



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

**GWŶS I GYFARFOD PWYLLGOR**

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

Dolen gyswllt: Kate Spence - Gwasanaethau Democrataidd (07747485566)

Bydd cyfarfod hybrid o'r **Pwyllgor Cynllunio a Datblygu** yn cael ei gynnal ar **DYDD IAU, 6ED HYDREF, 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](mailto:GWASANAETHAUCYNLLUNIO@RCTCBC.GOV.UK) ERBYN 5PM AR DYDD MAWRTH, 4 HYDREF 2022, GAN NODI A FYDDWCH CHI'N SIARAD YN GYMRAEG NEU'N SAESNEG.

MAE'N BOSIB BYDD TREFN YR AGENDA'N NEWID ER MWYN HWYLUISO 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 18.08.22**

Cadarnhau cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 18 Awst 2022 yn rhai cywir.

5 - 10

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

**5. CAIS RHIF: 22/0265**

Adeiladu llawr caled ar gyfer lleoli carafán a garej ar wahân newydd - cais ôl-weithredol. **52 STRYD LLEWELYN, TRECYNON, ABERDÂR CF44 8HU.**

11 - 18

**6. CAIS RHIF: 22/0363**

Newid defnydd Parlwr Angladdau Llawr Gwaelod i Siop Fanwerthu a throsi'r Fflat Llawr Cyntaf yn fflat dwy ystafell wely **THE CO OPERATIVE FUNERALCARE, STRYD FAWR, TONYREFAIL, PORTH, CF39 8PL.**

19 - 28

**7. CAIS RHIF: 22/0587**

Gosod llifoleuadau a ffensys terfyn newydd **YSTAFELLOEDD NEWID PENYRENGLYN, STRYD BAGLAN, TREHERBERT, TREORCI, CF42 5AW.**

29 - 36

**8. CAIS RHIF: 22/0815**

Estyniad deulawr i'r ochr a'r cefn. **9 HEOL JOHNSON, TONYSGUBORIAU, PONT-Y-CLUN, CF72 8HR.**

**9. CAIS RHIF: 22/0819**

Estyniad deulawr y tu cefn i'r adeilad ac estyniad llawr cyntaf i ochr yr adeilad (Cais 21/1691/10 wedi'i ailgyflwyno) **3 CILGANT PEN-Y-BRYN, PONTYPRIDD, CF37 4AD.**

**10. CAIS RHIF: 22/0868**

Cais cynllunio llawn arfaethedig i ddymchwel hen Ysgol Fabanod y Porth ac ailddatblygu'r safle ar gyfer datblygiad preswyl a gwaith cysylltiedig. (Derbyniwyd Adroddiad Geotechnegol a Geoamgylcheddol wedi'i Ddiweddarau - fersiwn 3 ar 17/08/2022) **TIR YN HEN YSGOL FABANOD PORTH, STRYD MARY, PORTH, CF39 9UH.**

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

**11. CAIS RHIF: 22/0510**

Dymchwel y warws presennol ac adeiladu bloc o 16 o fflatiau fforddiadwy gyda manau parcio ac amwynder cysylltiedig. (Derbyniwyd cynlluniau diwygiedig sy'n cynnwys paneli solar ar y prif do ar 19/05/22, derbyniwyd Tystysgrif Perchnogaeth 'C' ar 04/08/22, derbyniwyd dyluniadau diwygiedig, cynlluniau llawr, cynllun y safle, manylion ynghylch goleuadau a thrawstoriad ychwanegol ar 08/08/22) **W R BISHOP AND CO FRUIT AND VEGETABLE, HEOL PENRHIW-FER, TONYREFAIL, PORTH, CF39 8EY.**

**CEISIADAU WEDI'U GOHIRIO**

**12. CAIS RHIF: 22/0743/09**

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.**

**ADRODDIAD ER GWYBODAETH**

**13. 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 29/08/2022 – 23/09/2022.

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

Trosolwg o Achosion Gorfodi;  
Penderfyniadau Gorfodi Dirprwyedig.

