: LAND AT EDWARD STREET, ABERCYNON, CF45 4PY
DATE REGISTERED: 14/01/2022
ELECTORAL DIVISION: Abercynon

RECOMMENDATION: Approve, subject to S106 Agreement

REASONS: The application site is located within the defined settlement boundary and within a highly sustainable location. The principle of developing the site for residential purposes is therefore considered to be acceptable. Furthermore, the proposed development would provide 12no. affordable housing units which would help to address the need for affordable housing within Abercynon.

The site is also considered to be capable of accommodating the proposed development of 12no. flats, as proposed, without resulting in a significant impact upon the character and appearance of the surrounding area or upon the amenity and privacy of surrounding residential properties.

Whilst concern has been raised in relation to the number of off-street car parking spaces proposed, the site is situated within a highly sustainable location with both bus and train services being located within reasonable walking distance of the site. The proposal also includes sufficient cycle storage facilities which would promote more sustainable modes of transport, in accordance with Planning Policy Wales Ed. 11.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full Planning permission is sought for the construction and provision of 12 no. self-contained flats on a vacant parcel of land at Edwards Street, Abercynon.

The proposed flats would be arranged across two detached buildings which would be sited towards the south-eastern part of the plot. They would each be set back and up from the adjacent highway at Edwards Street by approximately 3.7 metres and 1.5m respectively, with an access ramp and steps providing access to the flats from the pavement.

The buildings would be identical in terms of their scale and design, each measuring 20 metres in width by 10 metres in depth with pitched roof designs measuring 9.3 metres in height to the ridge and 5.8 metres in height to the eaves. The buildings would be finished with a mixture of stone, buff coloured render and buff coloured brickwork with stone feature details (buff coloured reconstituted stone) with blue/grey roof tiles and dark grey windows, gutters and down pipes and grey/green composite glazed doors in white upvc frames.

Each building would contain 6 flats with 3 at ground floor and 3 at first floor. Each flat would benefit from their own private entrances to the front elevation with internal accommodation consisting of an open-plan living room/kitchen, a bedroom and shower room.

A total of 6 no. off street car parking spaces would be provided in a car parking area between the two buildings with access being off Edward Street to the south-east. A secure cycle storage area would also be available at the rear of each building.

Two separate communal garden areas would be situated at the rear of each building with access being from gates off the parking area and to the size of each building. A bin storage area would be located off the car parking area, at the rear of one of the most northern-eastern building.

The most north-western part of the site beyond the communal gardens would form a landscaped area with a number of trees.

In addition to the standard application forms and plans, the application is accompanied by the following supporting information:

- Covering Letter,

- Preliminary Ecological Assessment,
- Reptile Survey Report,
- Geo-Environmental and Geo-technical Report,
- Pre and Post Impermeable Areas Plan,
- Typical Drainage Details,
- Proposed SuDs Details
- Preliminary Off-Site Drainage Details,
- Preliminary Drainage Site Layout,
- Site Surveys,
- Surface Water Manhole Details,
- Foul Water Manhole Plan,
- Parking Justification Statement.

SITE APPRAISAL

The application site relates to a currently vacant parcel of land which is situated between the residential streets of Edward Street (south-east), Herbert Street (south-west) and Mountain Ash Road (north-west) in the village of Abercynon. The site is rectangular in shape and measures approximately 0.2 hectares in area. Due to significant changes in ground level in the immediate area, the site rises gradually from front to back (south-east to north-west) with a large retaining wall being situated along both the north-western and north-eastern boundaries. As a result of this, Mountain Ash Road is set at a significantly higher ground level to Edward Street with Herbert Street rising with the development plot.

It is understood that the site was last occupied by a workingmen's hall and institute; however, this was demolished a number of years ago and the site is currently overgrown with various scrub.

The surrounding area is predominantly residential in character however, Margaret Street, which forms the main shopping street for Abercynon (designated retail zone), is located off Edward Street to the south-east of the site. The nearest neighbouring residential properties are located immediately to the north-east (Sunny Bank, Edward Street), approximately 14m to the north-west (nos. 26-35 Mountain Ash Road) and approximately 10m to the south-east (no. 11 Edward Street and 57 & 58 Margaret Street) of the site. A vacant parcel of land lies to the south-west on the opposite side of Herbert Street.

Existing properties in the area predominantly comprise of traditional two-storey terraced properties, although there are a number of larger, standalone buildings located throughout the locality.

PLANNING HISTORY

The following applications are on record for this site:

13/0647	Land at Edward Street, Abercynon	Variation of condition 1 to extend the planning approval 07/0543 beyond September 2014 (residential development for 10 dwellings)	No decision
07/0543	Land at Edward Street, Abercynon	Residential development comprising of 10 no. houses	Granted 16/09/08
99/4316	Land at Edward Street, Abercynon	Residential development of 12 dwelling houses and 2 flats (outline)	Granted 17/09/99
94/0195	Land at Edward Street, Abercynon	22 no. maisonettes	Granted 22/12/94
81/0290	Abercynon Workingmen's Club and Institute, Edward Street, Abercynon	Hoarding	Granted 13/05/81
77/0334	Abercynon Workingmen's Club and Institute, Edward Street, Abercynon	Illuminated sign	Granted 20/07/77
77/0118	Abercynon Workingmen's Club and Institute, Edward Street, Abercynon	Use of first floor as bingo hall	Granted 19/10/77

PUBLICITY

The application has been advertised by means of direct neighbour notification to a number of properties surrounding the site and through the erection of 2 no. site notices adjacent to the site on Edward Street and Mountain Ash Road.

A total of 6 letters have been received in relation to the proposal. Four of these letters raise objections to the proposal whilst two indicate that they are not against the principle of the development but would like to raise a number of concerns. A summary of these objections/concerns is provided below:

Highways

- Residents already struggle with parking due to no permit parking for residents.
- The street is incredibly busy with vehicles of both residents and non-residents who park in residential streets to visit the local shops, takeaways and clubs.

- With only 6 parking spaces available for the development, parking issues would continue.
- Inadequate parking for the development coupled with parking restrictions on Edward Street is likely to exacerbate existing parking problems on Mountain Ash Road, Margaret Street and Herbert Street.
- Residents permit parking and additional parking spaces at the new development are both required.
- 12 flats could potentially mean 12 cars, or possibly a few more. Six spaces is not adequate.

Residential Amenity

- It will be important, should permission be granted, to ensure that a condition is imposed to ensure that the hours of construction respect nearby residential properties.
- The development would affect the view from properties in Mountain Ash Road.
- The development will cause unnecessary stress and upset, not only from work taking place in front of existing properties but also from blocking the view.
- No objection would be raised as long as the height of the building does not obscure the view.

Trees and Planting

- Concern is raised with regards to planting trees on the highest part of the site, adjacent to Mountain Ash Road, where there is currently a retaining wall.
- It is important that the correct species of trees are selected and maintained by the applicant as failure to do so could not only affect pedestrian safety for those walking on the footpath on Mountain Ash Road but also, could compromise the structural stability of the retaining wall, which would pose a serious risk to public safety.
- A condition will be required to ensure that suitable species are used and that an ongoing tree maintenance plan is agreed.

Other

- The flats are not going to be in the best interests of Abercynon as the amount of crime and anti-social behaviour is at its worst.
- Abercynon cannot afford to have another influx of residents who bring crime to the community.
- The rehabilitation centre at Martin's Lane was forced upon residents after being assured that this would not happen.
- Since the opening of the centre, Abercynon has experienced an increase in crime, from drugs and shoplifting to shopkeepers being robbed at knife point.
- Walking through the streets of Abercynon and near to the train station is a harrowing experience, being confronted by drunken or drugged up residents from the centre asking for money or cigarettes.

- It is questioned what 12 flats would bring to the area.
- It is suggested that social flats are not filled with local people.
- Trivallis have already purchased a number of other properties on Edward Street and so existing residents will be wedged between council housing.
- The value of existing properties will decrease and/or there may be issues with selling properties.
- There is already a large block of flats for sale in Station Terrace. Making use of that site would make more sense rather than adding more to the community.
- New build houses with the government backed schemes to help people get onto the ladder would be more beneficial to the local people.
- The site could be used for a parking site or something for the young people of the community.
- The manholes indicated in the plans are incorrect in that they show one in the rear garden of Sunny Bank. There has never been one in this location.
- It is assumed that the new manhole will be accessible by Welsh Water.
- A number of requests have already been made for resident parking in Edward Street however, these requests have been ignored.

CONSULTATION

The following consultation responses have been received:

Countryside, Ecology, Landscape: No objection, condition recommended.

Flood Risk Management: No objection, condition recommended.

Highways and Transportation: No objection, conditions recommended.

Housing Strategy: No objection.

Public Health: No objection, condition recommended.

South Wales Police: No objection, a number of recommendations are made in relation to Secured by Design Standards.

Welsh Water: No objection, condition recommended.

Western Power Distribution: Advises that a separate application will need to be made to WPD should a new connection or service alteration is required.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS1 (Northern Strategy Area): sets out the criteria for development in the Northern Strategy Area.

Policy CS5 (Affordable Housing): outlines the extent of the affordable housing requirement that needs to be delivered through the plan period.

Policy AW1 (Supply of New Housing): sets out the criteria for new housing proposals.

Policy AW2 (Sustainable Locations): supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

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

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

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

Policy AW8 (Protection and Enhancement of the Natural Environment): sets out the criteria for the protection and enhancement of the natural environment.

Policy AW10 (Environmental Protection and Public Health): does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

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

Policy NSA11 (Affordable Housing): seeks a provision of 10% affordable housing on sites of least 10 no. units or more within the Northern Strategy Area.

Policy NSA12 (Housing Development Within and Adjacent to Settlement Boundaries): identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

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

Supplementary Planning Guidance

Design and Placemaking
A Design Guide for Householders
Affordable Housing
Nature Conservation
Planning Obligations
Access Circulation and Parking
Development of Flats

National Guidance

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

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

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

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

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 7 - Delivering Affordable Homes – SDP/LDP/allocations and innovative approaches.

SE Wales Policies

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

Other relevant 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

Policy AW1 supports residential development on unallocated land within the settlement boundary, while Policy AW2 seeks to ensure that development is situated within defined settlement boundaries and sustainable locations. In the case of this application, the site is situated inside of the defined settlement limits of the village and is unallocated. Furthermore, it is located within an established residential area and in close proximity to the designated retail zone of Abercynon with access to a number of public transport hubs, including several bus stops and Abercynon railway station. As such, the site is located within a sustainable location and therefore complies with the primary objectives of Policies AW1 and AW2 of the LDP. Additionally, the proposed development would make use of an under-used and previously developed Brownfield site which promoted by Policy CS2.

Policy NSA10 seeks to ensure that proposals for residential development in the Northern Strategy Area have a minimum net residential density of 30 dwellings per hectare. In the case of this application, the proposal to construct 12 no. units on a parcel of land measuring approximately 0.2 hectares would generate a net density of approximately 60 dwellings per hectare. The proposal would therefore comply with Policy NSA10. Furthermore, all 12 of the units proposed would be offered for affordable housing (social rent) and the proposal would inevitably comply with Policy NSA11.

Whilst the site has been vacant for a long period of time, there is a long history of planning permission for residential development and it is therefore considered that the principle of developing the site for residential purposes has already been established.

In light of the above, the principle of the proposed development is considered to be acceptable, subject to compliance with other relevant material considerations, as detailed in the subsequent sections below.

Impact on the character and appearance of the area

The proposed buildings would be appropriately sited at the lowest part of the site with frontages that would address the highway at Edward Street. Whilst the buildings would be set forward of the building line of existing properties to the north-east, there does not appear to be a consistent building line with properties further along Edward Street being set closer to the highway. Given the sloping nature of the application site and the pattern of development in the immediate vicinity, the siting of the two buildings is considered to be both appropriate and acceptable.

The buildings would be identical in terms of their scale and design and it is considered that they represent sympathetic additions to the street scene. Whilst being finished with more modern materials, the buildings would incorporate a design that would give them the appearance of a link of 3 terraced properties, which would help them integrate positively with the surrounding area. The scale of the buildings is considered to be appropriate and in-keeping with surrounding properties and no concern is raised with regards to the palette of finishing materials proposed.

The parking area would be situated between the two buildings where it would have a limited impact upon the visual amenity of the area. Furthermore, the rear part of the site and that between the development and existing properties to the north-east would be landscaped which would soften the appearance of the development as a whole.

The scheme has been amended during the course of the application to take account of the recommendations made by South Wales Police. These amendments primarily relate to the proposed boundary treatments at the site and the provision of more secure cycle storage. The changes include the provision of a 1.8m high close boarded timber fence through the centre of the site, the railing on top of the wall bounding the car park being raised to 1.8m and the cycle and bin stores being completely enclosed

and lockable. The boundary treatments and cycle/bin stores are all considered to be acceptable and in-keeping with the overall development.

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

Impact on residential amenity and privacy

The application site is located in close proximity to a number of existing residential properties with the nearest being Sunny Bank to the north-east, nos. 26-35 Mountain Ash Road to the north-west and no. 11 Edward Street and 57 & 58 Margaret Street to the south-east.

The proposed buildings would be situated at the lowest part of the site with frontages that would address Edward Street. They would be set forward of the front building line of Sunny Bank to the north-east and at a lower ground level. A separation distance of approximately 7 metres would be maintained between the nearest building and the side elevation of Sunny Bank and this, along with the building being set at a lower ground level, would ensure that any overshadowing would be kept to a minimum with any overshadowing being limited to the late afternoon period only.

Similarly, with the differences in level between the existing and proposed buildings and with the separation distances involved, it is not considered that the proposal would have an adverse overbearing impact upon this existing property.

The nearest building would also not have any windows within the side elevation which would directly overlook Sunny Bank. Whilst there may be some overlooking from the rear windows of the nearest first floor flat, this would be limited to the rear garden only and would not be any greater than what could be achieved from the existing properties on the other side of Sunny Bank.

Properties in Mountain Ash Road to the north-west are situated at a much higher ground level to the site. They are also further elevated above the highway at Mountain Ash Road by enclosed gardens. The proposed buildings would be constructed at the lowest part of the site, resulting in their pitched roofs not rising any higher than the existing retaining wall at the north-western boundary. It is therefore not considered that the development would result in any overbearing or overshadowing impact towards properties that lie immediately opposite the site. Furthermore, whilst the buildings would incorporate windows within their rear elevations that would look towards properties in Mountain Ash Road, it is not considered that the development would result in an adverse level of overlooking. The proposed buildings would be sited at least 35 metres away from the front elevations of the existing properties which, in itself would be sufficient to ensure that overlooking between the existing and proposed buildings would be acceptable. Any potential overlooking would be further reduced by

the differences in ground level and the height of the existing retaining wall to the north-western boundary.

It is noted that a number of objections have been received from local residents which raise concern that the proposed development would impact upon the views currently enjoyed from the fronts of properties in Mountain Ash Road. Whilst the loss of a view is not material planning consideration, the proposed buildings would be set at a much lower level to properties in Mountain Ash Road with their ridge lines not extending above the height of the existing wall to the north-western boundary. It is therefore not considered that the view from existing properties would change significantly.

In terms of the impact of the proposed development upon 3 properties to the south-east of the site (no. 11 Edward Street and nos. 57 & 58 Margaret Street), the buildings would be situated to the north-west of these properties and would therefore not give rise to any overshadowing impact. They would be situated approximately 14.8 metres away from their front/side elevations and at a slightly higher ground level. However, it is not considered that this would result in an unacceptable overbearing impact. Whilst it is noted that the buildings would incorporate windows within the front elevations that would look directly towards these properties, the existing and proposed buildings would be separated by a public road and an entrance ramp. This separation distance is also noted to be greater than that between existing properties in Margaret Street and Herbert Street. Whilst some concern of direct overlooking exists, on balance, given the relationship between existing properties in the vicinity, it is not considered that this would be sufficient to warrant the refusal of the application. Furthermore, no letters of objection have been received which raise concern in this regard.

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

Access and highway safety

It is noted that a number of objections have been received from local residents which raise a number of highway safety-related issues. The concerns raised include the level of parking that would be provided within the proposed development and how this would exacerbate existing parking issues in the surrounding area.

The proposal has been assessed by the Council's Highways and Transportation section in order to determine the potential impact of the proposal upon highway safety in the vicinity of the site. Whilst the concerns of the residents are acknowledged, the Highways and Transportation section have not raised any objection to the proposal in this regard (subject to conditions). The comments received indicate the following:

Access

The proposed site is bounded by 3 adopted highways Edward Street, Mountain Ash Road and Herbet Street. All three streets are acceptable for safe vehicular and pedestrian movement.

Access via Edward Street

The proposal would provide 12no. residential apartment served off Edward Street with direct access for pedestrians and a single point of access for vehicles. The proposed car park layout affords all vehicles to access/egress the site in forward gear, which is acceptable.

The proposal includes full reconstruction of the footway fronting the site which would include a vehicular crossover. This is considered acceptable; however, a condition is recommended to ensure full design and construction details are submitted to the Local Planning Authority prior to commencement of development.

Traffic Regulation Orders

The Council have implemented extensive double yellow lines and one-way systems within the vicinity of the site in order to maintain free flow of traffic and to reduce potential indiscriminate on-street car parking which would further impact on free flow of traffic.

Parking

The Council's Supplementary Planning Guidance (SPG): Access, Circulation and Parking indicates that the proposed development of 12no. flats requires up to a maximum of 24 spaces for the flats and 2 spaces for visitors (total requirements of 26 spaces). The proposal includes provision for 6 spaces, which raises cause for concern.

In accordance with the Council's SPG: Access, Circulation & Parking Flats (2015), consideration should be given to the fact that residents of flats often have lower car ownership than other types of households. The following factors will also be considered in relation to the level of car parking provision:

- Proximity and range of public transport services,
- Range of services within easy walking distance, including shops, schools and health care,
- Accessibility of employment opportunities,
- Availability of existing on-street parking, or known pressures relating to on-street parking,
- Impact on highway safety or traffic flow resulting from increased on-street parking,
- Parking demand created by the existing use of the site.
- The general characteristics of the surrounding highway network.

It is noted that social housing requires a lesser car parking requirement than privately owned dwellings and taking into account the sustainable location of the proposed development, there is potential to reduce the off-street car parking, in accordance with the Council's SPG.

The proposal provides for 12 no. social housing, one-bed apartments and in accordance with the above, the maximum requirement would be 12 no. spaces for residents and 2 no. spaces for visitors (total requirement of 14 no. spaces). The proposal of 6 no. spaces therefore leaves a shortfall of up-to 8 no. spaces.

However, the application is supported by a Parking Justification note which indicates that that site is situated within a highly sustainable location in relation to the retail area of Abercynon with shops, schools, GP and dentist surgeries available in the immediate vicinity. Both bus and rail stops are also located within close proximity of the site. Both of these factors will reduce reliance on the private motor vehicle in accordance with Planning Policy Wales 11th Edition, which advises councils to place less reliance on the private motor vehicle and to promote walking and cycling as a primary mode of transport.

Cycle Parking

The proposal includes 12 no. cycle stands which will go some way to mitigate the parking concern raised above and which will promote sustainable modes of transport.

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

Other Issues:

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

Drainage

The application has been assessed by the Council's Flood Risk Management team in order to determine the potential impact of the proposal upon land drainage. The comments received indicate that the site is not within an area of surface water flood risk (from the Natural Resources Wales Surface Water Flood Risk Maps).

It is noted that the total construction area proposed is greater than 100 square metres and it is therefore advised that under Schedule 3 of the Flood and Water Management Act 2010, the developer will be required to submit a separate application to the

Sustainable Drainage Systems (SuDs) Approval Body (SAB). The developer will also be required to comply with Part H of the building regulations.

The applicant has provided a large amount of information related to the site's drainage; however, the Flood Risk Management team consider that the site's discharge rates pre and post development need to be explicitly outlined to ensure that the development does not adversely impact upon local flood risk. A condition is therefore recommended which would require the applicant to evidence how the development would comply with the requirements of Section 8.3 of Technical Advice Note 15. Whilst the recommendation for this condition is noted, it is not considered necessary or reasonable to impose such a condition, given that the drainage of the site would be covered by a separate Sustainable Drainage application.

The application has also been assessed by Welsh Water who have indicated that the site is crossed by a public sewer, which is located towards the north-eastern boundary of the site. The drawings submitted with the application indicate that there is an intention to abandon this sewer and Welsh Water advise that the developer will need to apply under Section 185 of the Water Industry Act in order for the sewer to be diverted. It is advised that there is currently no Section 185 Agreement in place, nor has an application been submitted to divert the public sewer. As such, the development, as shown in the submitted plans, would be situated within the protection zone of the public sewer.

Welsh Water also note that foul flows would be disposed of via the public sewerage system and no objection is raised in principle to this arrangement. It is commented that surface water is set to be drained via a sustainable drainage system and a culvert and a condition is recommended to ensure that surface water is not connected directly or indirectly with the public sewerage network.

Ecology

The application has been submitted with a Preliminary Ecology Assessment (PEA) and a Reptile Survey (RS) which have both been assessed by the Council's Ecologist.

The comments received from the Council's Ecologist indicate that the PEA is considered to be an appropriate and reasonable assessment, concluding that dormouse presence is highly unlikely, that badger setts and otter holt potential are unlikely and that a tree inspection concluded no bat roost potential. It also concludes that nesting bird and reptile mitigation is needed.

It is also commented that the RS is also considered to be appropriate. It concludes that no reptiles were found; however, it is recommended that a precautionary approach be taken to the clearance of the site as the site has previously been cleared of vegetation, which could have affected the local reptile populations.

The Council's Ecologist has therefore not raised any objection to the proposal; however, a number of conditions are recommended in relation to a nesting bird method statement and details of tree protection, bat sensitive lighting, non-native plant control and biodiversity enhancement measures. A further condition is recommended to ensure that site clearance is carried out in accordance with the recommendations and mitigation measures set out in Section 3 of the RS.

Land Contamination

The application is supported by a Geo-Environmental and Geo-Technical report which has been assessed by the Council's Public Health and Protection team. The report indicates that there is a risk to human health from unacceptable levels of contaminants in the encountered made ground and the Public Health and Protection team therefore consider that it would be necessary to add standard contaminated land conditions should planning permission be granted. It is advised that the desk-study element of the condition can be dispensed and so the condition only needs to include the need for a site investigation to fully and effectively characterise the nature and extent of contamination and its implications, and also a written method statement for the remediation of contamination affecting the site. This condition has been added, as recommended.

Other Issues Raised by Objectors

A number of objectors have suggested that the flats are not in the best interests of Abercynon and reference is made to crime and anti-social behaviour currently experienced in the town, which one objector considers is related to a rehabilitation centre on Martin's Lane. One objector also considers the development would result in another influx of residents who would bring crime to the community. Whilst these concerns are understood, there is no evidence to suggest that affordable housing would exacerbate these issues. Indeed, the tenure of the flats and the type of social housing tenant that may occupy these is not a material planning consideration. Furthermore, it would be the responsibility of the Registered Social Landlord to manage this situation accordingly.

It is also suggested by one objector that the flats would not be occupied by local people; however, this is also not considered to be a material planning consideration.

One letter of objection also considers that the development would result in devaluation of existing surrounding properties and/or that there may be difficulties in selling properties, should residents wish to move in the future. Whilst these concerns are noted, the effect of development on the value of existing neighbouring properties or indeed the housing market, perceived or otherwise, is not a material planning concern. Therefore, no weight is attributed to this matter in forming a recommendation.