105 - 118

#### 14. **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 a 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 R Williams ac  
Y Cynghorydd G Hopkins

Pennaeth Cynllunio  
Pennaeth y Gwasanaethau Cyfreithiol  
Pennaeth Datblygu Mawr a Buddsoddi  
Uwch Beiriannydd



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

Cofnodion o gyfarfod hybrid y Pwyllgor Cynllunio a Datblygu a gynhaliwyd  
Dydd Iau, 18 Awst 2022 am 3.00 pm

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

#### **Siambr y Cyngor**

Y Cyngorydd S Rees (Cadeirydd)  
Y Cyngorydd W Lewis    Y Cyngorydd C Middle  
Y Cyngorydd L A Tomkinson    Y Cyngorydd R Williams

#### **Zoom**

Y Cyngorydd J Bonetto    Y Cyngorydd D Grehan  
Y Cyngorydd W Owen

### **Swyddogion oedd yn bresennol: -**

#### **Siambr y Cyngor**

Mr S Humphreys, Pennaeth y Gwasanaethau Cyfreithiol  
Mr C Jones, Pennaeth Datblygu Mawr a Buddsoddi

### **Y Cyngorwyr Bwrdeistref Sirol eraill oedd yn bresennol: -**

#### **Zoom**

Y Cyngorydd R Bevan

## **50      CROESO AC YMDDIHEURIADAU**

Daeth ymddiheuriadau am absenoldeb gan Gyngorwyr y Fwrdeistref  
Sirol G Hughes, J Smith a D Williams.

## **51      DATGAN BUDDIANT**

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

8. CAIS: 22/0585.

Nododd y Cyngorydd Craig Middle, fuddiant personol a rhagfarnllyd  
canlynol: "Rwy'n Gyfarwyddwr ar Harlech Property Development Ltd sy'n  
berchen ar yr eiddo, a fy mab, Joss Middle yw'r ymgeisydd".

## **52      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.

### **53 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.

### **54 COFNODION 21.07.22**

**PENDERFYNWYD** cadarnhau'r cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 21 Gorffennaf 2022 yn rhai cywir.

### **55 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.

### **56 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.**

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

Siaradodd yr Aelod Lleol, Cynghorydd y Fwrdeistref Sirol R. Bevan, nad yw'n aelod o'r Pwyllgor, am y cais gan nodi ei fod e'n cefnogi'r datblygiad arfaethedig.

Cyflwynodd y Pennaeth Materion Datblygu a Buddsoddi Sylweddol y cais i'r Pwyllgor ac ar ôl ei ystyried, roedd yr Aelodau o blaid cymeradwyo'r cais uchod, yn groes i argymhellid y Cyfarwyddwr Gwasanaeth Materion Ffyniant a Datblygu. Roedd hyn am fod yr Aelodau o'r farn y byddai'r datblygiad arfaethedig yn cyd-fynd â chymeriad eiddo presennol, cyfagos, ac roedden nhw'n fodlon ar ei leoliad mewn perthynas â ffiniau aneddiadau Cynllun Datblygu Lleol (CDLI) Rhondda Cynon Taf.

O ganlyniad i hynny, cai'r mater ei ohirio tan y cyfarfod priodol nesaf o'r Pwyllgor Cynllunio a Datblygu fel bod modd derbyn adroddiad gan y Cyfarwyddwr Gwasanaeth 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.

**57 CAIS RHIF: 22/0769**

**Annedd ar wahân, ffurfio'r tir, ehangu'r mynediad a maes parcio (Ailgyflwyno cais 21/1662/10). TIR I'R GORLLEWIN O RANDIR HEOL LLECHAU, HEOL LLECHAU, WATTSTOWN, PORTH.**

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:

- Scott Phelps (Ymgeisydd)
- Robert Hathaway (Asiant)

Siaradodd yr Aelod Lleol, Cynghorydd y Fwrdeistref Sirol R. Bevan, nad yw'n aelod o'r Pwyllgor, am y cais gan nodi ei fod e'n cefnogi'r datblygiad arfaethedig.

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

**58 CAIS RHIF: 21/1555**

**Rhyddhau amod 13 - lefelau tir presennol a lefelau tir/llawr gorffenedig arfaethedig ar gyfer caniatâd cynllunio 18/1411/10. (Derbyniwyd cynlluniau diwygiedig ar 21/04/2022) HEN YSGOL GYNRADD GYMRAEG LLANTRISANT, STRYD YR YSGOL, LLANTRISANT, CF72 8EN.**

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

Nododd y Pwyllgor nad oedd yr Aelod Lleol, Cynghorydd y Fwrdeistref Sirol G. Holmes, nad yw'n aelod o'r Pwyllgor, a oedd wedi gofyn am annerch yr Aelodau ar y Cais yn bresennol i wneud hynny.