One objector indicates that there is already a large block of flats for sale in Station Terrace and that it would make more sense to make use of that site. It is also

suggested that the application site be put to other use (i.e. government backed scheme for new-build housing for first time buyers, parking or a community use). Whilst these suggestions are appreciated, the Council cannot influence where development is proposed or indeed the type of development that comes forward. The application is for 12 no. flats on this particular site and the application must be considered accordingly.

It is noted that one letter of objection indicates that several requests have been made for resident parking in Edward Street and that these requests have been ignored. This issue is a separate matter and cannot be taken into consideration through the planning process.

One objector considers that a condition to restrict hours of construction is necessary, given the close proximity of the site to a number of existing residential dwellings. The site is located in close proximity to a number of residential properties and the condition is considered necessary in this instance.

The same objector considers that a condition will also be necessary to control the species of trees planted at the top part of the site to ensure that the trees would not cause stability issues for the existing retaining wall. This would be considered via a landscaping scheme which has been conditioned accordingly.

Community Infrastructure Levy (CIL) Liability

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

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

Section 106 Contributions / Planning Obligations

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

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

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

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

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

The Section 106 requirements in this case

In this case the Council's Housing Strategy Section has noted that the site would provide 100% affordable housing for social rent, which would accord with LDP Policy NSA11.

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

Conclusion

The application site is located within the settlement boundary and the principle of residential development would therefore be acceptable and accord with Policies CS1, AW1, AW2, NSA2 and NSA12 of the Rhondda Cynon Taf Local Development Plan.

Furthermore, the proposed housing development has been designed for and in accordance with a registered social landlord and will provide beneficial additional affordable housing to meet local housing demand.

RECOMMENDATION: Approve, subject to S106 Agreement and Conditions

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

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

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

- Drawing No. P-001: Site Location Plan (Rec. 12/07/22);
- Drawing No. P-110 Rev. C: Proposed Site Plan (Rec. 12/07/22);
- Drawing No. P-111 Rev. F: Proposed External Works Plan (Rec. 12/07/22);
- Drawing No. P-112 Rev. E: Proposed Means of Enclosure Plan (Rec. 12/07/22);
- Drawing No. P-200 Rev. F: Proposed Context Elevations (Rec. 12/07/22);
- Drawing No. P-201 Rev. F: Proposed Context Elevations 2 (Rec. 12/07/22);
- Drawing No. P-202 Rev. D: Proposed Car Park Section (Rec. 12/07/22);
- Drawing No. P-210 Rev. E: Proposed Ground Floor Plan (Rec. 12/07/22);
- Drawing No. P-211 Rev. C: Proposed First Floor & Roof Plans (Rec. 12/07/22);
- Drawing No. P-212 Rev. B: Proposed Typical 1B2P Apartment Plans (Rec. 12/07/22);
- Drawing No. P-220 Rev. C: Proposed Elevations (Rec. 12/07/22);
- Drawing No. P-221: Proposed Sections (Rec. 12/07/22);
- Drawing No. P-300 Rev F: Proposed Perspectives 1 (Rec. 12/07/22);
- Drawing No. P-301 Rev. F: Proposed Perspectives 2 (Rec. 12/07/22);
- Drawing No. 0006 Rev. PO1: Amenity and Diversity (Rec. 08/06/22);
- Drawing No. S.7675-P-50: Pre and Post Impermeable Areas (Rec. 17/12/21);
- Drawing No. S.7675-P-03: Preliminary Site Layout: Drainage (Rec. 17/12/21);
- Drawing No. S. 7675-P-05: Preliminary Off-Site Drainage Section (Rec. 17/12/21);
- Drawing No. S.7675-P-06: Proposed SuDs Details (Rec. 17/12/21);
- Drawing No. S.7675-P-07: Typical Drainage Details Sheet 1 (Rec. 17/12/21);
- Drawing No. S.7675-P-08: Typical Drainage Details Sheet 2 (Rec. 17/12/21);
- Drawing No. S.7675-P-09: Typical Drainage Details Sheet 3 (Rec. 17/12/21);

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

3. Before the development is brought into use the means of access, together with the parking facilities and cycle facilities, shall be laid out in accordance with the submitted plan P-111 REV F and approved by the Local Planning

Authority. The parking spaces shall remain thereafter for the parking of vehicles in association with the development.

Reason: In the interests of highway safety and to ensure vehicles are parked off the highway, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the submitted plan, the design and construction details of the proposed re-constructed footway fronting Edward Street and vehicular crossover shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the first unit.

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

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

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

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

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

6. No development shall take place until a scheme of landscaping has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development. The development shall be carried out in accordance with the agreed details.

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

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

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

8. The site shall be cleared outside of the nesting bird season (1st March to 1st August) unless a suitable method statement for clearance at any other time has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.

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

9. Construction works on the development shall not take place other than during the following times:

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

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

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

11. The works shall be carried out in accordance with the recommendations set out in Section 3 of the submitted Reptile Survey (by Ecological Services Ltd, dated 16th May 2021) unless otherwise agreed in writing by the Local Planning Authority.

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

12. Notwithstanding the submitted details, prior to above ground works, a scheme for ecological mitigation and enhancement, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - a) Provisions for on-site bat sensitive lighting
 - b) A sensitive landscaping and tree planting plan
 - c) Details of non-native plant control
 - d) A nesting bird method statement
 - e) Details for tree protection
 - f) Biodiversity enhancement measures

The works shall be implemented in accordance with the approved details.

Reason: To provide biodiversity enhancement, in accordance with Planning Policy Wales.

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PLANNING & DEVELOPMENT COMMITTEE

8 SEPTEMBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0101/10 (JE)
APPLICANT: Mr Lewis
DEVELOPMENT: Two storey side and rear extension and alterations to existing property to create 2no. self contained flats. Gabion basket retaining walls to form terracing to front amenity space(Resubmission of 21/1012/10)(Amended description received 28/02/22)(Bat Potential Roost Assessment received 02/06/22)
LOCATION: 5 WESLEY VILLAS, KEITH STREET, TYLORSTOWN, FERNDALE, CF43 3DS
DATE REGISTERED: 25/01/2022
ELECTORAL DIVISION: Tylorstown

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

REASONS: The proposed development is acceptable in principle and involves the subdivision and extension of an existing residential property to provide 2No. residential units in a sustainable location within settlement limits. The impacts upon the character and appearance of the area, residential amenity and highway safety are all considered acceptable and therefore accord with the relevant requirements of the Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from Councillor Robert Bevan for the matter to come to Committee so that members can consider the impact of the development.

APPLICATION DETAILS

Full planning permission is sought for the construction of a two storey side and rear extension, associated works and the construction of gabion baskets at 5 Wesley Villas, Keith Street, Tylorstown to allow subdivision of the dwelling to 2No. flats. This application is a resubmission following the Council's refusal of planning permission for a similar development of 2no. flats on 08/10/2021. The previously application

(21/1012/10) was refused because it was considered that the proposal would represent a visually incongruous form of development that would have a detrimental impact upon the character and appearance of the surrounding area, result in the creation of poor quality living accommodation for future occupiers, and insufficient information had been submitted in relation to ecology.

In an attempt to overcome the previous concerns the applicant has now reduced the amount of works and reconfigured the internal arrangements; and also provided relevant ecology information.

The proposed two storey side extension would measure a width of 5 metres by a depth of 7.5 metres and would match the existing front and rear property lines. The proposed side extension would form one larger extension combined with the proposed rear extension which would measure a width of 9 metres and would protrude outwards to a depth of 4 metres. The works would see the existing rear projection demolished. Both extensions would share a mansard roof design which would measure an eaves height of 5.3 metres and ridge height of 8.3 meters matching the existing dwelling. In addition, the proposal would see the construction of a single storey front extension located centrally between the proposed side extension and existing dwelling that would measure a width of 8.8 metres by a depth of 1.1 metres. This extension would have a mono pitched roof design measuring a maximum height of 3.1 meters sloping to 2.1 metres at the eaves.

The proposed extensions would facilitate the conversion of the property to 2no. flats with one no. 2 bedroom flat located on the ground floor and a 1no. 3 bedroom maisonette located on the first and second floors of the property.

To provide secondary access to the first floor flat the proposal would see the creation of an elevated walkway and rearranged staircase to the rear of the property that would allow for access from Keith Street.

The proposal would also see 3no. gabion baskets located within the front amenity area, 1no. at the location of an existing retaining wall at the rear of the garden for off street parking and 2no. other structures located between the parking area and dwelling. The submitted site section indicates that the gabions would be partially concealed below ground level with the baskets measuring a maximum height of approximately 1 metre above ground level.

The application is supported by:

- Preliminary Roost Assessment
- Bat Survey Report

SITE APPRAISAL

The application property is a traditional end of terrace dwelling located within a residential area of Tylorstown. The property is attached on its northern side elevation

and is set back and significantly elevated from Hendrefadog Street to the east by an enclosed amenity space. Within the front amenity space of the property is a gated area of off street parking adjacent to the highway. The remaining area of amenity space is largely covered in low vegetation and at the time of the Officer's site visit was unkempt in appearance. The dwelling is elevated further above the amenity space with a stone retaining wall to the front and steps providing access. To the rear of the dwelling is a further area of amenity space which includes a large retaining structure along the rear boundary which separates it from the highway at Keith Street to the rear which is at a higher level. The site benefits from an existing pedestrian and vehicle access from Keith Street with an existing raised hardstanding to the rear of the property.

The area to the side of the property historically accommodated No.4 Wesley Villas that was previously demolished due to fire damage.

Surrounding development is characterised by traditional terraced properties which are of a similar scale and design.

PLANNING HISTORY

The most recent planning applications on record associated for this site are:

21/0470/10: 5 WESLEY VILLAS, KEITH STREET, TYLORSTOWN, FERNDALE, CF43 3DS

Two storey extension to the gable end on the site of the former property number 4 Wesley Villas. The extension to the rear of number 5 will be demolished with a mansard roof rear extension.

Decision: 16/07/2021, Withdrawn by Applicant

21/1012/10: 5 WESLEY VILLAS, KEITH STREET, TYLORSTOWN, FERNDALE, CF43 3DS

Two storey side and rear extension and alterations to existing property to create 2no. self contained flats. Gabion basket retaining walls to form terracing of front amenity space.

Decision: 08/10/2021, Refuse

PUBLICITY

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

Four letters of support and four letters of objection have been received from occupiers of neighbouring properties. The points raised have been summarised below:

Support

- Would improve the current appearance of the site and enhance the area.

- Provide suitable living accommodation to the applicant's family who are registered disabled and would allow them to live in their area of choice.
- Develop vacant property.

Objection

- Object to larger than average family home being made into what we feel are clearly three flats.
- Plans indicate that the development would have capacity for 10 residents.
- Height and look of roof out of character with the area.
- Impact upon roof of adjoining property.
- Result in a loss of light at adjoining property.
- Entrance walkway to the rear will directly overlook neighbouring property.
- Works to front garden could impact upon the stability of adjoining gardens.
- Walkway to front of property will result in loss of privacy.
- From what information has been provided it appears this development will change the nature and character of the area plus the unsightly gabion walls would be totally out of character.
- Loss of parking.
- Detrimental impact upon property value.
- Additional traffic would be detrimental to existing users of the adjacent highways.
- Noise and disruption from building works.

CONSULTATION

Transportation Section: No objection subject to conditions.

Countryside (Ecology): No objection following the submission of ecology reports.

Public Health and Protection: No objection although conditions suggested in relation to hours of construction, noise, dust and waste.

Flood Risk Management (Drainage): No objection although condition suggested with regard to surface water drainage.

Dwr Cymru Welsh Water: No objection although condition suggested with regard to surface water drainage.

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 the settlement boundary for Tylorstown and is not allocated for any specific purpose.

Policy CS1 – promotes the re-use of under used and previously developed buildings the Northern Strategy Area.

Policy AW1 – sets out the criteria for new housing development.

Policy AW2 – promotes 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.

Policy AW8 - only permits new development where it is shown that there will be no harm to locally designated sites or an unacceptable impact upon features of importance to landscape or nature conservation.

Policy AW10 - states that development will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of issues including noise and air pollution.

Policy NSA12 - Permits housing development within and adjacent to the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway and design standards.

Supplementary Planning Guidance:

- Delivering Design & Placemaking: Access, Circulation and Parking
- Development of Flats
- A Design Guide for Householder Development

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 extensions to an existing property to form 2no. self contained flats as well as works within the amenity space which include the construction of gabion baskets to the front of the property. The application site is located within the settlement boundary and is within an established residential area of Tylorstown.

The Council's Supplementary Planning Guidance (SPG) for the Development of Flats – Conversions and New Build advises that flats are unlikely to be acceptable where they are located solely in basements, or where habitable rooms would only have roof light windows. It also requires flats to have easy and safe access for all users and advises that access through rear lanes and entrances around the backs of buildings

should be avoided wherever possible. It also advises that the Council will resist proposals that would create poor quality living accommodation and schemes should be refused for the above mentioned reasons.

In the case of this application, the proposal would see the creation of 1no. 2 bedroom flat on the ground floor of the property with access from the front of the property and 1no. 3 bedroom maisonette located on the first and second floor of the property accessed from the front and rear of the property.

A previous application at the site was refused as it was considered that the proposal would result in the creation of poor-quality living accommodation however this resubmission includes a revised floor plan that would see the creation of flats which are of an acceptable size with each main room having at least one window and reasonable outlook. In addition, both flats can now be accessed from the front of the property which is relatively well overlooked and direct access to the site can be made from the surrounding pavements and roads.

There is some concern with regard to the location of the kitchens directly adjacent to the shared wall with the neighbouring property No.6 Wesley Villas, but it is considered that any potential adverse impact could be addressed through the implementation of a scheme of soundproofing which has been conditioned below should Members resolve to approve the application.

As such, the proposal is considered to meet the requirements set out in the (SPG) and is acceptable in this regard.

Impact on the character and appearance of the area

Policy AW5 of the Rhondda Cynon Taf Local Development Plan seeks to support development where its scale, form and design would have no unacceptable effect on the character and appearance of the site or surrounding area. In addition, Policy AW6 supports development proposals that are of a high standard of design and are appropriate to the local context. Technical Advice Note 12 (Design) further aims to encourage and promote the importance of good design and clearly emphasises planning permission should be rejected on grounds of poor design.

In this case, while the development would form a significant and highly visible alteration to the original home, as set out by the letters of support, it would bring a vacant property which is currently of an unkempt appearance back into beneficial use. Further, the area to the side of the property historically accommodated an end of terrace dwelling and as such, the proposed side extension with its fenestration, layout and roof design would appear as a continuation of the existing terrace which is considered acceptable and is not considered to result in any detriment to the character and appearance of the area.

Additionally, the footprint of the proposed rear extension is considered acceptable and whilst it would feature a mansard roof giving the property the appearance of three storeys at the rear, this elevation is not widely visible within its surrounding area and therefore it would have a minimal impact upon the character and appearance of the area.

Whilst it is noted that the gabion baskets proposed would form a prominent addition to the property, the applicant has indicated that they would be finished with natural stone to give the appearance of a dry stone wall which is in-keeping with walls seen at surrounding properties. As such, it is not considered that the gabion baskets would result in such an impact that would warrant a refusal of the application. However, to ensure an acceptable finish to the gabion baskets a condition has been included below requiring the submission of details of the finishing stone, should Members resolve to approve the application.

As such, it is considered that the proposals would not adversely impact upon the character or appearance of the area and are considered acceptable in this regard.

Impact on residential amenity and privacy

The objector's comments that the proposed development would result in overbearing and overshadowing of the attached property are noted, however, as the proposed rear extension would match the depth of the existing rear projection at 4 metres and would retain a 1 metre separation distance between the boundary of the property and No.6 Wesley Villas, it is not considered that any associated impact would be great enough to warrant a refusal of the application. It was also commented by the objectors that the proposed gabion baskets would be overbearing, however, when considering the existing change in levels in the front amenity space of the property, it is not considered that the construction of these features would result in any further overbearing impact than that which already occurs.

The objections received raised concern that the proposed development would result in a loss of privacy. When considering the impact upon the attached property No.6 Wesley Villas, the proposal would remove windows on the side elevation facing this property. As such, it is considered that the proposal would result in a betterment to the existing arrangement between these properties. Whilst it is commented by the objector that the proposed walkway would provide for additional opportunities for overlooking, when considering the existing arrangement between the properties which allows for a number opportunities for overlooking from the amenity space, it is not considered it would result in any further adverse impact in this regard than that which already occurs.

With regard to the impact of the development upon 3 Idloes Place to the south, the proposal would have upper floor windows facing this property, but when considering the separation distance between properties and the existing terrace nature of the vicinity that has already established an existing level of mutual overlooking between

properties, it is not considered that the proposal would exacerbate existing levels of overlooking experienced by the occupiers of this property. It is also noted that the applicant is the current occupier of this property.

Taking the above into account, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

Highway Safety and Parking Provision

The Council's Transportation Section were consulted in order to provide comments on the suitability of the application with regard to highway safety and parking provision. The following response was received:

There are two access points serving the proposed development, 1no. off Keith Street and 1no. off Hendrefadog Street, both of which are adopted highways maintained by the Council. There is slight concern that there are no continuous footway links leading to the proposed on Keith Street at the rear, however, taking into account the limited traffic using Keith Street the ability of 1 vehicle and pedestrian to pass one another with potential to step off the carriageway, on-balance this arrangement is considered acceptable. However the proposed vehicular access from Keith Street crosses highway verge therefore the proposed will require a vehicular crossover in accordance with the Council's specification. As such a condition to this effect is suggested. Hendrefadog Street is acceptable for safe vehicular and pedestrian movement with continuous pedestrian links and satisfactory width for safe two-way traffic. The proposal provides for two off-street car parking spaces and therefore two vehicular crossovers will be required, which have been conditioned accordingly.

The existing dwelling requires up-to a maximum of 3 spaces in accordance with the SPG Access, Circulation & Parking 2011 with 3 provided, although the existing off-street car parking served off Hendrefadog Street requires illegal crossing of the full height kerb for access which is not acceptable. The proposed conversion to 1 number 3 bed apartment and 1 number 2 bed apartment requires up-to a maximum of 5 spaces in accordance with the SPG with 3 provided leaving a shortfall in the maximum standards of 2 spaces, but the proposal provides 1 off-street space for the two bed apartment and 2 spaces for the 3 bed which in this sustainable location is, on-balance, considered acceptable.

Taking the above into account, no highway objection is raised and the application is considered acceptable In this regard.

Ecology

Due to the demolition and conversion works proposed consultation was undertaken with the Council's Ecologist. During the initial consultation period the Ecologist raised concern and requested that a preliminary bat roost assessment was undertaken. This report identified that emergence survey work was required and was subsequently

requested by the Council's Ecologist. The applicant therefore submitted a bat survey report which indicated that a dusk emergence survey was undertaken and during this survey no bats were seen to emerge from the building and there was no evidence found of bat roosting activity. However, there was evidence of house sparrows nesting at the property. Following a review of the report no objection to the was raised by the Ecologist providing that the mitigation and biodiversity enhancement measures recommended in the conclusions report are conditioned to any consent.

Public Health & Protection

The Council's Public Health and Protection Division have raised no objection to the proposal, however a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that these issues can be more effectively controlled by other legislation and the suggested conditions are therefore not considered necessary. An appropriate informative note would be sufficient.

Drainage

Whilst the Council's Flood Risk Management Team and Welsh Water have requested that a condition it attached to any consent with regard to surface water drainage. Developments with a development area over 100m² are required to comply with Schedule 3 of the Flood and Water Management Act 2010 in that a separate Sustainable Drainage Systems (SuDS) application is required to be made to the SuDS Approval Body (SAB) prior to any development commencing. As such, it is considered that the surface water flood risk will be adequately managed by Schedule 3 of the Flood and Water Management Act 2010 and also by Part H of the Building Regulations and it is not necessary to add the relevant drainage condition.

Other issues raised by the objectors

The objectors commented that the development appears to result in the creation of 3no. flats that could accommodate up to 10 residents. However, the plans and supporting information clearly set out that only 2no. flats are proposed and it is on this basis alone that the application has been considered. Any such further sub-division would require separate planning permission and would be considered on its own merits.

The right to light and impact upon property values were also raised within the objector's comments. Whilst these points are noted, they do not form material planning considerations and cannot be taken into account during the consideration of this application.

Concern has also been received with regard the construction of the gabion baskets and whether they will be built safely. As set out above, it is considered the general principle of using baskets on site and their visual impact is acceptable, as such it is

considered their design and construction could be controlled through condition. As such a condition to this effect is set out below. Further, the works would require separate Building Regulations approval which would ensure the construction is undertaken to the correct standards.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The proposed development is acceptable in principle and involves the subdivision and extension of an existing residential property to provide 2No. residential units in a sustainable location within settlement limits. The impacts upon the character and appearance of the area, residential amenity and highway safety are all considered acceptable and therefore accord with the relevant requirements of the Local Development Plan.

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 plans

- 436/211/PL002A
- 436/211/PL003A
- 436/211/PL004A
- 436/211/PL005A
- Proposed Front Landscape Arrangement

and documents received by the Local Planning Authority on 25/01/2022, 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. No development works shall commence on site until a sound proofing scheme for the flats hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved sound proofing measures shall be implemented prior to beneficial occupation of the flats and shall remain in perpetuity.

Reason: To protect the amenity of future occupiers of the flats and those of the adjoining neighbouring property in accordance with Policies AW5 & AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The development hereby approved shall be carried out in accordance with the mitigation and biodiversity enhancement measures set out in the Conclusion and Mitigation section of the Bat Potential Roost Assessment dated June 2022.

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

5. Prior to the development being brought into beneficial use, 2 no vehicular footway crossings (Keith Street & Hendrefadog Street) shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development on site commencing.

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

6. No development works shall commence on site until full details of the gabion baskets hereby approved have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity and to ensure the structural integrity of the walls are appropriate in accordance with Policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

8 SEPTEMBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

22/0462/13 (JE)

APPLICATION NO:

APPLICANT: Larksmere Services Ltd

DEVELOPMENT: Detached dwelling, garage and parking (Revised redline boundary received 17/06/22)

LOCATION: LAND ADJ TO 11 CAE SIRIOL, YNYS-HIR, PORTH

DATE REGISTERED: 17/06/2022

ELECTORAL DIVISION: Ynyshir

RECOMMENDATION: APPROVE

REASONS: The principle of residential development at the site is acceptable. Furthermore, the proposed development is considered acceptable in respect of its visual impact, its potential impact upon the amenity and privacy of the neighbouring properties, and its potential impact upon highway safety in the vicinity of the application site.

REASON APPLICATION REPORTED TO COMMITTEE:

- 3 or more letters of objection have been received.

APPLICATION DETAILS

Outline planning permission is sought for a single detached dwelling at land adjacent to 11 Cae Siriol, Ynyshir, Porth.

The application is made in outline with all matters reserved for future consideration. The application is accompanied by an indicative layout plan which indicates that a dwelling could be sited towards the centre of the site with a detached garage alongside. The indicative layout plan also indicates that vehicular access would be provided via the highway at Cae Siriol, the northern most extent of which is unadopted.

As scale is a matter reserved for future consideration, a minimum-maximum range has been provided for the depth, width and height of the proposed dwelling, these have been derived from the supporting plans and information as follows.

	Minimum	Maximum
Width	9m	10m
Depth	7m	10m
Height (Eaves)	4.9m	5.2m
Height (Ridge)	7.5m	9m

Members are advised that a revised redline boundary was submitted on the 17/06/22 to include access along Cae Siriol as the original redline did not extend out to the adopted highway, which only extends to No. 5, approximately halfway up the street.

SITE APPRAISAL

The application site is an irregular parcel of land located within the settlement boundary for Ynyshir. The site extends to approximately 600m² and is located towards the northern end of Cae Siriol, a residential cul-de-sac that occupies a valley side position at the western boundary of the settlement. The site is accessed from Cae Siriol which is unadopted from approximately No.5 onwards, with the site located adjacent to an existing turning head. At the time of the Officer's site visit it was evident that the site had been recently cleared with any vegetation and trees removed. The nature of the area slopes from west to east with the level of the site increasing towards the rear. The site is bounded by No.11 Cae Siriol to the south, open mountainside to the west, woodland and a development plot to the north, and a residential property known as Willow House to the east.

The area surrounding the site is generally residential in nature and is characterised by various property types and of differing designs.

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.

A petition of 15 individual signatures has been received from occupiers of neighbouring properties. The points raised have been summarised below:

- Recent developments by the applicant have resulted in flooding due to failure to comply with relevant regulations. Concerns that the same could occur here.
- Concerns with previous works by the applicant in relation to infilling which could occur here.
- Applicant has shown complete contempt through cutting down a large number of trees at the established woodland adjacent to proposed development site.

- Existing dwellings that have been constructed to the north of the site have not required access from Cae Siriol.
- Proposal will lead to further development utilising Cae Siriol which is partially an unadopted private road.
- The highway is not suitable for repeated heavy traffic and will become the site access leading to safety concerns for children and residents.
- The proposal would disrupt, frustrate and contaminate an otherwise quiet neighbourhood.
- Residents of No.11 have maintained and looked after the turning point for over 40 years. Concerns that this will not serve the street in the future as it has in the past if access is needed for the proposed dwelling. In addition, an application for adverse possession of the turning point at No.11 is in hand with a legal process underway.
- An established water culvert that crosses the site may be compromised if alterations made at current location.
- Disruption of private parking due to work vehicles.
- Highway not wide enough for large vehicles.
- Who will foot repair bill should the private road get damaged?
- Who will clean the street every day after the construction traffic and how will this be policed?

CONSULTATION

Transportation Section: No objection raised subject to condition.

Dwr Cymru Welsh Water: Standard consultation response received requesting a condition in relation to surface water drainage and an informative note regarding SuDS are appended to any consent.

Flood Risk Management (Drainage): No objection although condition suggested in relation to surface water drainage.

Countryside (Ecology): No objection raised subject to conditions.

Public Health and Protection: No objection although conditions recommended in relation to hours of construction, noise, dust and waste.

Western Power Distribution: Standard consultation response received requesting an informative note to make the applicant aware that if they require a new connection or service alteration, they will need to make a separate application to WPD.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, 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 the settlement boundary for Porth and is not allocated for any specific purpose.

Policy CS1 – Sets out the criteria for new development in the Northern 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 unacceptably conflict with surrounding uses.

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 AW10 – Does not permit proposals where they could cause or result in a risk of unacceptable harm to health and/or amenity.

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

Supplementary Planning Guidance

- Design and Placemaking
- Delivering Design and Placemaking: Access, Circulation & Parking Requirements

National Guidance

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

Planning Policy Wales (Edition 11) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of all 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
PPW Technical Advice Note 18- Transport

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application seeks outline planning permission for residential use at the application site. The proposal seeks consent for the principle of development only with all other matters relating to appearance, layout, scale, landscaping and access reserved for future consideration.

The application site is unallocated and is located within the defined settlement boundary and a residential area of Ynyshir. The site is also located within close proximity to a number of local facilities and public transport links. As such, it is

considered to be within a sustainable location where residential can generally be supported.

It is therefore considered the application complies with Policies CS1, AW1, AW2 and NSA12, all of which support the provision of new housing on unallocated sites within the Northern Strategy Area.

Impact on the character and appearance of the area

The site forms an area of land at the end of Cae Siriol and as such forms a natural rounding-off of the street. Furthermore, having regard to the size of the site and the indicative site layout plan submitted, it is considered that the site is capable of accommodating a carefully designed dwelling that would not result in a detrimental impact upon the character and appearance of the surrounding area. It is however acknowledged that the submitted details are for indicative purposes only and that this issue would be given further careful consideration at reserved matters stage.

In addition, the appearance, landscaping, layout and scale of the scheme are reserved for future consideration and would be within the control of the Local Planning Authority. This would therefore allow the Council to reject schemes that would have an adverse impact in these respects.

It is therefore considered the site is capable of being developed for a single dwelling in a manner which is well related to the character of the area in line with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

As the site is located within settlement limits and in a predominantly residential area it is important to consider the potential impacts of the development upon the levels of amenity and privacy that existing neighbouring occupiers currently enjoy.

Members are advised that the illustrative layout plan indicates that the site is physically large enough to comfortably accommodate a dwelling within the prescribed scale ranges proposed without having a significant impact on the existing residential properties to the south along Cae Siriol. Any potential impact here would be to the closest dwelling only, No.11, but it is considered the relationship between any new dwelling at the site and No. 11 would be similar to that which already occurs between the existing neighbouring properties along the street.

Further, the indicative plan submitted indicates that any new dwelling at the site would be separated from the rear elevation of neighbouring property to the east, Willow House, by approximately 24 metres. It is considered this is sufficient distance to ensure the amenities of this property are not unduly affected.

In addition, as the application is made in outline with all matters reserved, the Council would be able to reject any future scheme which adversely impacts upon the privacy standards currently enjoyed by neighbouring occupiers.

Taking the above into account, the application is considered acceptable in this regard.

Highway Safety and Parking Provision

A number of concerns were raised by the objectors with regards to the access along Cae Siriol and parking created by the proposed development. However, following consultation the Council's Transportation Section raised no objection to the application with the following response received:

The application site is accessed off Cae Siriol which is a cul-de-sac with turning facility at the northern end, footway provision on the development side to the boundary of the adjacent dwelling, street lighting and is adopted for part of its length only. The proposed dwelling is to be accessed off the non-adopted section at the turning facility. The proposed access is generally considered acceptable but there is a missing section of footway to access the dwelling around the turning head and therefore a condition has been suggested to set the site boundary back to provide a safe secure pedestrian footway / vehicular crossover here.

Off-street car parking shall be provided in accordance with the councils SPG Access, Circulation & Parking 2011. The indicative plan shows three off-street car parking spaces which would be in accordance with the maximum standards. Taking into account the location of the proposed served off the turning head, maximum standards would be required to protect the turning facility.

Taking the above into account, the application is considered acceptable in this regard subject to the conditions set out below.

Ecology

Following a review of the submitted details the Council's Ecologist commented that the site appears to have been cleared prior to submission of the application and consequently there is no ecology on site and there are no ecological issues / requirement for any ecological assessment. However, to ensure that the development results in an enhancement to biodiversity, a condition should be attached to any consent to require the use of bird bricks in the dwelling.

Drainage

The objectors have raised concern in relation to drainage issues associated with the proposed development. Whilst these concerns are noted no objection has been raised by the Council's Flood Risk Management Team or Dwr Cymru Welsh Water who both note that any future drainage scheme would be controlled by the necessary, separate

SuDS consent. It is noted that both consultees have requested conditions in relation to surface water drainage, but as this matter is controlled under separate SuDS legislation it is not considered these conditions are necessary and an informative note has been included below in their place.

Public Health

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

Other issues raised by the objectors

The objectors have raised concerns in relation to previous works undertaken by the developer which were not in accordance with the relevant legislation and resulted in problems for neighbouring properties. Whilst these points are acknowledged and any issues that have occurred at other sites are regrettable, this is not a planning matter that can be taken into account during the consideration of this application.

With regard to the use of the unadopted access/private lane, the use of this highway would be subject to agreement between the relevant parties. As such, this matter also does not form a material planning consideration.

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 application.

However, the application site lies within Zone 1 of Rhondda Cynon Taf's residential charging zones where a nil charge is applicable. Therefore, no CIL would be payable.

Conclusion

The development in principle is acceptable and it is considered that the site is capable of accommodating a carefully designed dwelling that would not result in a significant impact upon the character and appearance of the surrounding area or the amenities of the surrounding properties. Furthermore, there would be no undue impact upon pedestrian or highway safety in the vicinity of the site, subject to works detailed in the conditions below being carried out. As such, the application is considered to comply

with the relevant policies of the Local Development Plan and is recommended for approval.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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

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

(c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.

(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: To comply with Sections 92 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
 - Hdw/ph/Lm.01b

and documents received by the Local Planning Authority on 14/04/2022 and 17/06/2022, 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. No development shall commence 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 dwelling is occupied. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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

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

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

6. Prior to the commencement of development, details for the provision of bat/bird bricks/ boxes (incorporated within the 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 of nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

7. Notwithstanding the details shown on the submitted plans, development shall not commence until details of the site boundary set back 2m to provide for continuous footway / vehicular crossover have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

8. 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 in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

10. Prior to the commencement of development, details of traffic management and wheel washing facilities shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

8 SEPTEMBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0659/10 (GRD)
APPLICANT: Mr S Esnouf
DEVELOPMENT: Conversion of HMO into three self-contained flats.
LOCATION: 23 WOOD ROAD, TREFOREST, PONTYPRIDD, CF37 1RQ
DATE REGISTERED: 31/05/2022
ELECTORAL DIVISION: Treforest

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS.

REASON: The proposed development is acceptable in principle and involves the change of use and subdivision of an existing House in Multiple Occupancy Property to provide three residential units in a sustainable location within settlement boundary limits. The impacts upon the character and appearance of the area, residential amenity and highway safety are all considered acceptable and therefore accord with the requirement of the Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- The Local Councillor has submitted a written request for it to be reported to committee.

APPLICATION DETAILS:

The application seeks full planning permission for the change of use and subdivision of an existing five-bedroom House in Multiple Occupation (HMO) (Use Class C4) to 2 x one-bedroom flats and a one-bedroom studio flat (Use Class C3) at 23 Wood Road, Treforest.

The plans detail that the new accommodation would be spread over three floors, with each flat occupying one floor. Both one-bedroom flats would comprise of a living room/ kitchen area, bedroom and bathroom, with the lower ground floor studio flat comprising a kitchen, bathroom and bedroom/ living space.

Two of the flats would be accessed via a front door which faces Wood Road, with the lower ground floor studio flat accessed from the rear of the property.

The works would largely be contained within the fabric of the existing property. However, an existing rear conservatory would be demolished, and the works include replacing an existing ground floor window with a doorway and replacing an existing rear facing window with a door.

The existing House in Multiple Occupation (HMO) currently benefits from two parking spaces to the rear of the site. These spaces will be retained for the benefit of occupiers of the three new one-bedroom flats.

The application represents an amended scheme for a previously refused application reference: 21/0975/10. That scheme was also dismissed at appeal due to the proposed construction of a three-storey rear extension at the site, which would have had a significant detrimental impact upon the outlook and therefore amenities of future occupiers. This element of the scheme has now been removed, and the current application does not propose any extension to the building.

SITE APPRAISAL:

This site consists of a traditional mid terrace dwelling located within a residential area of Treforest, Pontypridd. The property fronts Wood Road to the south and benefits from enclosed amenity space to the rear. The property also has two existing off road car parking spaces to the rear of the site, which are accessed via Cliff Terrace.

The site is bound on both sides by neighbouring properties and the highway at Cliff Terrace is positioned to the rear. Due to the topography of the site, the rear of the property is set at a lower ground level and the dwelling appears as three storeys when viewed from Cliff Terrace to the rear.

The surrounding area is characterised mainly by traditional terrace dwellings that are of a similar scale and design to the application property. Several surrounding properties are operated as a House of Multiple Occupation (HMO).

PLANNING HISTORY:

21/0975/10	Change of use from five bedroom HMO to 2 no. one bedroom flats and 1 no. two bedroom flat and construction of rear three storey extension.	Refused 25/10/2021
Appeal Reference: CAS-01351-M8F7P9	Change of use from five bedroom HMO to 2 no. one bedroom flats and 1 no. two	Dismissed 25/05/2022

bedroom flat and construction
of rear three storey extension.

PUBLICITY:

The application has been advertised via direct neighbour notification and the posting of site notices in the vicinity of the site. No representations have been received.

CONSULTATION:

Pontypridd Town Council

No Response

Local Highway Authority

No Objection, Informative suggested

Public Health and Protection

No Objection, Comments

Dwr Cymru Welsh Water

No Objection, Subject to Conditions

Waste Services

No Objections

POLICY CONTEXT:

Rhondda Cynon Taf Local Development Plan:

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

The application site lies within the Southern Strategy Area and within the defined limits of development.

CS 2 – Development in the South: Places an emphasis on sustainable growth that benefits Rhondda Cynon Taf as a whole.

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

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

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

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

AW8 protects Rhondda Cynon Taf's distinctive natural heritage from inappropriate development.

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

SSA 13 – Housing Development Within Settlement Boundaries: Provides support for proposals within the defined settlement boundaries subject to a number of criteria.

Supplementary Planning Guidance:

Design and Placemaking

Access, Circulation and Parking

Development of Flats – Conversion and New Build

National Guidance:

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

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

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

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

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

Other 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:

The application represents the change of use and subdivision of an existing House in Multiple Occupation (HMO) to create 3 x 1 bedroom residential units. As such, the key considerations in the determination of the application are whether the proposal is compatible with the building's location along with the potential impacts of the resulting development upon the character of the building and its setting, amenity of neighbouring occupiers and amenity standards of future occupiers of the flats, and highway safety.

Principle of the proposed development:

The proposed development seeks permission to change the use of the property from a five-bedroom House in Multiple Occupation (HMO) (Use Class C4) to 3 x one-bedroom flats (Use Class C3).

The application site is located within settlement boundary limits, in a predominantly residential area. Prevailing planning policy is supportive of development in sustainable locations within settlement boundary limits.

The principle of the development is therefore considered acceptable, subject to other planning considerations, such as highway and amenity standards.

Impact on the character and appearance of the area:

The property would remain in residential use within a residential setting; therefore, it is considered that the proposal would be in keeping with the general character of the area.

The proposed external alterations, including demolition of the existing conservatory and replacing a ground floor rear facing window with a door and installation of a ground floor rear facing window, would be considered minor works and would not impact the character of the property or wider area.

Consequently, it is not considered that the proposal would adversely impact either the character of the existing property or wider site and satisfies the requirements of Local Development Plan policies AW5 and AW6 in this respect

Impact on residential amenity and privacy:

The outlook gained from the application property would remain unchanged, and no privacy concerns are raised. Additionally, as the conversion would be undertaken within the fabric of the existing property and that no extensions are proposed, the proposal would not be considered to impact neighbouring amenities through overbearing or loss of light.

The Council's adopted 'Development of Flats – Conversions and New Build' Supplementary Planning Guidance (SPG) provides support for proposals that do not result in the creation of undue nuisance arising from the intensity of the residential use that flats can create. It is considered that the proposed use of the property as three flats rather than a five-bedroom HMO has potential to result in a small increase in the total number of people sharing the building, for instance should two people share each one-bedroom flat. This may cause some additional noise and disturbance. The SPG also notes that living rooms or kitchens should not be located adjacent to bedrooms of upstairs properties and whilst the provision of a first floor living room/ kitchen space could contradict this guidance, it would nonetheless only serve a one-bedroom flat, replacing an existing bedroom at the property and would not be considered to greatly impact the amenities of neighbouring residents. The proposed use is still residential in nature and whilst a small intensification of use may occur, the proposal would not be considered to significantly impact the amenities of neighbouring occupiers.

The aforementioned SPG also states that new flats should provide an adequate quality of accommodation for residents. The first floor flat would contain a living room/ kitchen area, measuring at 15m², with a separate bedroom measuring at 10m², along with a bathroom. All rooms are served by windows, and the flat is considered of a sufficient scale, with adequate natural light serving habitable rooms as well as sufficient ventilation.

The Upper Ground Floor flat would contain a Living Room/ Kitchen area measuring at 13m², with a separate bedroom measuring 10.3m² and a bathroom. As with the first floor flat, all rooms are served by windows, and the flat is considered of a sufficient scale, with adequate natural light serving habitable rooms as well as sufficient ventilation.

Concerning the lower ground floor studio flat. A studio room would be provided as both a living room/ bedroom which measures 23m², with a separate kitchen measuring 5m² and bathroom provided at the flat. The studio room would benefit from a window

which overlooks the rear of the property. As the lower ground floor flat would sit below the ground level of the adjacent highway the kitchen would not benefit from a window, however a lightwell and non-openable glass panel would provide the kitchen with some natural light. On balance, it is considered that the ground floor studio flat is of a sufficient scale, with adequate natural light serving habitable rooms.

The Council's adopted 'Development of Flats – Conversions and New Build' Supplementary Planning Guidance (SPG) states that the occupants of first floor flats should have access to the rear garden or other external space for amenity, clothes drying and bin storage. However, the SPG also states that flats without outdoor amenity space are more likely to be acceptable where high quality public open space is located close by. The development in this instance is situated in a sustainable location with public open spaces located close by, such as Ynysangharad Park which is located approx. 1.1km from the application site, and as such complies with the SPG in this respect. The development is also located within the settlement boundary limits of Treforest, close to services and public transport routes, including Pontypridd Train Station, located approx. 0.9km from the application site, which also provide access to amenities and open spaces.

It should be noted that a previous scheme (Planning Reference: 21/0975/10) at this address was refused, and a subsequent appeal against refusal of planning consent dismissed. The Council's single reason for refusal related to the poor outlook from the living room windows of each flat, due to the proposed construction of a three-storey extension at the site. The inspector, in his consideration of the appeal against refusal of planning consent, also noted that the proposal would offer unacceptable living conditions for future occupiers due to the compromised outlook from the principal habitable room windows. However, the three-storey extension element has now been removed, and the outlook gained from the rear of the property would remain unobstructed. The inspector in his deliberation made no reference to highway concerns or other amenity issues at the site.

Overall, whilst the flats proposed are relatively small, they would nonetheless provide adequate levels of amenity for future occupiers and the proposal is considered acceptable in this respect.

Waste Collection:

The proposal seeks to subdivide and convert an existing 5-bed HMO to 3x 1-bed flats at the site. Due to the changes proposed, it would not be considered that the levels of refuse produced at the site would greatly increase from what is currently experienced at the property. Following a site visit, bins and refuse were observed along both Wood Road and Cliff Terrace and it is therefore understood that waste collection is undertaken to the front and rear of the application building. The applicant has also stated in his submission that refuse is collected along Wood Road and Cliff Terrace.

The proposal is considered acceptable in this respect, with some space also provided to the rear of the building for refuse storage.

Following consultation with the Council's Waste Services Department, it was confirmed that refuse and waste were collected along both Wood Road and Cliff Terrace and that no objections are raised for this application in terms of waste collection.

Access and Highway Safety:

Access

Primary access to the property is currently from Wood Road into the upper ground floor. Secondary access to the property from the rear is available from Cliff Terrace.

The proposed submitted layout indicates that access to flats on the ground and first floor would remain from Wood Road, however there would be no secondary access or egress from Cliff Terrace to the rear of the property for either flat. The lower ground floor flat would be accessed from Cliff Terrace only.

The Council's own 'Development of Flats – Conversions and New Build' SPG states that entrances should normally be located on the front of buildings. Whilst the Lower Ground Floor Studio flat would only have access from Cliff Terrace to the rear of the property, Cliff Terrace is nonetheless a publicly maintained highway and properties along the street face highway. Consequently, as the flat has clear access from Cliff Terrace, which is considered easy to find and reach, the proposal is considered acceptable in this regard.

As both are publicly maintained highways, they are considered adequate to serve as accesses to the proposed development.

Parking

The dwelling is in Parking Zone 3. The existing property, as a five-bedroom HMO, has an off-street parking requirement of 5 spaces, with two provided in line with the Councils adopted SPG Access, Circulation & Parking (2011).

The proposal would convert the property into 3 no. self-contained flats. In accordance with the council's adopted SPG (Development of Flats – Conversions and New Build 2015), which sets out a maximum requirement of 1 space per bedroom, and 1 visitor space per 5 flats, the 1-bedroom apartments have a maximum off-street parking provision of 1 space per new unit. The proposed development therefore has a requirement of 3 spaces.

The newly submitted site plan and statement indicate that 2 spaces are to be provided to the rear of the property, off Cliff Terrace. Whilst there would be a shortfall of 1 space, this is a lessened impact compared to the existing situation.

The SPG also advises that “The level of parking to be provided may depart from the guidelines by providing less parking, where it can be demonstrated that there would be no unacceptable impacts on highway safety, free flow of traffic or amenity.”

It is taken into account that the proposed is located in a sustainable location close to both bus and rail stops and close to amenities within the settlement. Therefore, on-balance, the proposed is considered acceptable in this regard.

Having regard to the above, it is not considered that the proposal would result in a harmful impact upon highway safety within the vicinity of the site, and no objection was raised by the Local Highway Authority. It is considered that the proposal accords with the requirements of policy AW5 of the Local Development Plan.

Community Infrastructure Levy (CIL) Liability:

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

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

Conclusion:

Overall, the application is considered to comply with relevant planning policies of the Local Development Plan in respect of the provision of housing. The proposal is for the change of use and subdivision of an existing HMO property to provide three residential units in a sustainable location within settlement boundary limits.

Having taken account of all of the issues outlined above, the application proposal on balance is considered acceptable in terms of its impact upon the character and appearance of the area, compatibility with existing uses and its potential impact upon highway safety. Therefore, the application is considered to accord with the requirements of planning policy and is therefore, recommended for approval, subject to the conditions specified below.

RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

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

- Site Plan. 23 Wood Road, Treforest, Pontypridd, Rhondda Cynon Taf, CF37 1RQ. Received by LPA 25/07/2022
- 23 Wood Road Existing Floorplan
- 23 Wood Road Proposed. Upper Ground Floor. Flat B
- 23 Wood Road Proposed. 1st Floor. Flat A
- 23 Wood Road Proposed. Lower Ground Floor. Flat C
- 23 Wood Road. Existing Rear Elevation
- 23 Wood Road. Proposed Rear Elevation
- 23 Wood Road Drainage Plan
- 23 Wood Road External Plan

and documents received by the Local Planning Authority on 26/05/2022, 31/05/2022 and 25/07/2022 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.

PLANNING & DEVELOPMENT COMMITTEE

08 SEPTEMBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0743/09 (EL)
APPLICANT: Values in Care Limited
DEVELOPMENT: Application for a lawful development certificate for a proposed use Class C3(b) care home (for up to six residents living as a single household with care provided)
LOCATION: WINDY RIDGE, PLEASANT VIEW, YNYS-Y-BWL, PONTYPRIDD, CF37 3PF
DATE REGISTERED: 28/06/2022
ELECTORAL DIVISION: Ynysybwl

RECOMMENDATION: Approve certificate

Reasons: On the basis of the information and evidence provided, it is considered that the use proposed would be lawful under Class C3(b) of the Use Classes Order.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

A certificate of lawfulness is sought for a proposed use at Windy Ridge, Pleasant View, Ynys-Y-Bwl, Pontypridd, CF37 3PF.

The application seeks clarification that the building in question may be utilised for an activity which falls within Class C3 of the Use Classes Order. In this case, the use in question is the occupation and operation of the property as a Class C3(b) care home for up to six residents living as a single household with care provided.

A statement, which accompanies the application confirms that the applicants, 'Values in Care Limited' are an established company who provide; *"high quality, flexible and responsive residential care and support for people with learning disabilities, autism, acquired brain injuries, mental health support needs and other complex care needs to live life to the full."* It is stated that the intention (at the application property) is to run

a service for six adults with learning disabilities and autism. It is commented that the anticipated form of service will be focused on providing a long-term and hopefully permanent home for adults, with high-end learning difficulties or other related conditions (often on the autistic spectrum), for whom a closely structured form of social care in a community setting has been proven to allow them the best opportunity to lead a fulfilling and “normal” a life as possible.

It is commented that typically this form of support is best delivered within a small household-type setting, which will enable support to be provided by a very regular staff team who become very familiar with the individual’s needs and abilities. It is also commented that the expectation is that by placing together residents with a reasonable degree of compatibility, that they will become a cohesive household entity. Residents will also be encouraged to assist with collective activities such as shopping and preparing for communal needs such as cleaning of their own and communal areas, in addition to taking meals together and participating in social activities together where possible. It is also commented that, where possible, residents may participate in more mainstream education and developmental activities and some may even have a part-time job which they will go out to each day before returning to their home in the usual manner.

In summary the agent comments that;

“One of the over-riding objectives of this form of service is to provide residents with greater independence and ability to navigate society and function with a somewhat greater degree of autonomy. It would be fair to equate this to the typical process many families experience in bringing up children in a household setting.”

The Planning Statement sets out that such a service, for a maximum of six persons, care staff would work on a rota/shift basis as follows:

- Manager – Monday – Friday 8am – 5pm
- Care staff – Monday – Sunday shifts between 8am – 8pm, with 7 care staff on day shift and 2 waking night duty staff

In order to facilitate the proposed use, no external changes are proposed. Internally, there may be some minor reconfiguration of the existing layout, but any works would not be subject to planning control.

The application is accompanied by the following information:

1. Site location plan.
2. A cover letter / planning statement describing the use/ activity proposed.
3. A copy of the opinion of Mr Vincent Fraser QC in respect of Saer Coed, Load of Hay Road, Crumlin (February 2020) and Addendum (March 2020).
4. The Planning Committee Report in respect of Saer Coed, Load of Hay Road, Crumlin.
5. The Planning Officer’s Report in respect of Cyncoed Road, Cardiff.

6. Hertfordshire County Council v. The Secretary of State for Communities and Local Government and Metal Waste Recycling Ltd 2012.

SITE APPRAISAL

The application property, Windy Ridge, is a sizeable, detached property, occupying a substantial plot of approximately 3000sqm, set back from the road by an extensive frontage/driveway which provides a large area of off-street parking in addition to a double garage. The property has, in addition to sizeable family living accommodation which includes 5 reception rooms, (up to) 10 bedrooms and 5 bathrooms.

The property lies approximately 0.7km north of the main settlement of Ynysybwl, in a small group of residential dwellings, which are accessed off Pleasant View. Neighbouring dwellings vary in style but are predominantly detached dwellings set without large plots. The closest property Derwen Fawr is located approximately 50 metres south of the site.

PLANNING HISTORY

There is no recent planning history recorded at the site.

PUBLICITY

The application was advertised by direct neighbour notification, four letters of representation have been received (from three households). These are summarised as follows:

- One letter comments that they are part owner of the land that sits next door to the property, it is noted that the land is used daily by their family to ride attend to their horses. It is noted that there are teenagers and young children that are back and forth the stables on a daily basis alone.
- It is also commented that the area is used by farm machinery regularly.
- It is commented that the road (which serves the property) is known spot for speeding and is already an extremely busy and dangerous road. Concern is expressed that the proposed use would increase traffic movements and the road would become busier still, presenting a risk for road users and the children riding their horses.
- Concerns are raised with regard to privacy impacts which may result given the property directly overlooks Derwen Fawr (especially in winter time when the trees are bare).
- Concerns are expressed with regard to the potential for the use to generate noise at unsociable hours.
- It is commented that it is a quiet residential area not a commercial area.

CONSULTATION

County Borough Legal & Democratic Services were consulted. Having considered the supporting information, they are of the opinion that the Council can be satisfied that the proposed use would be lawful and so a certificate can be issued.

POLICY CONTEXT

The principal of the development is not tested, as this is an application for a Certificate of Lawfulness for a proposed use. Therefore, Development Plan policy is not relevant to this kind of application, which are determined on matters of fact and law.

Welsh Office Circular 24/97: Enforcing Planning Control, Annex 8, deals with 'Lawfulness and the Lawful Development Certificate.'

Paragraph 8.26 states that if the LPA are supplied with information satisfying them that the use or operations described in the application would be lawful, they shall issue a certificate to that effect and, in any other case, they shall refuse the application. The burden of proof is firmly on the applicant.

Paragraph 8.28 advises that a LDC granted under Section 192 shall specify the land to which it relates, describe the use or operations in question (identifying the relevant 'use class' where appropriate), and give the reason why the proposal would be lawful.

REASONS FOR REACHING THE RECOMMENDATION

This is an application for a Certificate of Lawfulness for a Proposed Use under Section 192 of the 1990 Act ('CLOPUD'), that seeks to establish whether the proposed change of use of the property from a dwelling to a care home (specifically for up to six residents, living as a single household, with care provided) would be lawful for planning purposes. In effect, the application seeks to establish whether or not the proposal is 'development' and is therefore capable of being carried out without the need for planning permission.

Use Class

It is important to stress that this is not an application for planning permission for the change of use of the dwelling. Since the application is for a certificate of lawfulness, the relative planning merits of this application are not tested. The Certificate is sought on the grounds that the established use of the application property as a residential dwelling is within Class C3 and, therefore, the proposed use detailed in the application, as a care home for up to six residents, living as a single household, with care provided also falls within Class C3(b) and is not materially different for planning purposes.

It is first necessary to establish the existing use of the property. In this case, it is considered that the existing property appears as a conventional residential dwelling, located in a residential area of Ynysyawl. The property has recently been marketed for sale and from both the estate agents' particulars and photographs of the property it is clear that the bungalow has a conventional layout, albeit that it is a particularly

large property, with kitchen, dining and living spaces, in addition to (up to) 10 no. bedrooms and 5 no. bathrooms. There are also gardens to the front and rear, along with areas of off-street car parking. As such, it is reasonable to conclude that the existing property would fall within Class C3(a) of the use Classes Order.

As noted above, Welsh Office Circular 24/97: Enforcing Planning Control, places the burden of proof for demonstrating that a use is lawful firmly upon the applicant. Therefore, in support of their submission, the current application is accompanied by a range of supporting information, including a Planning Statement describing the use/activity proposed in detail. In their Planning Statement the agent confirms that The Town and Country Planning (Use Classes) Order 1987 (as amended) defines Class C3 as:

Class C3 Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by –

A) A single person or by people living together as a family;

B) Not more than 6 residents living together as a single household (including a household where care is provided for residents); or

C) Not more than six residents living together where no care is provided to residents (other than a use within Class C4).”

The supporting statement contends that the application site currently comprises a Class C3(a) use. It also clarifies that Section 55(2)(f) of The Town and Country Planning Act 1990 states that any change in the primary use of land or buildings, where the before and after use falls within the same use class does not amount to development.

As noted above, it is considered reasonable to conclude that the existing dwelling falls within Class C3(a). The agent contends that the proposed use would also within Class C3, albeit C3(b). This assertion is based on the fact that there would be not more than six residents living at the property and that those residents would occupy the property as a single household.

Single household concept

In support of the application a range of information has been provided, including a copy of the opinion of Mr Vincent Fraser QC prepared for the same applicant (Values in Care) in respect of a comparable use at Saer Coed, Hay Road, Crumlin (dated February 2020) and Addendum (dated March 2020).

The opinion observes that the common thread running through the definition of a Class C3 use is that it involves use as a dwellinghouse by a single household.

It is also commented that ‘this is a point that was made in Circular 13/87 which provided guidance on the Use Classes Order. The circular explained that amendments made to the Use Classes Order provided that “*development is not involved when a*

dwelling house becomes used as a small C3 community care home, provided that all the residents live together as a single household and that they number no more than six including resident staff". The circular further explained that the –

“key element in the use of a dwelling house for other than family purposes is the concept of the single household. In the case of small residential care homes or nursing homes, staff and residents will probably not live as a single household and the use will therefore fall into the residential institutions class, regardless of the size of the home. The single household concept will provide more certainty over the planning position of small group homes which play a major role in the government’s community care policy which is aimed at enabling disabled and mentally disordered people to live as normal lives as possible in touch with the community”

The opinion also highlights that there is nothing in Class C3 or within the definition of ‘care’ itself, which limits the amount or level of care which can be provided within Class C3(b).

As such, the key question is whether the residents would be living together as a single household. It is considered, based on the information provided with respect to the proposed use, that the residents would be living together as a single household. The house would be laid out in the same way as a conventional dwelling, with shared communal living, dining and kitchen areas and residents would be supported by their allocated care staff to assist in the completion of domestic tasks, tailored to their abilities, such as cleaning of communal areas and cooking for one another.

Resident numbers

Following on from the above matter, the second key consideration relates to the number of residents living at the property. As set out above, there is nothing in Class C3 or within the definition of ‘care’ itself, which limits the amount or level of care which can be provided within Class C3(b), or indeed the number of staff who can provide that care.

However, on similar cases, the question has been raised of whether staff, who are required to sleep overnight at such properties should be regarded as residents and as such, considered in the total number of ‘residents’ of the property.

The opinion in the Addendum (dated March 2020) confirms that *“the ordinary meaning of the word resident is somebody who is living somewhere they would regard as their “home”, as can be seen in the various dictionary entries: for example, somebody who lives somewhere permanently or on a long-term basis or a person who lives or has their home in a place.”*

The opinion concludes that *“a member of staff who may sleep from time to time in a room when on duty is not a resident in any normal meaning of the word and is not to be considered to be a resident for the purposes of the use class....Whilst the member*

of staff may take the opportunity to sleep if there is no work to be done, the member of staff is in fact at his/her place of work and can only sleep if there is no work to be done. The reason why the member of staff is at the Property is to be at work.”

As such, it is clear from the Use Classes Order and the circular that it is only persons who are resident who count towards the limit of 6 persons.

In the case of the current submission, there will be no more than six residents living together as a single household. Whilst it is accepted that care will be provided for those residents by care staff on site, none of the staff would be permanent residents, but rather would provide support on a rota/shift system.

As such, on the basis of the information provided, it is reasonable to conclude that the property would be occupied as a single household of no more than six residents, with any care being provided by non-residents staff and as such the use would fall within Class C3(b) of the Use Classes Order.

Other matters

As outlined in the publicity section of the report, three letters of representation (from the occupiers of two neighbouring properties) have been received in relation to the application. The letters, cover a number of issues, including the potential impacts of the use upon matters of highway safety, privacy and amenity. Whilst the points raised are acknowledged, Members are reminded that the current submission is an application for a lawful use certificate and not an application for planning permission. As the submission is not an application for planning permission, the relative merits of the proposed use are not matters for consideration. The only question to answer is whether the proposed use is lawful in planning terms. As such, matters relating to issues such as highway safety, amenity and privacy may not be taken into account in the assessment of the current submission.

Conclusion

To conclude the application seeks clarification that the building in question may be utilised for an activity which falls within Class C3 of the Use Classes Order. In this case, the use in question is the occupation and operation of the property as a Class C3(b) care home for up to six residents living as a single household with care provided.

The application is accompanied by a range of supporting information, which has also been referred to the Council's Legal Services Section for consideration. Having assessed the information they have concluded that they are of the opinion that, on the basis of the information available and evidence presented, the Council can be satisfied, that the proposed use of the dwelling for the supported living of six adults as one household would be lawful under Class C3(b) and so a certificate can be issued.

Consequently, it is considered that the change of use would be within the same use class (C3) and would not fall within the definition of 'development' as defined in Section 55 (1) of the Town and Country Planning Act 1990. Consequently, planning permission is not required for the proposed use and a Lawful Use Certificate can be issued on this basis.

RECOMMENDATION: Grant Lawful Development Certificate for a proposed use – use within class C3(b) Care Home (for up to six residents living as a single household with care provided).

PLANNING & DEVELOPMENT COMMITTEE

8 SEPTEMBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0920/08 (JE)
APPLICANT: Rhondda Cynon Taf County Borough Council
DEVELOPMENT: Installation of an anti-vandal steel changing room
LOCATION: FERNDALE COMMUNITY SCHOOL, EXCELSIOR TERRACE, MAERDY, FERNDALE, CF43 4AR
DATE REGISTERED: 01/08/2022
ELECTORAL DIVISION: Ferndale and Maerdy

RECOMMENDATION: APPROVE

REASONS: The proposal is considered to provide an enhanced sporting facility in the local community and would not result in any adverse impact upon the character and appearance of the surrounding area or the amenities of surrounding residents. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5, AW6 and AW10).

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the installation of an anti-vandal changing room at Ferndale Community School, Maerdy, Ferndale. The changing rooms would be located towards the rear of the school site in close proximity to an existing all weather sports pitch.

The proposal would consist of 2no. units measuring a depth of 3 metres by a width of 9 metres, and a flat roof design that would measure a height of 2.6 metres.

The changing rooms would be of a similar design to a shipping container with largely featureless elevations with each unit benefiting from 3no. entrance doors and high level windows that would be covered with a guard.

SITE APPRAISAL

The application site relates to an area of land within the curtilage of Ferndale Community School. The area is located to the north of the school buildings and forms vacant land adjacent to a secondary vehicular access to the sports pitch. The perimeter of the area is enclosed by 1.8 metre high palisade fencing.

The closest neighbouring properties are located to the south and south west along Excelsior Terrace and are separated by approximately 115 metres and are screened from the site by the existing school buildings.

PLANNING HISTORY

The most recent planning applications on record associated with the application site are:

06/2243/08: FERNDALE COMMUNITY SCHOOL, REAR EXCELSIOR TERRACE, MAERDY, FERNDALE.

New construction skills centre, with extension to road and 4 additional parking spaces.
Decision: 08/01/2007, Grant

17/1240/08: FERNDALE COMMUNITY SCHOOL, EXCELSIOR TERRACE, MAERDY, FERNDALE, CF43 4AR

Proposed erection of 6 no. floodlighting columns and associated works. (The relocation and resurfacing of existing sports pitch, resurfacing of existing emergency access track, replacement of existing fencing and associated drainage infrastructure works are to be commenced under the Permitted Development Order but are included in this application for completeness).

Decision: 15/01/2018, Grant

18/1381/08: FERNDALE COMMUNITY SCHOOL, EXCELSIOR TERRACE, MAERDY, FERNDALE, CF43 4AR

Prior notification for the demolition of 3 storey CLASP V building, adjoining a single storey part of the school.

Decision: 19/02/2019, Permission not required

PUBLICITY

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

No letters of objection have been received following consultation.

CONSULTATION

Transportation Section: No objection.

Countryside (Ecology): No objection.

Public Health and Protection: No objection although conditions recommended in relation to hours of construction, noise, dust and waste.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, 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 the settlement boundary for Ferndale but is not allocated for any specific purpose.

Policy CS1 – sets out the criteria for development in the Northern Strategy Area.

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.

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

Supplementary Planning Guidance

- Design and Placemaking

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

PPW Technical Advice Note 16 – Sport Recreation and Open Space

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 siting of an anti vandal changing room unit within the curtilage of Ferndale Community School. The proposal would improve current facilities to the benefit of users and the local community. As such, the principle of development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

The development proposes a modest and utilitarian building, close to existing buildings within the wider setting of Ferndale Community School.

The building is considered to have an acceptable visual appearance and is of a scale commensurate to its use in support of a community facility. The siting of the proposed building close to other existing buildings is also considered to be a positive aspect of the scheme, as the impact on the open nature of the wider site would be reduced.

Therefore, it is considered that the proposal would be acceptable in this regard.

Impact on residential amenity and privacy

The site is located to the north (rear) of existing structures and buildings at Ferndale Community School. The proposed building would be over 115 metres from the closest neighbouring properties and would be fully screened by existing buildings at the site. As such, it is considered that due to the distance between the site and neighbouring properties and the scale and nature of the building proposed, there would be no adverse impact caused by the proposal.

Whilst the new changing unit is designed to enhance sporting facilities at the site, which may increase the use of the adjacent sports pitch, the proposal would not introduce a new use to the site or extend the current operating hours of the facility.

It is also noted that there have been no adverse responses to the consultation exercise.

Subsequently, it is considered that the proposal is acceptable in this regard.

Public Health

The Council's Public Health and Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation to construction hours, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to construction hours, noise, dust and waste can be more efficiently controlled by other legislation and the suggested conditions are not considered necessary. An appropriate informative note is considered to be sufficient in this instance.

Other considerations

Following consultation, no objections were raised or conditions requested by the Council's Transportation Section and Ecologist who both consider the application acceptable.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The proposal is considered to provide an enhanced sporting facility in the local community and would not result in any adverse impact upon the character and appearance of the surrounding area or the amenities of surrounding residents. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5, AW6 and AW10).

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 plans

- 5311-B01
- 5311-B03
- B27072021A1
- B27072021B1

and documents received by the Local Planning Authority on 01/08/2022, 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.

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

PLANNING & DEVELOPMENT COMMITTEE

9th AUGUST 2022

SITE MEETING

APPLICATION NO: 22/0492/10 HARD STANDING (RETROSPECTIVE) AND DROPPED DOWN KERB ACCESS OVER PUBLIC FOOTPATH, 36 ABER-RHONDDA ROAD, PORTH, CF39 0BB

REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION

Author: Kate Spence, Council Business Unit.

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

It is recommended that Members:

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

3. BACKGROUND

- 3.1 In accordance with Minute No 22 (Planning and Development Committee – 21st July 2022) a site inspection was undertaken on Tuesday 9th August 2022 to consider the potential impact that the proposed development would have upon highway safety in the vicinity of the site.
- 3.2 The meeting was attended by the Planning and Development Committee Members County Borough Councillors S Rees, C Middle, J Smith and R Williams, and Local Member County Borough Councillor S Hickman.

- 3.3 Apologies for absence were received from Planning and Development Committee Members, County Borough Councillors D Grehan, W Lewis, W Owen, L Tomkinson, and D Williams.
- 3.4 Members met at the front of the property on Aber-Rhondda Road, Porth. The Planning Officer advised Members that full planning permission is sought for the retention of a hardstanding, boundary fencing and gates to the front of the property and for the construction of an associated dropped kerb access over the public footpath at 36 Aber-Rhondda Road, Porth.
- 3.5 The Planning Officer advised Members that 11 letters of objection had been received in respect of the application, citing issues of highway safety and removal of on-street parking for surrounding residents, in addition to 3 letters of support.
- 3.6 The Planning Officer advised that the proposed development would not cause an unacceptable level of overshadowing or detriment to outlook for neighbours; and although the proposed development would form a minor alteration to the front of the site, this would not be dissimilar to other dropped kerb / driveway developments in the immediate vicinity.
- 3.7 With respect to the gates in front of the hardstanding, the Planning Officer advised that it was considered their scale and design were not suitable for this prominent location and that should Members be minded to approve the application, it is advised alternatives are sought. As such it was suggested that Condition 5 be amended to read as outlined below:

Within 1 month of the date of this consent, full details of replacement gates to be located across the front of the driveway hereby approved (adjacent to Aber-Rhondda Road), shall be submitted to the Local Planning Authority for approval. The approved gates shall be installed within 3 months of approval, shall open into the site, and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

- 3.8 The Highways Officer raised no objection to the proposed development, advising that the hardstanding and dropped kerb are considered acceptable in principle, subject to conditions being attached to any consent to ensure the dropped kerb is constructed to the relevant Council standards and that no surface water discharges onto the public footway/highway. The Highways Officer confirmed adequate visibility for

the vehicular crossover of the neighbouring property, advising that there had not been any reported issues to date and advised that guidance on the provision of vehicular crossovers was provided on the Councils website, and Manual for Streets. Given that the vehicular crossover satisfied the requirements, including the common law right of owners whose land abuts the highway to have access to and from the highway, no objection was raised. The Highways Officer acknowledged the concerns for limited on-street parking, however, the requirement of a highway is to accommodate free passage, and does not confer any legal rights with regard to parking.

- 3.9 Members queried on-street parking along the distance of the dropped kerb. The Highways Officer advised that enforcement of obstructive parking across a vehicular crossover was a Police matter, and it would be at their discretion whether they permitted residents of No. 36 Aber-Rhondda Road to obstruct their own access.
- 4.0 Members discussed gate access in front of the hardstanding. The Planning Officer advised that gates would be inward-opening, but the requirement of a manual or electric gate could not be enforced.
- 4.1 Members queried the visibility of pedestrians utilising the pavement when manoeuvring across the vehicular crossover. The Highways Officer noted the obligation of drivers to manoeuvre cautiously when merging onto the carriageway, whilst giving way to pedestrians, as per the requirement at all vehicular crossovers.
- 4.2 Members queried the ability to condition the use of the hardstanding. The Planning Officer advised that the use of hardstanding could be limited to the parking of any non-commercial vehicle, although the type of private vehicle could not be controlled.
- 4.3 Members queried the potential damage to drain covers that are situated within the vehicular crossover. The Planning and Highways Officers advised that the design and details of the vehicular crossover would be submitted to, and approved in writing, by the Local Planning Authority, and construction supervised by the highway inspector, thus alleviating any adverse impact on services and adjacent footway
- 4.5 Local Member, County Borough Councillor S Hickman spoke against the proposed development and shared concern for loss of on-street parking for local residents.
- 4.6 Members queried approval of the neighbouring hardstanding and dropped kerb. The Local Member discussed the retrospective application that was

granted full planning permission in 2010, but referenced the reduced demand for on-street parking at that time.

- 4.7 The Local Member further shared concerns for poor visibility for entry and egress onto the hardstanding, with reference to two nearby S-bends of Aber-Rhondda Road, in addition to the regular incidence of vehicles travelling beyond the speed limit of 30mph.
- 4.8 Members queried the impact of the Welsh Government policy initiative to reduce the default speed limit within 30mph zones to 20mph, and the Highway Officer advised that the speed limit of Aber-Rhondda Road would likely decrease to 20mph in line with the Welsh Government initiative next year.
- 4.9 The Chair thanked the Officers for the report and closed the meeting.

PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0492/10 (AM)
APPLICANT: Miss R Green
DEVELOPMENT: Hard standing (retrospective) and dropped down kerb access over public footpath.
LOCATION: 36 ABER-RHONDDA ROAD, PORTH, CF39 0BB
DATE REGISTERED: 21/05/2022
ELECTORAL DIVISION: Porth

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

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

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the retention of a hardstanding and the construction of an associated dropped kerb access over the public footpath at 36 Aber-Rhondda Road, Porth.

The vehicle hardstand is located to the front of 36 Aber-Rhondda Road and has been surfaced in permanent materials and enclosed with a timber fence. It is proposed an associated vehicular crossover be provided to the front to allow for access.

SITE APPRAISAL

The application property is a two-storey, traditional terraced dwelling situated within a residential area of Porth.

The principal elevation of the property faces east towards the adopted highway, from which it is set back by a linear front amenity area measuring approximately 14 meters

in length. An enclosed hardstanding has been created here (the subject of this application).

There are similar examples of hardstandings and dropped kerbs to that proposed within the row at nos. 35 and 40 Aber-Rhondda Road.

PLANNING HISTORY

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

PUBLICITY

The application has been advertised by direct notification to neighbouring properties and a site notice. 11 Letters of objection and 3 letters of support have been received, which raised the following points (summarised):

Objections

- A strain and detrimental effect upon on-street parking and availability. Would remove existing on-street parking provision outside of property.
- Detrimental effect on road safety which would affect children, the elderly and people with mobility and health issues as cars would have to cross the footway.
- Increased probability of road traffic accidents.
- Would increase parking in the lane off Aber-Rhondda Road.
- Would set a precedent for more dropped kerbs in the street exacerbating the parking / accessibility issues.

Supporting

- This would not adversely affect the area or the residents.
- Parking is a problem locally and is not isolated to Aber-Rhondda Road.
- Many households have more than one vehicle and there for off road parking is limited. This would allow for additional off road parking.

CONSULTATION

Highways and Transportation

No objection is raised subject to conditions in respect of the dropped kerb construction and to prevent surface water discharging onto the public highway.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The current LDP's lifespan was 2011 to 2021. It has been reviewed and it is in the process of being replaced. 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, the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Porth.

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

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

Supplementary Planning Guidance

A Design Guide for Householder Development

Access Circulation and Parking

National Guidance:

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

Planning Policy Wales (Edition 11) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

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

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

PPW Technical Advice Note 18 – Transport

REASONS FOR REACHING THE RECOMMENDATION:

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

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

Main Issues

Principle of the proposed development

The application relates to the construction of a vehicle hardstanding and associated dropped kerb at an existing residential dwelling to allow for off-street parking at the property. The principle of development is therefore acceptable subject to the criteria set out below.

Impact on Highway Safety

The application has been subject to consultation with the Council's Highways and Transportation Section with a view to assessing the potential impacts of the proposal on highway safety.

In their assessment of the scheme Highways and Transportation commented that the driveway and dropped kerb are considered to be acceptable in principle. The retrospective hardstand has been surfaced in permanent materials which is considered acceptable, and they would provide additional off-street parking which reduces on-street parking demand, in the interests of highway and pedestrian safety. It is suggested however that a condition be attached to any consent to ensure the dropped kerb is constructed to the relevant Council standards.

Highways and Transportation also noted that there is some concern that surface water run-off from the proposed may discharge onto the highway however it is considered this can be overcome through a suitable condition, suggested below.

Taking the above into account, while the concerns of the objectors are acknowledged, the proposal is considered to be acceptable in terms of the impact it would have on pedestrian and highway safety in the vicinity of the site, and it would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

Impact on the character and appearance of the area

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.

The proposed hardstanding and dropped kerb would be accessed off Aber-Rhondda Road, where a number of dwellings featuring front amenity areas. The proposed development would form a minor alteration to the front of the site which would not be too dissimilar to other dropped kerb / driveway developments in the immediate vicinity. The development would therefore have a minimal impact upon the street scene as a whole and it is not considered that it would have an adverse impact on the character and appearance of the area.

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

Impact on residential amenity and privacy

The proposal would result in the kerb to the front of the site being dropped to facilitate off-street car parking on an existing hard standing. The development would therefore not be capable of causing any overshadowing or detriment to outlook, nor would it raise any concerns with regard to privacy. As such, the proposal is considered to be acceptable in terms of the impact it would have on the residential amenity and privacy of neighbouring properties.

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, upon the residential amenity of the surrounding neighbouring properties, or upon highway safety. 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)

- Site location plan
- Hardstand plan

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

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

3. Notwithstanding the details shown on the submitted plans, no further development shall commence until design and details of the vehicular crossover have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial use.

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

4. 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 Taf Local Development Plan.

5. Within a period of four months, the gates in front of the hardstanding, as outlined in the submitted plans, are to be reduced to match the existing brick wall boundary treatment. Thereafter, the scheme 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.

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022-2023:

PLANNING AND DEVELOPMENT COMMITTEE 8th SEPTEMBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

APPLICATION NO: 22/0347/10 – Proposed change of use from a retail store (A1) to a fast-food pizza outlet (A3) including minor external alterations to doors and windows (amended description, plan and details received 10/06/2022) at 56A Jubilee Road, Aberaman, Aberdare, CF44 6DD.

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Planning and Development Committee meeting of 4th August 2022 with an officer recommendation of approval. A copy of the original report is attached as Appendix A.

At that meeting Members resolved to defer the application to allow for further discussions to take place with the applicant and the Council's Highways and Transportation Section as to the need for a condition relating to a Traffic Regulation Order (TRO) being appended to the consent and as to whether a contribution towards the costs of the TRO would be acceptable.

As a consequence, it was resolved to defer determination of the application to allow the further discussions to take place.

4. PLANNING ASSESSMENT

Members are advised that following the deferral of the application at the 4th August 2022 Planning and Development Committee, discussions with the Council's Highways and Transportation Section have taken place and they have re-iterated that, should the premise be permitted to operate under an A3 use, the implementation of double

yellow lines fronting the site are required to mitigate highway safety concerns.

Further to this, following discussions with the Council's Traffic Services section, they commented that they receive a significant number of requests from the public each year for various traffic restrictions to be implemented within Rhondda Cynon Taf. As the implementation of double or single yellow lines would require the TRO process to be applied, owing to the legal implications involved and to make the parking restrictions enforceable, which is a costly exercise with no guarantee of a positive outcome following the consultation process, and that the Council's purse for such measures is limited each request is considered on its own merits and prioritised accordingly.

The Council's Traffic Services section also advise that as the request for the TRO would form part of a condition that would be attached to any planning consent, it is unlikely that any request for assistance as to costs or contributions would be looked at favourably.

Indeed, Annex F of Technical Advice Note 18: Transport (TAN 18) states that developers will be required to pay the cost of any highway improvements where the need is directly created by their development. The TAN states, however, that developers should not be required to pay for improvements to deal with existing deficiencies in the road system which would not be made worse by the development and that works which are programmed for improvement by the highway authority may be brought forward to enable the development to proceed, but a financial contribution from the developer is generally required.

In this case, the Council's Highways and Transportation section contend that the use of the premise under a Class A3 use would intensify short term indiscriminate on-street car parking in the vicinity of the site more so than the use of the premise under its permitted use as a shop (Use Class A1) that could allow for the sale of cold food for consumption off the premises, or for the use of the application property as a post office.

It is recommended that should Members be minded to approve the application and consider it reasonable, based on the above, that the TRO condition be applied, that a 'Grampian' condition, that would prevent the change of use from taking place before the TRO is implemented, is imposed.

Annex F of Technical Advice Note 18: Transport (TAN 18) states that Grampian conditions can be applied where the carrying out of works in the highway is required as part of the planning permission. The TAN states that a Grampian condition may be necessary where works must be carried out in an existing highway in order to safely and efficiently

accommodate traffic created by a development. The TAN continues and states that Highway works required by a Grampian condition might include measures to address a possible safety risk.

If, having considered the above advice and after further consideration, Members are minded to grant planning permission for the proposed development, it is suggested that the following conditions of consent, as included within the original officer report, would be appropriate:

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:

- (i) Drawing no. 04/2022/PL/001 (Existing Survey)
- (ii) Drawing no. 04/2022/PL/003A (Proposed Drawings)

and documents received by the Local Planning Authority on the 21/03/2022 and 10/06/2022 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. Customers are not permitted on the premises outside the hours of 08:00 to 22:00 Mondays to Sundays.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The Britannia Refresh Maxi Recirculation Unit hereby approved shall be installed at the site prior to the commencement of the approved use and shall be effectively operated for as long as the use of the premises as an A3 pizza outlet continues. The equipment shall be installed and maintained in accordance with the recommendations contained within the Odour Impact Assessment received by the Local Planning Authority on the 10th June 2022.

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

5. The use hereby approved shall not commence until a grease trap has been fitted in accordance with the details received by the Local Planning

Authority on 8th April 2022. The grease trap shall be retained in perpetuity for as long as the A3 use continues.

Reason: To protect the integrity of the public sewage system and to ensure the free flow of sewage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No occupation or use of the development hereby permitted shall take place until a Traffic Regulation Order (TRO) that restricts on-street parking along Jubilee Road has been implemented.

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

PLANNING & DEVELOPMENT COMMITTEE

8TH SEPTEMBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0347/10 (RP)
APPLICANT: Mrs Peters
DEVELOPMENT: Proposed change of use from a retail store (A1) to a fast-food pizza outlet (A3) including minor external alterations to doors and windows (amended description, plan and details received 10/06/2022).
LOCATION: 56A JUBILEE ROAD, ABERAMAN, ABERDARE, CF44 6DD
DATE REGISTERED: 21/03/2022
ELECTORAL DIVISION: Aberaman

RECOMMENDATION: Approve, subject to conditions.

REASONS:

The property is in a sustainable location and is close to many residential properties that it would serve. The established and permitted use of the premise as an A1 use would generate similar traffic and trips to the site, would not be subject to restrictions in terms of parking and opening hours and would have similar impacts upon highway safety and the amenities of neighbouring residents.

Furthermore, the proposal would bring a currently vacant unit back into beneficial use which would be of benefit to the street scene. Consequently, the proposal would accord with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

(iii) Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning consent is sought to change the use of an existing retail unit (A1) to a hot food takeaway (A3) at 56 Jubilee Road, Aberaman.

The plans and details accompanying the application specify that the premise would be used as a pizza outlet and would also allow for the sale of a range of hot and cold drinks and cakes.

The plans demonstrate that the ground floor layout would be altered internally so that a food preparation area and servery are formed, whilst externally the primary entrance to the building, on its south-eastern side elevation would be blocked up and a new entrance formed on its south-western side. An existing doorway at the rear of the premise would connect to a separate toilet and external area where waste bins could be stored.

The new use would provide employment for one full time and two part time members of staff.

The following opening hours are proposed:

Monday to Sunday – 08:00 to 22:00 hours

The application is supported by the following documents:

- (iv) Odour Impact Assessment
- (v) Electric Pizza Oven Specification
- (vi) Maxi Ventilation System Specification
- (vii) Menu

SITE APPRAISAL

The application site consists of a single storey commercial unit that is located on Jubilee Road, Aberaman, Aberdare. The premise is currently vacant and the frontage to Jubilee Road contains both an access door and large display window/roller shutter that is connected with its last use as a family butcher.

The surrounding area is almost wholly residential in character, however there are a range of properties in commercial use nearby which include hairdressing salons, a number of convenience stores, coffee shop and bakery and other hot food takeaways.

The nearest residential receptors to the application site are located approximately 4m to the north, 12.8m to the east and 19.8m to the south. The site is bound to the south-west by the former Bethany Chapel, now converted to 4no. flats.

PLANNING HISTORY

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

PUBLICITY

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

Five letters of representation have been received as a result of this exercise, three of which object to the development and two of which support it.

Object

- I object to this planning application due to the lack of parking facilities for the proposed business. It is a residential street with limited parking available to residents let alone the patrons and workers of the proposed business. The parking would therefore create disruption and inconvenience for the residents around the area of the proposed business and would have a negative impact for the streets of Jubilee Road, Clarence Street and Brynheulog Terrace
 - The proposal will cause more disruption to those who live in this street. Between the two current hair salons, parking for residents is already a major struggle. I am also concerned about the possibility of people hanging around outside the proposed shop and any littering that may occur.
- (x) The property is on a dangerous corner and parking is already a problem in this area. Also, I feel that there could be nuisance caused, especially in the evening and also litter would be problematic.

Support

- This property has been boarded up for a long time and it would be great to see it brought back into use. It would be ideal to have more food options as there are not many shops in this area. The current owners have brightened up this corner by painting the premises, we shall definitely support this business.
- I live locally and this building has been vacant for years. I think it's a great idea for the area and it's nice to see local people investing in the community.

CONSULTATION

- (xiii) Highways and Transportation – No objection subject to conditions.
- (xiv) Dwr Cymru – No objection, conditions recommended.
- (xv) Public Health and Protection – No objection subject to conditions

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the 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 is located inside the defined settlement boundary for Aberaman. The following policies are considered to be relevant in the determination of this application:

Policy CS1 - sets out the criteria for development in the Northern Strategy Area

Policy AW2 - supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

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

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

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

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the

Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

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

It is considered 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:

1. Policy 1 – Where Wales will grow;
2. Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking;
3. Policy 33 – National Growth Area – Cardiff, Newport and the Valleys.

Other policy guidance considered:

PPW Technical Advice Note 4 – Retail and Commercial Development

PPW Technical Advice Note 11 – Noise

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

This application seeks approval for the change of use of a currently vacant commercial premise (Use Class A1) to a hot food takeaway (Use Class A3) and associated works at 56A Jubilee Road, Aberaman.

Since the site is located within the settlement boundary but not a defined retail or town centre zone, the main issues for consideration, are whether the A3 use would be compatible with the surrounding, mostly residential, development; and if the physical changes to the building are acceptable. The impact of the development upon highway safety in the vicinity of the site are a further consideration.

Whilst there is no objection in principle to the development, these material matters are considered below.

Impact on the visual amenity of the area

The change of use proposes no extensions to the existing footprint of the property and the alterations proposed to the door and window openings are considered to be minor. It is also noted that an electric pizza oven and self-contained ventilation system would be utilised by the business and therefore, no external flue or extraction equipment would be installed that may have a prejudicial impact upon the character of the area.

Furthermore, in the context of the street scene, it is considered that the proposal would represent an improvement in the appearance of the site by being returned to beneficial use, and would also, therefore, contribute positively to the surrounding public realm.

Consequently, in terms of the impact of the development upon the character and appearance of the area, no objections are raised.

Impact on residential amenity

The building previously operated as family butcher for a number of years and the lawful use of the premise therefore falls within Use Class A1 (Retail) and is a valid fall-back position. This would enable the applicant to operate a Class A1 use from the premise that would not be subject to any restrictions, such as operating hours and parking. Therefore, a convenience store or a shop that offered the sale of cold food for consumption off premise could result in patrons coming and going for similar, if not longer hours that those proposed by the applicant.

Notwithstanding the previous commercial use of the premise, a takeaway use has the potential to cause adverse impacts on the living conditions of the occupiers of nearby residential properties and the objectors have referred to issues such as patrons hanging around outside the proposed building and any littering that may occur. Whilst the objectors' concerns are acknowledged in this respect, it is considered similar impacts could occur should the premise operate under a Class A1 use.

In addition, the layout of the property and external alterations proposed means that customers of the business would access/egress the premise upon its south-eastern side, whilst the nearest terraced house to the application site, on Jubilee Road, would be separated from the development by an existing commercial unit that is currently in use as a hairdressing salon.

Furthermore, the nearest other dwelling to the proposal, at 22 Clarence Street, is separated from the application site by Jubilee Road itself and has a large gable wall that faces the premise, whilst it is considered that the occupants of the flats at the former Bethany Chapel would be accustomed to some form of adverse impact from the convenience store sited opposite.

Consequently, given the historic and permitted use of the site, it is not considered that the introduction of an A3 use would necessarily result in a degree of disturbance that would be significantly detrimental to the amenity of neighbouring occupiers. The application would therefore be in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan

Public Health

The Council's Public Health and Protection Department have reviewed the details submitted with the application and have raised no objections to the scheme. It is noted that the proposal would include the use of an electric pizza oven rather than a wood fired type and that a self-contained kitchen ventilation system, that would need no direct ductwork to the atmosphere, would be installed.

Subsequently, as no mechanical extraction equipment would be needed to serve the development, a noise impact assessment has not been requested. In addition, the application is accompanied by an Odour Impact Assessment that concludes there should not be a loss of amenity to existing residential receptors as long as the ventless extraction system is properly maintained. Furthermore, should there be a change of equipment at the premises for the preparation of pizza as specified on the menu provided, or any other hot food that required the use of grills, a separate planning application would be required for the installation of any external flue and/or extraction equipment.

Lastly, no objections to the opening hours proposed by the applicant have been raised within the response from Public Health colleagues. Consequently, based on the above, it is not considered the development would result in harm to the living conditions of nearby residents arising from noise, odour or disturbance.

Impact on highway safety

Whilst it is acknowledged that concerns have been raised by residents in respect of parking and highway safety, the Highways and Transportation Section raise no objection to the scheme subject to relevant conditions being added to any consent. In coming to their conclusion, they made the following comments in relation to access and parking.

Access

The property is served off Jubilee Road on a bend adjacent to its junction with Clarence Terrace. Jubilee Road provides continuous footways on both sides of the carriageway with public transport nearby.

Jubilee Road has high on-street parking demand which restricts traffic flow to one-way, near a bend with limited forward vision which raises concern. There is concern that A3 takeaways by their nature generate short term indiscriminate on-street car parking. By parking as close as possible to the property, on a bend with restricted forward visibility would force vehicles into the running width of vehicles coming in the opposite direction to the detriment of safety of all highway users.

There is potential to overcome this concern by the implementation of double yellow lines fronting the site, along Jubilee Road in the vicinity of the road bend to maintain forward vision and free flow of traffic in the interests of safety of all highway users.

Parking

The existing use of the premise has a parking requirement of 1 operational commercial space and 1 space per 60 square metres in accordance with SPG: Access, Circulation & Parking Requirements (2011) with none provided.

The proposal has a parking requirement of 1 operational commercial space and applicants must demonstrate that customers can park in the vicinity without detriment to highway safety and free flow of traffic. Taking into account the location of the proposal, on a bend with limited forward vision customer parking would impact on the free flow of traffic and impact on highway safety. On this basis, a condition has been suggested for the implementation of a Traffic Regulation Order (TRO) to prevent on-street car parking on the bend.

Highways Summary

Whilst it is acknowledged the Highways and Transportation Section raise concern to the proposal, on the basis it may cause indiscriminate parking on or near the bend, the suggestion for a condition for a Traffic Regulation Order for double yellow lines to be implemented prior to the commencement of the development needs to be balanced against the previous and permitted use of the application site, as well as the six tests any condition would be judged against.

Whilst it is noted there are no such parking restrictions at present, the previous use of the premise would have also led to short term parking at or near to the site and it is acknowledged some on-street parking on or near to the bend and junction with Clarence Street already occurs as a direct result of the hairdressing salons and convenience store that are located close to the application site.

Furthermore, and as alluded to in the preceding sections of this report, the permitted use of the site under an A1 class use could result in similar indiscriminate parking from taking place, for similar or longer hours than that proposed and would not be subject to any restrictions.

The premise is also relatively small, being 30m² in floor area, and given the sites sustainable location, close to a bus stop and within a predominantly residential area it is likely that local residents would walk rather than drive to the premise. Similarly, owing to the nature of the business, via providing fast-food, it is unlikely that patrons would park in the vicinity of the site for a long period of time and would promote a quick turnaround.

However, and noting Highway officers' concerns in relation to the location of the application premise, on a bend, adjacent to a junction and the high parking demand in the area it is therefore recommended to Member's that the condition is applied.

Members are also advised that the delivery of the Traffic Regulation Order would be uncertain as it would be dependent on a separate legal process and consultation exercise with residents and other parties such as South Wales Police and the Emergency Services. If the legal process is not completed any parking restrictions at the site could not be secured nor condition discharged, it is therefore unlikely that the development could proceed unless all planning stakeholders accept the risk that the intended highway works may not be delivered. It should be noted that all costs associated with the TRO would be reasonably born by the applicant (circa £4,000).

Members should note that following the deferral of the application at the 4th August 2022 Planning and Development Committee, discussions with the

Council's Highways and Transportation Section have taken place and they have re-iterated that, should the premise be permitted to operate under an A3 use, the implementation of double yellow lines fronting the site are required to mitigate highway safety concerns.

Further to this, the Council's Traffic Services section have commented that they receive a significant number of requests from the public each year for various traffic restrictions to be implemented within Rhondda Cynon Taf. As the implementation of double or single yellow lines would require the TRO process to be applied, owing to the legal implications involved and to make the parking restrictions enforceable, which is a costly exercise with no guarantee of a positive outcome following the consultation process, and that the Council's purse for such measures is limited each request is considered on its own merits and prioritised accordingly. The Council's Traffic Services section also advise that as the request for the TRO would form part of a condition that would be attached to any planning consent, it is unlikely that any request for assistance as to costs or contributions would be looked at favourably.

Indeed, Annex F of Technical Advice Note 18: Transport (TAN 18) states that developers will be required to pay the cost of any highway improvements where the need is directly created by their development. The TAN states, however, that developers should not be required to pay for improvements to deal with existing deficiencies in the road system which would not be made worse by the development and that works which are programmed for improvement by the highway authority may be brought forward to enable the development to proceed, but a financial contribution from the developer is generally required. In this case, the Council's Highways and Transportation section contend that the use of the premise under a Class A3 use would intensify short term indiscriminate on-street car parking in the vicinity of the site.

It is recommended that should Members be minded to approve the application and consider it reasonable, based on the above, that the TRO condition be applied, that a 'Grampian' condition, that would prevent the change of use from taking place before the TRO is implemented, is imposed.

Annex F of Technical Advice Note 18: Transport (TAN 18) states that Grampian conditions can be applied where the carrying out of works in the highway is required as part of the planning permission. The TAN states that a Grampian condition may be necessary where works must be carried out in an existing highway in order to safely and efficiently accommodate traffic created by a development. The TAN continues and states that Highway works required by a Grampian condition might include measures to address a possible safety risk.

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 change of use is considered to be acceptable and in accordance with the requirements of the policies set out within the Local Development Plan, since it would bring vacant retail premises back into beneficial use.

Furthermore, the proposed use would neither have an unacceptable impact upon the amenity of neighbouring occupants nor highway safety in the vicinity of the site.

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 plans:

- Drawing no. 04/2022/PL/001 (Existing Survey)
- Drawing no. 04/2022/PL/003A (Proposed Drawings)

and documents received by the Local Planning Authority on the 21/03/2022 and 10/06/2022 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. Customers are not permitted on the premises outside the hours of 08:00 to 22:00 Mondays to Sundays.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The Britannia Refresh Maxi Recirculation Unit hereby approved shall be installed at the site prior to the commencement of the approved use and shall be effectively operated for as long as the use of the premises as an A3 pizza outlet continues. The equipment shall be installed and maintained in accordance with the recommendations contained within the Odour Impact Assessment received by the Local Planning Authority on the 10th June 2022.

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

Development Plan.

5. The use hereby approved shall not commence until a grease trap has been fitted in accordance with the details received by the Local Planning Authority on 8th April 2022. The grease trap shall be retained in perpetuity for as long as the A3 use continues.

Reason: To protect the integrity of the public sewage system and to ensure the free flow of sewage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No occupation or use of the development hereby permitted shall take place until a Traffic Regulation Order (TRO) that restricts on-street parking along Jubilee Road has been implemented or an alternative scheme that prevents on-street parking on Jubilee Road, which has first been submitted to and approved in writing by the Local Planning Authority, is in place.

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

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022-2023:

**PLANNING AND
DEVELOPMENT COMMITTEE
8th SEPTEMBER 2022**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

**APPLICATION NO: 22/0614/10 – Change of
use of A1 Retail Shop to A3 Fish and Chip
Shop at 11 Clydach Road, Clydach,
Tonypany, CF40 2BD**

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was reported to the 04 August 2022 Planning and Development Committee meeting with a recommendation of approval (a copy of the original report is attached as Appendix A). At that meeting Members were minded to refuse the application contrary to the recommendation. Members considered:

1. The general operation of a takeaway unit at the property would result in a significant detrimental impact upon the amenities of neighbouring occupiers, and any impact would be exacerbated by the introduction and use of associated extraction equipment, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
2. The operation of a takeaway unit at the property would exacerbate existing parking and highway safety issues on this busy highway, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

As a consequence it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to the recommendation.

4. PLANNING ASSESSMENT

It is considered the levels of general disturbance associated with the proposed Class A3 use would be similar to that of the previous commercial use at the property, and to that at other commercial properties in the locality. As such, it is not considered the levels of amenity currently enjoyed by neighbouring residents would be significantly altered by the proposed change of use.

It is acknowledged however that the application property is located within an established residential area of the village and at the centre of a row of terraced dwellings, not within an allocated retail zone. Consequently, the operation of a Class A3 takeaway use in such a location would inevitably result in a degree of impact to the amenity standards currently enjoyed by surrounding neighbours, and to a degree which could be considered unacceptable.

While it is noted the property has historically been in commercial use and the immediate neighbours would have become accustomed to associated noise and disturbance, hot food takeaways are considered to have a different trading pattern to retail shops and have a tendency to generate considerable levels of activity, especially into the evenings. This activity can generate noise and disturbance arising from the comings and goings of customers including raised voices, slamming of car doors, starting engines and playing car radios, etc. as well as general anti-social behaviour and litter issues in and around the premises.

It is also noted that a similar Class A3 use to that proposed already operates a short distance along the street. Therefore, given the general residential nature of the locality, the addition of a further takeaway use at this location could exacerbate any existing impacts upon the levels of residential amenity currently enjoyed by surrounding residents.

Additionally, while it is noted the applicant proposes extraction equipment to the rear, no specifications have been provided. This issue could be controlled by way of condition but given the terraced nature of the application property and the fact that it is adjoined by residential dwellings at either side, the introduction of necessary extraction equipment at the site may result in noise/disturbance issues of its own, which would be unacceptable.

Subsequently, the proposed operation of a takeaway at the application property could result in a significant detrimental impact to the amenities of surrounding residents. The proposed development could therefore be considered unacceptable in this respect.

With regard highway safety, no objections were raised or conditions suggested by the Transportation Section following an assessment of the scheme. They did however note that their comments were an 'on

balance' decision and did raise some concern in their comments, which could be considered to have an unacceptable impact in highway safety terms.

Concerns were raised with regard the general operation of hot food takeaways which often generate indiscriminate on-street car parking for short durations of time as close to the property as possible, which in this instance would be on the busy main thoroughfare through the village and potentially on the double yellow lines opposite the site as no off-street parking would be provided. If indiscriminate on-street car parking were to occur as a result of the proposed takeaway, then the free flow of traffic would be detrimentally impacted in this location, which would be unacceptable. Indiscriminate parking would also exacerbate any potential impact to the amenities of surrounding neighbours as set out above.

Consequently, the proposed development could therefore be considered unacceptable in respect of its potential impact upon highway and pedestrian safety.

5. CONCLUSION

Whilst the application is recommended for approval, subject to the conditions set out in the original report, if, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reasons for refusal would reflect those views:

1. The proposed takeaway use would be detrimental to the amenities of neighbouring residents by way of increased noise/disturbance and the introduction of nuisance odours/waste, impacts that would arise as a result of the general operation of the takeaway use and the introduction/operation of any associated extraction equipment. The proposed change of use is therefore contrary to Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan in amenity terms.

2. The proposed takeaway use would generate indiscriminate on-street car parking for short durations of time as close to the property as possible on the busy main thoroughfare through the village and potentially on the double yellow lines opposite the site. The proposed development would therefore result in a detrimental impact upon pedestrian and highway safety in the vicinity of the site and to the amenity of surrounding neighbours, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

APPENDIX A

PLANNING & DEVELOPMENT COMMITTEE

4 AUGUST 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0614/10 (LJH)
APPLICANT: S Simra
DEVELOPMENT: Change of use of A1 Retail Shop to A3 Fish and Chip Shop.
LOCATION: 11 CLYDACH ROAD, CLYDACH, TONYPANDY, CF40 2BD
DATE REGISTERED: 20/05/2022
ELECTORAL DIVISION: Cwm Clydach

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

REASONS:

The principle of the change of use is acceptable and it is not considered that the proposed use would have a significant impact upon the amenity of the neighbouring properties or highway safety in the vicinity of the site.

Whilst a number of objections have been received it is not considered that the issues raised would justify refusing the application and the proposal will be beneficial in bringing a vacant unit back into use.

REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to Committee as three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the change of use of the ground floor of 11 Clydach Road, Clydach, Tonypany from a currently vacant A1 retail unit (previously a Newsagents and off-licence) to a Fish and Chip Shop (Use class A3). The existing residential unit within the first floor of the property is to remain unchanged and is to only be rented in connection with the commercial premises so that it is not let to any one unconnected with the operation of the business.

The applicant has indicated that the takeaway would be open to members of the public between the hours of 12pm to 9pm Monday to Sunday including Bank Holidays.

The location of the proposed extraction equipment has been shown on the proposed plans however no detailed specification has been submitted with the application. This could be secured through a planning condition attached to any permission granted.

SITE APPRAISAL

The application property is a mid-terraced two storey commercial building located on the principle thoroughfare through Clydach. It was previously occupied by a Newsagent and Off -licence but has been vacant for some time. The property benefits from a glazed shop front at ground floor level (a residential unit is sited at first floor level). As it is not in a town centre location the property sits within a predominantly residential area however a similar Class A3 chip shop is located approximately 65 metres away to the south-east (Cambrian Chippy) and two convenience stores are located approximately 30 metres to the east (Nisa) and 40 metres to the north-west (Clydach Stores) respectively.

PLANNING HISTORY

There are no records of any planning applications that have been submitted at the site in the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. Seven (7) letters of objection have been received in total; they are summarised below:

- (i) Insufficient parking space on an already congested street.
- (ii) There is already a takeaway in close proximity to this area therefore it is not something that is needed.
- (iii) Loss of customers to Cambrian Chippy could affect their business and cause them to close down.
- (iv) The works to convert the property will disturb those who work from home.
- (v) Late night noise nuisance.
- (vi) Extra litter in and around the area.
- (vii) Cooking smells entering nearby homes.
- (viii) Will the owner have insurance in case of fire?
- (ix) The value of the properties to either side will be negatively impacted.

CONSULTATION

Transportation Section – No objection is raised, or conditions suggested.

Public Health and Protection – No objection, subject to conditions.

Flood Risk Management – No objection.

POLICY CONTEXT

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

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.

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Cwm Clydach and is unallocated.

Policy CS1 – sets out the criteria for development in the Northern Strategy Area.

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

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

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

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

Supplementary Planning Guidance

- (x) Design and Placemaking;
- (xi) Access, Circulation and Parking Requirements.

National Guidance

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

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

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

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

- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council and /Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
- (xiv) Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the Proposed Development

This application seeks the change of use of an existing commercial premise from A1 to a hot food takeaway (A3). The applicant is seeking a change of use as the unit is presently vacant and thus presents an opportunity to bring a unit back into effective use and attract further custom to this area of Clydach.

There is currently an A3 use in the immediate vicinity (a fish & chip shop). Even with the existing A3 use present within the vicinity, it is considered that it would be more appropriate to encourage this type of use than to have an additional vacant unit and thus potential decline.

It is not considered the proposed change of use would lead to an overconcentration of A3 uses in the town, and it would in fact make a valuable contribution to the local area, complying with the objectives of Policy CS1 which seeks to promote sustainable growth within the Northern Strategy Area, particularly by reusing vacant and under used buildings.

It is also noted that the property is located within a sustainable location being well served by public transport, medium and high frequency bus services run through the area. As such it is considered that the proposal is also compliant with the requirements of Policy AW2.

It is therefore considered that the change of use would be compliant with the relevant policies set out in both the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales and the development is acceptable, in principle. As the property is not located within a retail zone, the main considerations for this application are Policies AW5, AW6, and AW10, which are included within the assessment set out below.

Visual Impact

The application site is situated on the main thoroughfare through Clydach. As a result of the buildings siting and the lack of proposed alterations it is not considered that the change of use would form a visible feature in the street scene. The application is therefore considered to comply with Policy AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential Amenity

The proposal will utilise an existing commercial unit that is located within a predominantly residential area. As such, the majority of surrounding properties are residential in nature. It is therefore considered that any potential impact in respect of amenity would mainly occur upon residential premises; however, it is not considered there would be a significant impact in this respect for the following reasons:

As is a concern of the objectors, it is not considered the proposal to operate an A3 use in this setting will significantly alter the current level of disturbance with customer comings and goings being similar in number to that which

already exists at the commercial properties to the north-west, east, and south-east, being two convenience stores and a chip shop, and what would have previously existed when the application property operated as a newsagents and off-licence, and prior to this 'Bargain Booze'. As such, it is not considered that the proposed change of use would have any further impact upon the amenity of the surrounding properties or would encourage any further anti-social behaviour in the area in comparison to that which already occurs which is a further concern of the objectors. It is also considered that within areas with retail units there is a general level of activity that is greater than that in solely residential areas and residents residing in such areas accept that this is a consequence of living in such a location. Further, it is also noted that following consultation, no adverse comments were received from the Councils Public Health and Protection Division in this respect.

Consequently, whilst it is acknowledged that there will inevitably be a degree of impact from the additional A3 use, on balance, it is not considered that the proposed operation of the unit under Class A3 would result in the amenity of the occupiers of the surrounding properties being materially affected to a degree that would warrant refusal of the application. It is however considered a condition should be added to any consent to restrict the opening hours to that suggested by the applicant to ensure this is the case. The application is therefore considered acceptable in this regard and compliant with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan subject to the condition detailed below.

Highway Safety

Following consultation, the Council's Transportation Section commented that there is concern that A3 hot food takeaways generate indiscriminate on-street car parking for short durations of time as close to the property as possible which would potentially be opposite on the double yellow lines impacting on the free flow of traffic. However, taking into account the proposed and existing uses have similar car parking requirements in accordance with SPG and both would generate a degree of short term on street car parking with space for vehicular movement if parking takes place on both sides, on-balance, the proposed is acceptable.

It is also anticipated that a number of trips to and from the A3 takeaway would be undertaken on foot with a number of residential dwellings within easy walking distance of the proposed. Therefore, whilst no off-street parking is proposed, the scheme is acceptable in this respect.

It is therefore considered that the development would not have any undue impact upon pedestrian or highway safety in the vicinity of the site and no highway objections have been raised or conditions suggested. In light of these comments, the application is considered to comply with the requirements of Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the highways concerns raised by the objectors have been addressed.

Public Health

Given the proposed use, the Council's Public Health and Protection Division have noted that there is a potential for issues to arise in respect of noise, smell and waste disturbances however, limited details have been submitted with the application in this respect. It is advised however that these issues can be overcome through the installation of specialist extraction equipment and therefore no objections have been raised subject to conditions to be added to any consent to control odour and food waste. It is therefore considered that the application would comply with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

Other Issues

The issues raised by objectors of the need for the takeaway and the impact upon the existing takeaway are not material considerations that can be taken into account in this instance and each case must be dealt with on its own merits.

Similarly, the concern that the change of use will de-value nearby properties is also not a material planning consideration that can be taken into account.

Two objectors query whether the premises will be properly insured to cover the application property itself and the adjoining properties should anything happen i.e. a fire. It is the responsibility of the property owner to ensure that it has appropriate insurance cover, and this concern is neither a material planning consideration.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The application represents an appropriate change of use of an existing commercial premise. It is not considered the proposed use would have such an impact upon the amenity of the surrounding properties or upon highway safety in the vicinity of the property that would warrant refusal of the application. As such, the application is considered to comply with the relevant policies of the Local Development Plan.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans: hdw/ph/ss.01, hdw/ph/ss.02, hdw/ph/ss.03, hdw/ph/ss.04, and documents received by the Local Planning Authority on 18/05/2022 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. Prior to commencement of any development on site, a scheme of odour/effluvia/fume control shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial operation of the business and shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority. If there are inhabited premises in close proximity to the intended discharge point of the extraction system a noise impact assessment must be carried out by a competent person and must be submitted to and approved in writing by the Local Planning Authority prior to the installation of the extraction system.

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

4. Prior to commencement of any development on site, details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial operation of the business and shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the integrity of the foul drainage system in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. The A3 unit hereby approved shall only be open to the public between the following hours:

(i) Monday to Sunday: 12:00 midday – 21:00 hours.

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

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022-2023:

**PLANNING AND
DEVELOPMENT COMMITTEE
8th SEPTEMBER 2022**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

APPLICATION NO: 21/1690/10 – Proposed construction of new dwelling with attached garage (Re-submission of 21/1208/10) (Amended red line boundary received 10/03/2022) at Land adjacent to Cartref Melys, Heol Llechau, Wattstown, Porth, CF39 0PP

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was reported to the 07 July 2022 Planning and Development Committee meeting with a recommendation of refusal (a copy of the original report is attached as Appendix A). At that meeting Members were minded to defer determination of the application for site visit which took place on 19 July 2022 (a copy of the site visit report is attached as Appendix B). The application was then reported back to the next available meeting of the Planning and Development Committee on 18 August 2022 where Members were minded to approve the application contrary to the recommendation. Members considered the application site was no more unsustainable than the adjacent residential properties which are sited within settlement limits, and that the proposed dwelling would result in an appropriate 'rounding off' of the settlement in this location, having no detrimental impact to the open countryside beyond.

As a consequence it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to the recommendation.

4. PLANNING ASSESSMENT

The concerns regarding the impact of allowing a dwelling outside of the settlement boundary are outlined in the original report, however, a brief summary is provided below:

The application site is outside of settlement limits identified in the Rhondda Cynon Taf Local Development Plan (LDP). Policy AW1 and AW2 of the LDP generally have a strong presumption against residential development outside of defined settlement boundaries. It is considered that whilst only a single dwelling, the development would constitute an incremental erosion of the character of the area, which in time would result in its overall detriment. Furthermore, a recent application (21/1208/10) to which this application constitutes a resubmission was refused on the basis that the site lies outside of and detached from the settlement boundary, being in an unsustainable location, and there is no change in circumstance at the site since the previous refusal or between that application and this current application; and no further justification has been submitted.

Taking the above into account, the principle of the development is considered to be contrary to Planning Policy Wales and the relevant Local Development Plan policies.

If, having considered the above advice and after further consideration, Members remain of a mind to grant planning permission, it is suggested that the following conditions of consent would be appropriate:

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

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

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

- Proposed Floor, Elevation and Site Plans – ref. 07787MJ
- Proposed Layout
- Topographic Survey – ref. M_Jones_27072021

and documents received by the Local Planning Authority on 22/12/21, 03/02/22, 10/02/22 and 10/03/22 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence on site until details of a scheme of ecological mitigation and enhancement has been submitted to and

approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial occupation and shall remain in place thereafter.

Reason: In the interests of protecting the natural environment, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence on site until the applicant evidences how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15 in respect of surface water drainage. The approved details shall be implemented on site prior to beneficial occupation and shall remain in place thereafter.

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

5. Notwithstanding the details shown on the approved plans, no development shall commence on site until design and details of the private access road surfaced in permanent material and drained have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation and remain in place thereafter.

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

6. No development shall commencement on site until details of traffic management and wheel washing facilities have been provided on site in accordance with details to first be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway in the interests of highway safety, in accordance with Policy AW5 of the Rhonda Cynon Taf Local Development Plan.

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

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

8. The garage hereby approved shall be used only as a garage for domestic purposes ancillary and incidental to the use of the main dwelling and at no time shall it be used for commercial purposes.

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

9. HGV's used as part of the development shall be restricted to 09:00am to 16:30pm weekdays, 09:30am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

PLANNING & DEVELOPMENT COMMITTEE

7 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1690/10 (LJH)
APPLICANT: Jones
DEVELOPMENT: Proposed construction of new dwelling with attached garage (Re-submission of 21/1208/10) (Amended red line boundary received 10/03/2022).
LOCATION: LAND ADJACENT TO CARTREF MELYS, HEOL LLECHAU, WATTSTOWN, PORTH, CF39 0PP
DATE REGISTERED: 10/03/2022
ELECTORAL DIVISION: Tylorstown and Ynyshir

RECOMMENDATION: REFUSE

REASONS: The site lies outside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan (LDP) in an unsustainable location. New residential development is not supported in such a location and no suitable justification has been submitted to negate this.

The proposal therefore is contrary to Policies AW1 and AW2 of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to the Planning and Development Committee for final determination at the request of Councillors Robert Bevan and Julie Edwards so that Members can fully consider the principle of the proposed development.

APPLICATION DETAILS

Full planning permission is sought for the erection of a new detached dwelling on land adjacent to Cartref Melys, Heol Llechau, Aberllechau, Porth. The two-storey detached dwelling is proposed to be sited centrally within the plot and is proposed to measure 10 metres in depth by 20 metres in width, including the attached garage. The dwelling would have a hipped roof measuring a total

height of 8.5 metres, sloping to 5 metres at the eaves. The main living areas would be laid out at ground floor level with five bedrooms and three bathrooms, including one en-suite, at first floor level.

The dwelling is proposed to be finished in render, stonework, artificial slate roof tiles, and uPVC. Access to the site is proposed from Heol Llechau and the private driveway serving Cartref Melys to the east of the site.

SITE APPRAISAL

The application site is a rectangular shaped parcel of land measuring approximately 1600m², located at the end of Heol Llechau, Aberllechau, Porth. Vehicular access to the site is gained via Heol Llechau. The front elevation of the property addresses a southerly direction. To the east the dwelling would be largely screened from the highway by the existing dwelling known as 'Cartref Melys', which is a detached property of modern design and construction. To the south of the dwelling lies allotment land, with dwellings along Pleasant View beyond.

PLANNING HISTORY

21/1208/10: CARTREF MELYS, HEOL LLECHAU, ABERLLECHAU, PORTH, CF39 0PP.

Proposed construction of new dwelling with attached garage.

Decision: 17/12/2021, Refused.

17/0651/10: LAND TO THE WEST OF HEOL LLECHAU, WATTSTOWN, PORTH.

New detached dwelling and detached garage (Amended plans received 03/08/17).

Decision: 06/09/2017, Granted.

13/0269/10: LAND TO THE WEST OF HEOL LLECHAU, WATTSTOWN.

One detached dwelling (Revised plans received 11/07/13)

Decision: 27/09/2013, Granted.

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

Highways and Transportation – No objection subject to conditions relating to surfacing of the private access road, surface water run-off, the use of the garage, HGV deliveries, traffic management, and wheel washing.

Flood Risk Management – No objection subject to a condition relating to details outlining how surface water will be managed at the site. Advice is also

offered in respect of both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010 (SuDS).

Public Health & Protection – No objection subject to conditions relating to demolition, hours of operation, noise, dust and waste.

Ecology – No objection subject to a condition relating to submission of suitable mitigation/enhancement measures.

Dwr Cymru Welsh Water - No objection in principle to the foul flows being discharged to the public sewer. A condition is suggested to ensure that no surface water is discharged via the public sewerage network. Further advice is provided.

Western Power – No objection or conditions suggested. It is advised that the Applicant is made aware that if they require a new connection or a service alteration they will need to make a separate application to WPD.

POLICY CONTEXT

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

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.

Rhondda Cynon Taf Local Development Plan

The site is located in the Northern Strategy Area, outside and detached from the defined settlement boundary.

Policy CS1 – The policy emphasis is on sustainable growth in the Northern Strategy Area, to be achieved by focusing development within settlement boundaries and promoting residential development which respects the character and context of the surrounding area.

Policy AW1 – The policy outlines the strategies used to meet housing land requirements. It does not include development of unallocated sites outside settlement boundaries as a strategy.

Policy AW2 – The policy ensures that development proposals are only supported when located in sustainable locations. Such locations: 1) are within a defined settlement boundary; 2) would not unacceptably conflict with surrounding uses; 3) have good accessibility by a range of sustainable transport options; and 4) have good access to key services and facilities.

Policy AW5 – The policy sets out criteria for appropriate amenity and accessibility on new development sites.

Policy AW6 – The policy requires that development proposals are of a high standard of design and are appropriate to the local context in terms of siting, appearance, scale, height, massing, elevational treatment, materials and detailing.

Policy NSA12 – The policy supports residential development proposals which are situated only within or adjacent to the defined settlement boundary.

SPG – Design and Placemaking

SPG – Delivering Design and Placemaking: Access, Circulation and Parking Requirements

National Guidance

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

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

It is not considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also inconsistent with the Well-being of Future Generations (Wales) Act's sustainable development principles as set out below.

It is also considered the proposed development is not compliant with the NDF, with the following policies being relevant to the development proposed:

- (i) Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- (ii) Policy 3 – Supporting Urban Growth – Council and /Placemaking/developers/regeneration/sustainable communities'/exemplar developments.

Other national policy guidance considered:

PPW Technical Advice Note 5 – Nature Conservation and Planning
PPW Technical Advice Note 12 – Design
PPW Technical Advice Note 18 – Transport

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to the erection of a new, detached dwelling outside the settlement boundaries identified in the Rhondda Cynon Taf Local Development Plan (LDP). Policy AW1 and AW2 of the LDP have a strong presumption against development of this kind outside defined settlement boundaries except in instances where the development could be considered to be necessary in the interests of agriculture, forestry, or rural enterprise.

The proposed site is considered an unsustainable location for new residential development as it is not within any defined settlement boundary, it has no accessibility other than by car, it would not benefit from any sustainable transport options, it has no access to key services and facilities and it would not form part of a larger defined settlement.

The following is a list of some types of development that would be permissible within the countryside:

- justified rural enterprise needs;
- limited extension, alteration or replacement of existing dwellings; or
- small scale diversification within farm complexes where this is run as part of the farm business.

The proposal constitutes none of the above.

Planning Policy Wales only permits new residential dwellings within the countryside where it has been clearly demonstrated that there is no previously developed land or underutilised sites that could, instead, accommodate the proposal. The site would not be located within or adjoining any defined settlement and whilst only a single dwelling, would constitute an incremental erosion of the character of the area, which in time would result in its overall

detriment. There are other means by which a proposal could mitigate its harm upon a rural area; however, no relevant justification for the proposal has been received.

It is acknowledged that planning permission was approved for a similar dwelling at the adjacent plot in 2013 (13/0269/10), which is also situated outside of settlement limits. However, that application was also recommended for refusal by officers for the same reasons set out above, but the decision overturned by Members at Committee who considered the house would not represent unjustified development in the countryside.

The subsequent approval for a dwelling at the adjacent plot in 2017 also details that the site is outside of the settlement boundary, but that application simply proposed the approved dwelling be re-located within the site, not a further dwelling, and the previous 2013 consent was still live at the time.

Finally, the recent application (21/1208/10) to which this application constitutes a re-submission was refused on the basis that the site lies outside of and detached from the settlement boundary, being in an unsustainable location. There is no change in circumstance at the site since the previous refusal or between that application and this current application; and no further justification has been submitted.

Taking into account the above, the principle of the development is considered to be contrary to Planning Policy Wales and the relevant Local Development Plan policies. The proposal would constitute an unjustified form of development within an unsustainable location.

Impact on character and appearance of the area

With regards to the impact upon the character and appearance of the area, the site is well screened from the adjacent highway, Heol Llechau, by the existing detached dwelling, Cartref Melys, and it is therefore not considered that the dwelling itself would have a significant impact upon the character and appearance of the immediate area. It is accepted the dwelling would be visible from cross valley viewpoints, but it is not considered it would have any further impact than adjacent property.

Impact on residential amenity and privacy

Given the position and proximity of the nearest residential dwellings to the site, there is not likely to be an impact upon the residential amenities of adjacent occupiers in terms of loss of privacy, shadowing, or being overbearing.

It is also noted that no letters of objection have been received from nearby properties.

Impact on highway safety

The Council's Transportation Section were consulted in order to provide comments on the suitability of the application in respect of highway safety. No objection has been raised subject to conditions relating to surfacing of the private access road, surface water run-off, the use of the garage, HGV deliveries, traffic management, and wheel washing.

Other Issues

The following other considerations have been taken into account with regard to this application, though were not key determining factors in reaching the recommendation:

Public Health

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

Drainage

The Council's Flood Risk Management Section do not object and state that 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. No objection has been raised by Dŵr Cymru/Welsh Water.

Ecology

The Council's Ecologist has concluded that ecology issues associated with the site are likely to be minor given that it has already been cleared. However, if Members are minded to approve the application, it is recommended that a condition be appended in respect of submission of suitable mitigation/enhancement measures in line with PPW 11.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The application site is located outside of the defined, fixed, settlement boundary within an unsustainable location. Consequently, the proposed

development fails to comply with the key sustainable development objectives of Policies CS1, AW1, AW2 and NSA12 of the Rhondda Cynon Taff Local Development Plan.

RECOMMENDATION: Refuse

1. The site lies outside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan (LDP) in an unsustainable location. New residential development is not supported in such a location and no suitable justification has been submitted to negate this.

The proposal therefore is contrary to Policies AW1 and AW2 of the Rhondda Cynon Taf Local Development Plan.

APPENDIX B

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

PLANNING & DEVELOPMENT COMMITTEE

19th July 2022

SITE MEETING

APPLICATION NO 21/1690/10 - Proposed construction of new dwelling with attached garage (Re-submission of 21/1208/10) (Amended red line boundary received 10/03/2022), LAND ADJACENT TO CARTREF MELYS, HEOL LLECHAU, WATTSTOWN, PORTH, CF39 0PP.

REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION

Author: Kate Spence, Council Business Unit.

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

It is recommended that Members:

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

3. BACKGROUND

- 3.1 In accordance with Minute No 6 (Planning and Development Committee – 7th July 2022), a site inspection was undertaken on Tuesday 19th July 2022 to visualise the lay of the land of the proposed development.
- 3.2 The meeting was attended by Planning and Development Committee Members, County Borough Councillors S Rees, G Hughes, C Middle, L Tomkinson and J Smith, and Local Member County Borough Councillor R Bevan.

- 3.3 Apologies for absence were received from Planning and Development Committee Members, County Borough Councillors J Bonetto, D Grehan, W Lewis, D Williams, R Williams, and Local Member County Borough Councillor J Edwards.
- 3.4 Members met at the front of Cartref Melys on Heol Llechau, Wattstown, Porth. The Planning Officer advised Members that full planning permission was sought for the erection of a new detached dwelling on the land adjacent to Cartref Melys.
- 3.5 The Planning Officer noted the recommendation to refuse the application as the site of the proposed development lies outside of the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan (LDP) and is contrary to Policies AW1 and AW2.
- 3.6 Members sought further understanding as to the officer recommendation of such proposals that are contrary to policy. The Planning Officer advised that the proposed development lies well outside the settlement boundary in this case, whereas historically approved applications that were contrary to policy instead bordered the settlement boundary.
- 3.7 The Highways Officer raised no objection to the proposed development, subject to conditions relating to surfacing of the private access road, surface water run-off, the use of the garage, HGV deliveries, traffic management, and wheel washing.
- 3.8. Members discussed planning history of the site.
- 3.9 Members queried sewage and draining. The Planning Officer advised that the applicant would be required to complete a Sustainable drainage systems (SuDS) application with the Council.
- 4.0 Local Member, County Borough Councillor R Bevan spoke in support of the proposed development and shared further knowledge of the site's planning history.
- 4.1 Members queried the overbearing nature of the proposed development onto existing properties. The Planning Officer advised that the proposed detached dwelling would be sufficiently distanced from the existing dwelling, Cartref Melys.
- 4.2 The Chair thanked the Officers for the report and closed the meeting.

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022-2023:

**PLANNING AND
DEVELOPMENT COMMITTEE
8th SEPTEMBER 2022**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

APPLICATION NO: 22/0468/10 – Proposed change of use of the former Llwyn yr Eos clinic (D1 Use Class) to a residential dwelling (C3 Use Class) at Llwyn yr Eos Clinic, Main Road, Church Village, Pontypridd, CF38 1RN

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Planning and Development Committee meeting of 4th August 2022 with an officer recommendation of approval. A copy of the original report is attached as Appendix A.

At that meeting Members resolved to defer the application to allow for officers to consult with South Wales Police to establish if there are any issues of Anti-Social Behaviour in the vicinity of the site and whether or not South Wales Police have any concerns with the application as presented, as an unrestricted C3 use.

As a consequence, it was resolved to defer determination of the application to allow for the required consultation to take place.

4. PLANNING ASSESSMENT

Members are advised that following the deferral of the application at the 4th August 2022 Planning and Development Committee, that a consultation response has been received from South Wales Police Design-Out Crime Officer, a copy of which is attached as Appendix B.

Members are advised that the applicant has confirmed that the site is now surplus to the requirements of the NHS and, as such, they wish to dispose of the asset and that an open, unrestricted C3 use is their preference in terms of marketing the property. In this regard, and as highlighted within the original committee report, it is important to note that The Town and Country Planning (Use Classes) Order 1987 (as amended) defines Class C3 as:

Class C3 Dwellinghouses - Use as a dwellinghouse (whether or not as a sole or main residence) by:

- a) A single person or by people living together as a family;*
- b) Not more than 6 residents living together as a single household (including a household where care is provided for residents); or*
- c) Not more than 6 residents living together where no care is provided to residents (other than a use within Class C4)."*

Consequently, whilst the objectors concern as to the use of the property under C3(b) or C3(c) are acknowledged, to impose a restrictive condition for use of the property under a C3(a) class only would be unenforceable, inasmuch as C3(a), C3(b) and C3(c) are all residential uses which are not materially different for planning purposes. Accordingly, under the Town and Country (Use Classes) Order 1987, changes within any individual use class (such as C3) do not constitute development and do not require planning permission.

Further to the above, to impose a restrictive condition for C3(a) use would only prove reasonable if there was evidence that the use of the property under a C3(b) or C3(c) class use would present a serious adverse effect on amenity and the environment more so than if the property was restricted to a C3(a) use. To this end, whilst the response from South Wales Police is appreciated it is considered that it would be unjustified to restrict the use of the property.

For example, the property, under a class C3(b) use could be used by disabled people leaving hospital which is considered to be an acceptable use of the property and even if the property was used by people recovering from substance misuse, or as a children's care home under Class C3(c) use, the location of the property is considered to be one which is highly sustainable, is generally residential in character and is an appropriate location for vulnerable people, being located in close proximity of services and public transport.

With regard to the crime profile data provided by South Wales Police, members should note that they relate to the whole of Church Village, are of varied crimes and do not specifically relate to any other properties in the area that may operate under a C3(b) or C3(c) use, or that the use of the application property for similar uses would worsen this situation

Members are advised that the Local Planning Authority cannot prejudice the applicant because of the behaviour of others, especially as there is no evidence of the crimes listed having any association with an existing C3(b) or C3(c) use in the area. Ultimately, it would be up to the management of any facility to control its future use, and not the planning system.

If, having considered the above advice and after further consideration, Members are minded to grant planning permission for the proposed development, it is suggested that the following conditions of consent, as included within the original officer report, would be appropriate:

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:

- Drawing no. 0495_P01 (Existing Ground and First Floor Plans)
- Drawing no. 0495_P02 (Proposed Ground and First Floor Plans)
- Drawing no. C80_01S1 (Site Location Plan)
- Project 2021-653 Sheet AP502 (Vehicle Swept Path Plan)

and documents received by the Local Planning Authority on 14/04/2022, 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. Notwithstanding the submitted layout plan, no works shall commence on site until the design and construction details of the proposed bus stop to be upgraded (shelter) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the dwelling.

Reason: To promote sustainable modes of travel, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the development being brought into beneficial use, a vehicular footway crossing shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development on site commencing.

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

5. Surface water run-off from the proposed development shall not discharge onto the public highway or 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 Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

4 AUGUST 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0468/10 (RP)
APPLICANT: NHS Wales Shared Services
DEVELOPMENT: Proposed change of use of the of former Llwyn yr Eos clinic (D1 Use Class) to a residential dwelling (C3 Use Class).
LOCATION: LLWYN YR EOS CLINIC, MAIN ROAD, CHURCH VILLAGE, PONTYPRIDD, CF38 1RN
DATE REGISTERED: 20/04/2022
ELECTORAL DIVISION: Church Village

RECOMMENDATION: Approve

REASONS: The conversion of the application property to residential use is considered to be acceptable in principle. The site is situated within a highly sustainable location and the proposal would make an effective use of the building, whilst its location and its proximity to other dwellings would mean the proposal would not conflict with the surrounding land use.

Furthermore, both local and national planning policy is supportive of developments that result in the re-use of previously developed land and buildings, whilst the proposal would ensure that the building does not fall into a state of disrepair.

As such, the application is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan and it is therefore recommended for approval, subject to conditions.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning consent is sought to change the use of the former surgery (D1 Use Class) at Llwyn yr Eos Clinic, Main Road, Church Village to a residential dwelling (C3 Use Class).

The floor plans that accompany the proposal show that minor internal works are proposed to the property and relate to the removal of a number of ground floor internal walls which will allow the property the look and feel of a conventional house rather than a health clinic.

The resulting dwelling would comprise an entrance lobby, hall, kitchen, living room, utility room, study, a toilet and boiler room at the ground floor, whilst the first floor of the property would comprise 5no. bedrooms, 2no. bathrooms and a dressing room. No external alterations to the existing elevations of the property are proposed.

In terms of parking, 2no parking spaces would be provided within the curtilage of the site and in this respect, the application is accompanied by a swept path plan that indicates that two cars would be able to park and enter and exit the site in forward gear. It is also noted that some works have already taken place at the site to facilitate the new parking arrangement proposed, with a bus shelter that was set into the curtilage of the site being removed. A new bus stop has been installed outside the site, however its associated shelter has yet to be erected.

The applicant has confirmed that the site is now surplus to the requirements of the NHS and, as such, they wish to dispose of the asset.

SITE APPRAISAL

The application site relates to an existing detached property known as Llwyn-yr-Eos, which is located on the Main Road through the village of Church Village. The property is currently vacant, however, was most recently used as a surgery/clinic by the Cwm Taf Health Board.

The property is set within a rectangular shaped plot with the north-west facing front elevation being set back from the highway by an enclosed courtyard. An amenity space is situated to the rear of the building with access to this area running along both side elevations of the building.

The bay fronted property is of a two-storey scale with a traditional design featuring elevations of stone with brickwork quoins and a slate tiled roof. A two-storey extension is sited on the rear elevation along with a steel staircase which allows access/egress to the first floor.

The property is flanked by buildings of a similar scale which, together with the surrounding area, form the retail centre of the village. There are a wide mix of retail and other commercial uses in the centre, many of which have residential units within the upper floors. There are also traditional terraced and detached residential dwellings fronting the Main Road near the site.

PLANNING HISTORY

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

PUBLICITY

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

Three letters of objection have been received as a result of this exercise and raise the following points:

- (i) It is somewhat unclear from the notices posted in the local area, which category of C3 use is intended for this property as C3 has three parts. With this in mind, I would hereby like to express my objection and concern regarding the possible uses of this property for use in the C3(b) and C3(c) classes.
 - (ii) Llwyn Yr Eos Clinic is within walking distance to three primary schools (Ysgol Gynradd Gymraeg Garth Olwg, Llanulltudd Fardre Primary and Tonteg Primary) as well as the local Welsh Secondary School (Garth Olwg). Also within walking distance is the Tiny Tumblers Activity Centre and at least three play parks. Therefore, I feel the location of an establishment in the class of C3(b) or C3(c) in this location would be wholly inappropriate and unacceptable and would possibly put the local children at risk of witnessing possible unsavoury behaviour, at best and possible physical harm, at worst. There are also three public houses within walking distance of this address which would give any resident of this establishment easy access to alcohol and would likely increase public nuisance in the locality.
 - (iii) I have no concerns or objections to the use of the property in the C3(a) class.
- Whilst we have no objection to the property being utilised under the C3(a) use class, we would wish to raise our concerns if the property was utilised under C3(b). There is potential for problems arising from vehicular access and parking especially with a bus stop directly outside the property. Vehicles gaining access to the parking spaces will inevitably have to pass very close to pedestrians waiting for buses whilst delivery vehicles will park on the pavement close by, thereby obstructing pedestrians, buses and other traffic. The servicing of a C3(b) facility will likely add to further traffic problems and pollution.

CONSULTATION

- (iv) **Countryside, Ecology and Landscape:** No objection or survey requested.
- (v) **Flood Risk Management:** No objection or condition recommended.
- (vi) **Highways and Transportation:** No objection, subject to a number of conditions.
- (vii) **Public Health and Protection:** No objection. Comments received in relation to hours of operation, noise, dust and waste.
- (viii) **Dwr Cymru:** No objection, subject to condition and advisory notes.

No other responses have been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the 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 is located inside the defined settlement boundary for Church Village. The following policies are considered to be relevant in the determination of this application:

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

Policy AW1 – states that the supply of new housing will be met by the conversion of suitable structures to provide housing.

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

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

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

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

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

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

Supplementary Planning Guidance

- Design and Placemaking
- Planning Obligations
- Access Circulation and Parking
- Manual for Streets

National Guidance

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

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

It is considered 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 Area – Cardiff, Newport and the Valleys.

Other relevant national planning policy guidance consulted:

- 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

This application proposes the change of use of a detached building that is located on Main Road, Church Village, from a surgery (D1) to a residential dwelling (C3).

The property is located within the defined settlement boundary and sits on the fringe of the retail centre of Church Village, which is classified as a Local and Neighbourhood Centre in the retail hierarchy as defined within the Rhondda Cynon Taf Local Development Plan.

The property is presently vacant and the submitted details indicate that a single, five-bedroom dwelling is proposed, whilst two parking spaces would also be developed within the front courtyard.

It is noted that whilst the building is located within close proximity to the retail centre of Church Village, the planning application would not be subject to policy constraints relating to existing employment and retail uses (Policy AW11) as the site sits just outside of the defined retail centre.

Consequently, as the application site is located within the defined settlement boundary, is adjacent to existing residential development and is sited within what is considered to be a sustainable location, Policies CS2, AW1, AW2 and SSA13 of the Rhondda Cynon Taf Local Development Plan would provide support for the provision of new housing development in this location.

The principle of the proposal is therefore considered acceptable; however, this would be subject to a number of site-specific criteria as highlighted below.

Impact on the character and appearance of the area

The plans provided with the application detail the proposed works to convert the property would be undertaken within the fabric of the existing building only. Very few adaptations to its form are proposed, by way of the internal division of the space to create the living accommodation proposed.

The external appearance of the property would remain unaltered with the existing pattern of fenestration being retained and utilised, along with the main entrance to the property, which addresses the main road, that being Main Road. It is noted that, to establish the off-street parking proposed, some alteration would be required via the addition of dropped kerbs and removal of the front boundary wall, hedge and disabled access ramp to the building. However, it is not considered these alterations would prejudice that character of the site as the new arrangement would be similar in appearance to other neighbouring properties that address the Main Road.

Overall, the appearance of the building would be largely unaltered by its conversion, ensuring that the development continues to be in keeping with the character and proportions of the neighbouring buildings and the wider street scene.

Furthermore, it is acknowledged that bringing the building back into use, whether in commercial or residential form, would represent an opportunity to prevent the site falling into a state of disrepair.

Consequently, it is not considered that the proposed conversion of the site to a residential use would adversely affect either the character or appearance of the existing property or wider street scene.

Impact on residential amenity and privacy

The conversion would be undertaken largely within the fabric of the existing property, whilst the plans that accompany the application indicate no extensions to provide additional accommodation are proposed. Furthermore, the existing pattern of fenestration would be retained with windows serving habitable rooms contained to the front and rear elevations. As such, it is not considered that the proposal to convert the building to one residential unit would result in either an adverse impact upon amenity or a loss of privacy to existing neighbouring occupiers.

Some concern is raised that the amenity of future occupiers could be compromised due to the location of the building next to the retail centre, which has a vibrant daytime and evening economy. However, it is not considered this concern carries significant material weight due to the existing residential development bordering the site to the north and east, the occupants of which would already be accustomed to some degree of noise and disturbance from the mixed character of the area.

Consequently, it is considered the proposal would not conflict with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

Whilst it is acknowledged that concerns have been raised by residents in respect of highway safety, the Highways and Transportation Section raise no objection to the scheme subject to a number of relevant conditions being added to any consent. In coming to their conclusion, they made the following comments in relation to access and parking.

Access

Primary access to the proposal will be as existing, being served off Main Road. The proposal requires the removal of an existing bus shelter to provide a new vehicular access for two off-street car parking spaces with access / egress in forward gear and these works have already been conducted at the site. There is some concern that the proposal will provide a vehicular access in close proximity to the new bus stop proposed. However, taking into account the limited vehicular movements associated with a single residential unit with access / egress for vehicles in forward gear being achievable the proposal is acceptable.

The bus service fronting the site provides for a service vehicle approximately every 20 minutes. Therefore, taking into account the limited additional movements by 2 vehicles only, and the short duration that a bus would be present at the bus stop the risk of both vehicles exiting at the same time is minimal.

It is noted that there are a number of existing driveways within the vicinity of the site with no turning facilities resulting in reversing manoeuvres to and from Main Road. However, the proposal provides satisfactory space within the front forecourt area to enable access / egress in forward gear which is acceptable.

Parking

The existing clinic, with 5 consulting rooms and an office on the second floor requires in the region of 25 off-street car parking spaces with none provided. This in turn would result in overspill on-street car parking in the surrounding streets, narrowing the available width to the detriment of highway safety.

The proposed 5-bedroom dwelling requires up-to a maximum of 3 off-street car parking spaces in accordance with the Council's SPG Access, Circulation & Parking Requirements (2011) with 2 provided. Taking into account the sustainable location of the proposal and that there is no potential to provide the third space without blocking off the 2 proposed spaces the off-street parking provision is considered acceptable.

Bus Stop / Shelter.

The bus shelter that was accommodated within the curtilage of the site has been removed and bus border kerbing installed to the northern boundary of the plot on Main Road. To date, no shelter has been provided to compensate for the loss of the previous shelter as part of the proposal. It is suggested that the bus shelter be cantilevered with panels installed to the rear of the footway to maximise vision from the proposed vehicular access. Therefore, a condition requiring design and detail of the new shelter has been suggested. The shelter shall be provided at the applicants cost.

Highways Summary

There is slight concern with regards the location of the proposed vehicular access, being served off Main Road in close proximity to the bus stop. However, taking into account the limited vehicular movements associated with a single residential dwelling and that the car parking spaces would be accessed / egressed in forward gear, together with the limited frequency of the bus service any anticipated conflict would be considered to be minimal.

In light of the comments received from the Council's Transportation Section, it is not considered that the proposal would have an adverse impact upon highway safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Neighbour Consultation Responses

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

Class C3 of the Use Classes Order

The application seeks planning consent for the change of use of the building for the occupation and operation of the property as a Dwellinghouse (Use Class C3).

It is important to note that The Town and Country Planning (Use Classes) Order 1987 (as amended) defines Class C3 as:

Class C3 Dwellinghouses - Use as a dwellinghouse (whether or not as a sole or main residence) by:

- a) A single person or by people living together as a family;*
- b) Not more than 6 residents living together as a single household (including a household where care is provided for residents); or*
- c) Not more than 6 residents living together where no care is provided to residents (other than a use within Class C4)."*

Consequently, whilst the residents concern as to the use of the property under Class C3(b) or C3(c) are acknowledged, the applicant does not need to specify within the description of the development whether the intended use of the

property would be for C3(a), (b) or (c) use inasmuch as they are all residential uses which are not materially different for planning purposes.

Notwithstanding the above, it is noted that under the Town and Country (Use Classes) Order 1987, changes within any individual use class (such as C3) do not constitute development and do not require planning permission, unless the benefits of the Use Classes Order are restricted by a planning condition.

The Welsh Government's 'The Use of Planning Conditions for Development Management' document, paragraph 5.101 states the following:

"It is possible to impose conditions to restrict further development or a change of use that would normally be permitted development. Conditions can also be used to restrict changes that would not be regarded as development at all, whether because the change is not a "material" change within the terms of section 55 (1) of the Act, or by reason of section 55 (2) and the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended). It should be noted that any conditions restricting permitted development rights, only come into effect once that permission is implemented."

However, and having regard to the six tests, to impose a restrictive condition for C3(a) use only would only prove reasonable if there was evidence that the use of the property under a C3(b) or C3(c) class use would present a serious adverse effect on amenity and the environment more so than if the property was restricted to a C3(a) use.

Whilst the residents' concerns are acknowledged in this respect, to restrict the application to C3(a) use could be unreasonable and unenforceable as the planning considerations for the use of the property as a 5-bedroom family home under C3(a), up to 6 people living together with support under C3(b) or up to 6 people living together as one household under C3(c) are the same, inasmuch as they are all residential uses as defined within the aforementioned use classes order.

National Sustainable Placemaking Outcomes

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

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

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

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

(ix) Facilitating Accessible and Healthy Environments: The application site is located on a bus route and benefits from many services and facilities within walking distance, being located on the fringe of the neighbourhood centre of Church Village. Future residents would therefore not have to be car dependent.

(x) Making Best Use of Resources: The development supports the prioritisation of use of previously developed land and existing buildings

In respect of the other national outcomes listed the development would not be considered to have a negative impact.

Other Issues:

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

Drainage

The Council's Flood Risk Management team have not raised any objection to the proposal or recommended any condition in relation to land drainage. The response received indicates that the development does not appear to propose any construction works that will result in a change in the structure's external footprint. As such, the Lead Local Flood Authority does not envisage an alteration of the site's surface water discharge rate and do not offer any objections.

Ecology

The proposal would not result in any works to the roof or roof space and the Council's Ecologist has not requested any bat or ecological surveys.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £28,243.83

Conclusion

The application property is located within the settlement boundary and therefore the principle of residential development would be supported by Policies CS2, AW1, AW2 and SSA13 of the Local Development Plan. The development would also be in general accordance with the National Sustainable Placemaking Outcomes set out in PPW11.

In respect of other material matters, the building occupies a prominent position within the street scene and its re-use would therefore be of visual benefit, whilst the residential use proposed would be compatible with the surrounding land uses.

No other issues, in relation to highway safety or ecology have arisen; therefore, the recommendation to Members is that the development is acceptable.

RECOMMENDATION: Approve, subject to the conditions below.

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

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

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

- Drawing no. 0495_P01 (Existing Ground and First Floor Plans)
- Drawing no. 0495_P02 (Proposed Ground and First Floor Plans)
- Drawing no. C80_01S1 (Site Location Plan)
- Project 2021-653 Sheet AP502 (Vehicle Swept Path Plan)

and documents received by the Local Planning Authority on 14/04/2022, 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. Notwithstanding the submitted layout plan, no works shall commence on site until the design and construction details of the proposed bus stop to be upgraded (shelter) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the dwelling.

Reason: To promote sustainable modes of travel, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the development being brought into beneficial use, a vehicular footway crossing shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development on site commencing.

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

5. Surface water run-off from the proposed development shall not discharge onto the public highway or 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 Taf Local Development Plan.

APPENDIX B

Police Headquarters
Cowbridge Road
Bridgend
CF31 3SU

22nd August 2022

Planning Officer
Planning Department
RCTCBC

RE: 22/0468/10 – Proposed change of use of the former Llwyn Yr Eos clinic (D1 Use Class) to a residential dwelling (C3 Use Class). Llwyn Yr Eos Clinic, Main Road, Church Village, Pontypridd, CF38 1RN

Dear Robert,

South Wales Police have reviewed the following documents in relation to the above planning application, all of which are dated 19th April 2022;

- (xi) Application Form
- (xii) Site Plan
- (xiii) Existing Plan
- (xiv) Proposed Plan and Block
- (xv) Swept Path Plans

The application relates to a change of use from a former clinic to a residential dwelling (C3).

C3 – Houses, Flats, Apartments

C3(a) – those living together as a single household as defined by the Housing Act 2004 (basically a family);

C3(b) – by not more than 6 residents living together as a single household (including a household where care is provided for residents);

C3(c) - not more than six residents living together where no care is provided to residents (other than a use within Class C4).

In the case of C3(b) “care” is defined as “personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs, or past mental disorder and in class C2 also includes the personal care of children and medical care treatment.

Observations:

South Wales Police recognise that there is a need for such accommodation however, the actual use of the premises is not made clear in the application and this leads to some concerns which are listed below;

We are aware that any crime and disorder concerns must relate to the premises itself i.e. the design and use of the building. In this instance however, the proposed use of the building is so ambiguous that we are unable to accurately consider any potential risks involved.

If this application is granted as it stands, there is a possibility under Class C3(b) that it could be used as a **home for people struggling with the effects of substance misuse**. This could have a detrimental effect on the neighbouring houses and wider community and also the residents themselves. It could also increase the demand on emergency services.

1. Crime Profile:

I have attached the crime profile for the area below, which has been taken from the **Police.Uk** website and I have provided the comparable figures for the last twelve months, from July 2021 to June 2022 and also for the last three years, from August 2019 to June 2022. Although the area of Church Village is quite small, there is a large amount of anti-social behaviour and other crime reported within the vicinity of this premises. It is worth noting that in June 2022, the following crimes were recorded, having taken place within a couple of hundred yards from the premises; 1 x Burglary, 1 x criminal damage and 1 x Robbery. There were also 8 incidents of anti-social behaviour and 7 incidents of violence against the person, reported a short distance away.

Crime Type	Last 12 months	Last 3 years
Anti-Social Behaviour	81	392
Burglary	24	65
Criminal Damage & Arson	55	134
Drugs	5	21
Violence & Sexual Offences	127	354
Public Order	55	126
Other Theft	20	73
Other Crime	11	37
Vehicle Crime	7	37
Robbery	2	5
Shoplifting	5	5
Theft from the Person	3	4
Possession of Weapons	0	3

South Wales Police currently have 5 x Multi Agency Problem Solving Plans (POP's) in place directly refer to issues of anti-social behaviour, disorder and drug misuse in and around Church Village. There are also two specific patrol strategies in place for areas that fall less than half a mile away from the premises in this planning application.

If the premises were to be used in a way that is reflected in the above example, South Wales Police would like the opportunity to comment on the application, in order to ensure that there was a Management Plan in place to reflect the safeguarding needs of the residents and the wider community as a whole. This would not be possible if this application is granted the full C3 use classification as there would be no further requirement to apply for a “Change of Use” or even a “Certificate of Lawfulness”.

Without any notification of this type of premises, there would be no opportunity to consider any risks or safeguarding issues for the residents, neighbours and the community as a whole.

2. Correct Use Classification for premises:

It is possible that some C3(b) applications are made, where care is provided that could in fact fall under the category of C2 use, i.e. a property where the use requires a more institutional arrangement, such as a Children’s Home. South Wales Police would like the opportunity to comment on these applications if for instance the following applied to the premises;

- Staff working complex shift patterns
- Short term and frequent turnover of children staying at the premises.
- Would the building have lockable bedroom and office doors, Fire or Security systems such as sprinkler systems and even buzzers on doors.
- Any premises that is going to provide “care” for residents, has to take account of whether there will be staff on site at all times and whether there is adequate parking for them. Any staff members who are working a shift pattern will likely need to use the parking bays and this makes parking very difficult when the first and second vehicles are already parked in the allotted bays. This can also become an issue if there were to be other professional visitors to the site.
- Any external changes to the property.

All of the above points can represent a change of character for a building and would therefore require a C2 classification and regulation by either the Health Inspectorate Wales, or Care Inspectorate Wales. Registration by either of the above organisations can help to ensure that a premises is run efficiently and correctly, thereby safeguarding the people residing there. South Wales Police are also able to recommend a robust Management Plan is put in place that could help to alleviate any impact on the community and emergency services. If this C3 application is granted, there would be no opportunity for South Wales Police to challenge any further use of the premises, which could pose a risk to any person associated with it.

However, should the Planning Committee decide to grant this proposal, I make the following recommendations in relation to the building/accommodation.

(i) Vehicle Parking areas.

1. It is good to see that the parking will be overlooked from “active rooms” such as the kitchen and living room. This will provide natural surveillance due to the unobstructed views. Reason: To prevent vehicle crime.

(ii) Door Security.

- The external doors of the properties must meet the relevant SBD standards i.e. PAS 24 2016, LPS1175 SR2 or equivalent, and must be third party tested and certificated.
- Glass fitted in or adjacent to external door panels must be laminated and fire doors must have no external furniture fitted. Doors that are described as fire doors, or where fire performance is declared or implied, are required to have third-party certification for both security and fire performance.
Reason: To prevent burglary and enhance the safety of the residents.

(iii) Window Security.

- All vulnerable windows fitted, i.e. ground floor or above flat roofs, must meet the SBD standard PAS 24 2016 or equivalent. They must also have window locks fitted, preferably key operated.
Reason: To prevent burglary.

(iv) Lighting:

- Energy efficient dusk to dawn external lighting at the front and rear of the property will provide added security. This can be applied to any sheds or outbuildings.
Reason: to deter criminal activity and reduce the opportunity for crime.

(v) Management Plan:

- A robust Management Plan should be in place and should be revisited regularly to ensure it is fit for purpose.
It is also recommended that staff liaise with the Local Neighbourhood Inspector prior to the centre opening, to encourage good relationships and a clear understanding as to how the premises will be operated etc.

Further, more detailed information can be found on the Secured By Design website

www.securedbydesign.com

Policy Support:

- The Crime & Disorder Act 1998 created a statutory partnership between local authorities, the police and other

key partners to work together in reducing crime and disorder in all aspects of their work.

- Section 17 of the Act states:
“It is the duty of the authority to exercise its various functions with due regard to the likely effect on crime and disorder in its area and the need to do all that it reasonably can to prevent crime and disorder.”
- TAN 12 Design. Para 5.17.1 “Local authorities are required to have due regard to crime and disorder prevention in the exercise of their functions under Section 17 of the Crime and Disorder Act 1998. Consideration should be given to practical ways in which the design of development can reduce opportunities for crime, disorder and anti-social behaviour.”
- Planning Policy Wales
- 4.10.12 Local Authorities under Legal Obligation to consider the need to prevent and reduce crime and disorder.....
- 8.2.1. – Transport – Provision of safe, convenient and well signed routes
- 9.1.1. –Housing – Objective to provide homes that are in good condition, in safe neighbourhoods and sustainable communities
- 9.1.2. Housing – Greater emphasis on quality, good design, and the creation of places to live that are safe and attractive

Yours sincerely

Design-Out Crime Officer
South Wales Police

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcome's receiving correspondence in Welsh and English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

PLANNING & DEVELOPMENT COMMITTEE

08 SEPTEMBER 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 08/08/2022 – 26/08/2022

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

18 AUGUST 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

APPEALS RECEIVED

APPLICATION NO: 20/1105
APPEAL REF: CAS-01865-H4Q2K8
APPLICANT: Mr D H Thomas
DEVELOPMENT: 3 detached 4-bed houses with integral garages, served by a private access road.(CMRA received 30/10/20. Revised location and site plan/topographical survey received 22/02/21. Revised tree removal and planting plan, landscape mitigation plan and PEA addendum [bat and bird surveys] received 12/8/21).
LOCATION: LAND AT THE LAURELS, HIGH STREET, LLANTRISANT, CF72 8PB
APPEAL RECEIVED: 17/08/2022
APPEAL START DATE: 17/08/2022

APPLICATION NO: 21/0777
APPEAL REF: CAS-01866-S8Y1X1
APPLICANT: Mr Carl Owen
DEVELOPMENT: Increase storage in open area from 6 cars to 15 and extend opening hours of site for cars sales.
LOCATION: UNIT 1, 116 MILL STREET, TONYREFAIL, PORTH, CF39 8AF
APPEAL RECEIVED: 14/04/2022
APPEAL START DATE: 22/08/2022

APPLICATION NO: 22/0053
APPEAL REF: CAS-01863-G4F0D1
APPLICANT: RFJ Ltd
DEVELOPMENT: Change of use of a former office building (Use Class A2) to 11 no. flats (Use Class C3a) and associated works (resubmission of application 21/1190/10).
LOCATION: BUTE CHAMBERS, 54-55 BUTE STREET, ABERDARE, CF44 7LD
APPEAL RECEIVED: 13/04/2022
APPEAL START DATE: 16/08/2022

APPEAL DECISION RECEIVED

APPLICATION NO: 21/0931
APPEAL REF: CAS-01366-B3T3J1
APPLICANT: Mrs Corbett Jones
DEVELOPMENT: Change of use into two self-contained flats and retail space.
Alterations to shop front and rear elevations.
LOCATION: P C JONES, 54 TYLACELYN ROAD, PENYGRAIG,
TONYPANDY, CF40 1JU
DECIDED: 17/08/2021
DECISION: Refused
APPEAL RECEIVED: 19/01/2022
APPEAL DECIDED: 09/08/2022
APPEAL DECISION: Allowed with Conditions

APPLICATION NO: 21/1314
APPEAL REF: CAS-01698-F1W7H8
APPLICANT: Mr G Williams
DEVELOPMENT: Raising of garden level to provide a patio area.
LOCATION: 13 CENARTH DRIVE, CWM-BACH, ABERDARE, CF44
0NH
DECIDED: 25/11/2021
DECISION: Refused
APPEAL RECEIVED: 15/02/2022
APPEAL DECIDED: 15/08/2022
APPEAL DECISION: Dismissed

Report for Development Control Planning Committee

Hirwaun

22/0536/10 Decision Date: 19/08/2022
Proposal: Double storey side extension, single storey rear extension and detached double storey annex
Location: BRYN HIR, PENDERYN ROAD, HIRWAUN, ABERDARE, CF44 9RU

Treorchy

22/0478/15 Decision Date: 24/08/2022
Proposal: Renew condition 1 (time limit) to extend permission 17/0047/10.
Location: GLYNCOLI CLOSE, TREORCHY

Cwm Clydach

22/0165/10 Decision Date: 11/08/2022
Proposal: Conversion of former working men's club into 3 No. dwellings with off-street car parking. (Preliminary Roost Assessment received 06/05/22)(Bat Survey Report received 15/07/22)
Location: THE MARXIAN WORKING MENS CLUB AND INSTITUTE, 118-119 COURT STREET, TONYPANDY, CF40 2RN

Tonypandy

22/0773/10 Decision Date: 23/08/2022
Proposal: First floor rear extension, internal modifications
Location: 51 ELEANOR STREET, TONYPANDY, CF40 1DR

22/0789/10 Decision Date: 26/08/2022
Proposal: Proposed change of use from Dog Grooming Parlour to Sandwich Bar.
Location: 88A DUNRAVEN STREET, TONYPANDY, CF40 1AP

Trealaw

22/0330/10 Decision Date: 25/08/2022
Proposal: Detached dwelling. (Revised plans received 15th July 2022)
Location: LAND BETWEEN 161 - 162, BRITHWEUNYDD ROAD, TREALAW, TONYPANDY, CF40 2UH

Abercynon

22/0579/10 Decision Date: 15/08/2022
Proposal: Change of use from barber shop (Use Class A1) and residential flat (Use Class C3) to dental practice (Use Class D1). Internal works to create three new surgeries, waiting area and staff room to adjoin into the existing
Location: BARBER SHOP, 22 MARGARET STREET, ABERCYNON, MOUNTAIN ASH, CF45 4RE

Report for Development Control Planning Committee

Aberdare West and Llwydcoed

22/0730/15 Decision Date: 10/08/2022
Proposal: Removal of condition 4 of planning consent ref. 77/0197 (Special Purpose Bungalow)

Location: TIR ERGYD BUNGALOW, MERTHYR ROAD, LLWYDCOED, ABERDARE, CF44 0LJ

Bryнна and Llanharan

22/0736/10 Decision Date: 08/08/2022
Proposal: Single storey extension.

Location: 15 YNYSMAERDY TERRACE, YNYSMAERDY, LLANTRISANT, PONTYCLUN, CF72 8LG

Cwmbach

22/0711/10 Decision Date: 25/08/2022
Proposal: Double extension to rear, 2 no. parking spaces to front and other associated works.

Location: 16 BLAENNANTYGROES ROAD, CWM-BACH, ABERDARE, CF44 0EA

Glyn-coch

22/0747/10 Decision Date: 25/08/2022
Proposal: First floor extension above existing ground floor for bedroom.

Location: 11 THE GROVE, GLYN-COCH, PONTYPRIDD, CF37 3BQ

Graig and Pontypridd West

21/1291/13 Decision Date: 10/08/2022
Proposal: Proposed dormer bungalow with double garage underneath.

Location: SITE ADJACENT TO PRIDDFAEEN GOCH BUNGALOW, DAN-Y-COEDCAE ROAD, GRAIG, PONTYPRIDD, CF37 1LS

22/0776/10 Decision Date: 11/08/2022
Proposal: Single storey rear extension

Location: 18 COED ISAF ROAD, MAES-Y-COED, PONTYPRIDD, CF37 1EL

Hawthorn and Lower Rhydfelen

22/0930/10 Decision Date: 24/08/2022
Proposal: Two storey side extension, loft conversion, alterations to roof and construction of porch.

Location: 31 HAWTHORN CRESCENT, RHYDYFELIN, PONTYPRIDD, CF37 5AY

Report for Development Control Planning Committee

Llantrisant and Talbot Green

22/0873/09 Decision Date: 11/08/2022
Proposal: Single storey rear extension and internal alterations.

Location: 3 GREENFIELD COTTAGES, CARDIFF ROAD, LLANTRISANT, PONTYCLUN, CF72 8DG

Llantwit Fardre

22/0768/10 Decision Date: 11/08/2022
Proposal: Single storey rear extension

Location: 27 HEOL-Y-FFYNNON, EFAILISAF, PONTYPRIDD, CF38 1AU

Llwyn-y-pia

22/0592/15 Decision Date: 16/08/2022
Proposal: Variation of condition 1 of application 17/0321/10 (The erection, 25 year operation and subsequent decommissioning of a wind turbine with a maximum overall tip height of 121.5m, 20m micro-siting, new and

Location: LAND ADJ. TO FORMER NANT-Y-GWYDDON LANDFILL SITE

Pen-y-graig

22/0741/10 Decision Date: 10/08/2022
Proposal: Replacement garage

Location: 1 GLANNANT STREET, PEN-Y-GRAIG, TONYPANDY, CF40 1JT

Pontyclun East

22/0724/10 Decision Date: 17/08/2022
Proposal: First floor extension over garage with front elevation brought in line with existing.

Location: 32 MAES-Y-WENNOL, MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 8SB

Pontyclun West

22/0639/10 Decision Date: 22/08/2022
Proposal: Single storey rear extension, attic conversion with dormer to rear.

Location: THE RISE, 30 LLWYNFEN ROAD, PONT-Y-CLUN, PONTYCLUN, CF72 9EL

Report for Development Control Planning Committee

Pontypridd Town

22/0744/19 Decision Date: 10/08/2022
Proposal: Prune and remove deadwood from Cedar tree.

Location: 4 TYFICA ROAD, PONTYPRIDD, CF37 2DA

22/0942/09 Decision Date: 22/08/2022
Proposal: Single storey porch to front elevation, 1 new window and 1 enlarged opening to rear

Location: 21 LANWOOD ROAD, GRAIG-WEN, PONTYPRIDD, CF37 2EP

Rhydfelen Central

22/0519/10 Decision Date: 12/08/2022
Proposal: Rear single storey extension.

Location: 17 PLANE STREET, RHYDYFELIN, PONTYPRIDD, CF37 5DE

Taff's Well

22/0156/10 Decision Date: 18/08/2022
Proposal: Convert 2 bed bungalow into a 4 bed dwelling.

Location: 94 GLAN-Y-FFORDD, TAFF'S WELL, CARDIFF, CF15 7SP

22/0794/10 Decision Date: 23/08/2022
Proposal: Double storey side extension.

Location: THE COTTAGE, 1 CHURCH LANE, TAFF'S WELL, CARDIFF, CF15 7TQ

Tonyrefail West

22/0792/10 Decision Date: 10/08/2022
Proposal: First floor rear extension and loft conversion

Location: GLAN Y FFRWD, PENRHIWFER ROAD, TONYREFAIL, PORTH, CF39 8EY

Treherbert

22/0672/10 Decision Date: 15/08/2022
Proposal: Retrospective application for the installed ATM

Location: 137-138 BUTE STREET, TREHERBERT, TREORCHY, CF42 5PD

22/0673/01 Decision Date: 16/08/2022
Proposal: ATM signage

Location: 137-138 BUTE STREET, TREHERBERT, TREORCHY, CF42 5PD

Report for Development Control Planning Committee

Treorchy

22/0781/15 Decision Date: 18/08/2022
Proposal: Variation of condition 1 of planning permission 10/0218/15, to extend Monday to Saturday opening hours from 8:00am-9:00pm to 8:00am-10:00pm
Location: LIDL, CAE MAWR INDUSTRIAL ESTATE, TREORCHY, CF42 6EJ

Tylorstown and Ynyshir

22/0791/10 Decision Date: 23/08/2022
Proposal: First Floor Rear Extension.
Location: 9 CHAPEL STREET, WATTSTOWN, PORTH, CF39 0PU

Upper Rhydfelen and Glyn-taf

22/0772/10 Decision Date: 11/08/2022
Proposal: Two storey side extension
Location: 72 OAK STREET, RHYDYFELIN, PONTYPRIDD, CF37 5SD

Ystrad

22/0631/10 Decision Date: 25/08/2022
Proposal: First floor rear extension.
Location: 1 STANLEY ROAD, GELLI, PENTRE, CF41 7NH

22/0746/10 Decision Date: 16/08/2022
Proposal: Two storey extension.
Location: 248 TYNTYLA ROAD, YSTRAD, PENTRE, CF41 7SG

Total Number of Delegated decisions is 33

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Report for Development Control Planning Committee

Tonypandy

22/0765/10

Decision Date: 16/08/2022

Proposal: Rear balcony to existing two storey extension. (resubmission of 22/0342/10)

Location: 59 COURT STREET, TONYPANDY, CF40 2RJ

Reason: 1 By virtue of its scale, design and elevated height, the proposed balcony would have a detrimental impact upon the character and appearance of the rear of the host dwelling and wider area, resulting in an obtrusive and overbearing addition which would appear incongruous within its setting. The proposal is therefore contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the relevant guidance set out in SPG 'A Design Guide for Householder Development (2011)' in respect of its visual appearance.

Reason: 2 The proposed balcony, by virtue of its elevated height, prominent location and relationship with adjacent properties, would result in an overbearing impact to and direct overlooking of the neighbouring properties, adversely affecting the privacy and amenity standards currently enjoyed by occupiers. The proposal is therefore unneighbourly and excessive and contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the relevant guidance set out in SPG 'A Design Guide for Householder Development (2011)' in respect of neighbour amenity.

Graig and Pontypridd West

22/0686/10

Decision Date: 10/08/2022

Proposal: Construct a habitable day room at the rear garden of the property.

Location: 39 VAUGHAN STREET, PONTYPRIDD, CF37 1HR

Reason: 1 The proposed development, in terms of its siting, scale and design, would constitute an unsympathetic development and represents overdevelopment of the application site, which would be poorly related to the context and character of the site and wider area. The proposal is therefore considered contrary to Policies AW5 and AW6 of the LDP.

Report for Development Control Planning Committee

Hirwaun, Penderyn and Rhigos

22/0757/10

Decision Date: 17/08/2022

Proposal: Proposed two bedroom bungalow together with external works.

Location: BUILDING PLOT TO THE REAR OF THE GLANCYNON INN, SWANSEA ROAD, HIRWAUN, ABERDARE, CF44 9PE

Reason: 1 The development proposes highly vulnerable development within Zone C2 of the Development Advice Map (DAM) contained in TAN15. The proposed development is considered contrary to National Planning Policy and Section 6 of Technical Advice Note 15: Development and Flood Risk which states at paragraph 6.2 that highly vulnerable development should not be permitted in Zone C2.

Reason: 2 The proposed Development and access road would be partly located within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application to be at risk of flooding and falls into Flood Zone 2 Rivers. The proposal for highly vulnerable development within areas of flood risk are considered contrary to policies AW2 and AW10 of the Rhondda Cynon Taf Local Development Plan.

Llanharry

22/0782/10

Decision Date: 26/08/2022

Proposal: Garden shed and raised decking

Location: 22 HEOL YR ONNEN, LLANHARRY, PONTYCLUN, CF72 9NJ

Reason: 1 The proposed decking, by virtue of its scale, design and elevated height would result in a detrimental impact upon the character and appearance of the rear of the host dwelling and wider area. It would also result in a significant detrimental impact upon the residential amenity of neighbouring occupiers by way of loss of privacy, an increase in overlooking and an unacceptable overbearing impact. The proposal is therefore both unneighbourly and excessive, contrary to the relevant policies of the Local Development Plan (AW5 and AW6) and Supplementary Planning Guidance A Design Guide for Householder Development. Further, the proposed shed would form a highly prominent feature within the street scene, to the detriment of the visual amenity of area, contrary to Policy AW6 of Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance A Design Guide for Householder Development.

Mountain Ash

22/0682/01

Decision Date: 19/08/2022

Proposal: 2000mm high x 4000mm wide fixed page LED signage board (industry standard size) with 2300mm high brushed aluminium base pan with supporting steel subframe. This application is for permanent signage.

Location: MOUNTAIN ASH TOWN HALL, FFRWD CRESCENT, MOUNTAIN ASH, CF45 4EU

Reason: 1 The proposed signage would, by virtue of its size, scale, design and visual prominence have a detrimental impact on the setting of the two listed building that it would be located between and consequently, the visual amenity of the surrounding area. The proposed signage would therefore be contrary to the Town and Country Planning (Control of Advertisements) Regulations 1992 and Policies AW5, AW6 and AW7 of the Rhondda Cynon Taf Local Development Plan.

Total Number of Delegated decisions is 5

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