Cyfeiriodd y Pennaeth Materion Datblygu a Buddsoddi Sylweddol at lythyr 'hwyr' oddi wrth ddeiliaid yr eiddo cyfagos yn amlinellu'r rhesymau dros eu gwrthwynebiad i'r datblygiad arfaethedig, roedd rhai pwyntiau eisoes wedi codi'n rhan o'r adroddiad.

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

**59 CAIS RHIF: 21/1073**

**Anedd Sengl. (Derbyniwyd y ffin goch ddiwygiedig ar 26/01/22) TIR GER 23 GLAN-YR-AFON, TREORCI.**

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

**60 CAIS RHIF: 21/1440**

**Amrywio amod 1 - terfyn amser y caniatâd cynllunio 12/0367/10. (Derbyniwyd Archwiliad o Strwythurau Ystlumod a'r Aseiad Ecologol ar 04/03/22) NEUADD YR EGLWYS, LLYS TYLCHA FAWR, TONYREFAIL**

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

**61 CAIS RHIF: 22/0585**

**Estyniad dwbl i gefn yr eiddo 85 HEOL Y TYLE, MAES-Y-COED, PONTYPRIDD, CF37 1EF.**

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

**(Nodwch:** Ar ôl datgan buddiant yn y cais uchod (Cofnod Rhif 51), gadawodd Cynghorydd y Fwrdeistref Sirol C. Middle y cyfarfod ar gyfer yr eitem yma.)



**62 CAIS RHIF: 22/0679**

**Cais Amlinellol ar gyfer hyd at 15 o dai gan gynnwys mynediad, maes parcio, system ddraenio, ardaloedd bioamrywiaeth a gwaith allanol ategol. TIR GER CILGANT BURGASSE, LLANTRISANT, CF72 8QB.**

Cyfeiriodd y Pennaeth Materion Datblygu a Buddsoddi Sylweddol at dri llythyr 'hwyr' a dderbyniwyd oddi wrth drigolion dau eiddo cyfagos, a oedd yn codi pryderon am blotiau 14 a 15 y datblygiad arfaethedig. Atgoffwyd yr aelodau mai cais amlinellol yn unig oedd hwn, ac y byddai'n destun cais materion wedi'u cadw'n ôl yn ôl yn ddiweddarach, ac felly bydd angen ymgynghori ag eiddo cyfagos eto yn y dyfodol.

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

- 2 tŷ â 2 ystafell wely at ddiben perchentyaeth cost isel:
- 1 tŷ â 3 ystafell wely at ddiben perchentyaeth cost isel:

Dylid adeiladu'r unedau Perchentyaeth Cost Isel i safon Gofyniad Ansawdd Datblygu a sicrhau eu bod ar gael i'w gwerthu i brynwyr tro cyntaf a enwebwyd gan y Cyngor o'r Gofrestr Homestep. Dylai cyfraniad y datblygwr gyfateb i 30% o werth y farchnad agored ar gyfer pob uned, hy, ni ddylai'r prynwr enwebedig dalu mwy na 70% o werth y farchnad agored fesul uned.

**63 CAIS RHIF: 22/0728**

**Newid defnydd y llawr gwaelod o Ddosbarth A3 (Bwyd a Diod) i Ddosbarth C3 (Fflat Breswyl). LLANTWIT HOUSE, SHAZS INDIAN TAKEAWAY, FFORDD LLANTRISANT, LLANILLTUD FAERDREF, CF38 2LT.**

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

**64 CAIS RHIF: 22/0263**

**Trosi'r islawr yn fflat stiwdio hunangynhwysol 2 SCRANTON VILLAS, STRYD FAWR, CYMER, PORTH, CF39 9EU.**

Cyflwynodd Pennaeth Materion Datblygu a Buddsoddi Sylweddol y cais, a gafodd ei gyflwyno'n wreiddiol i'r Pwyllgor ar 21 Gorffennaf 2022, pan

wrthododd yr Aelodau'r cais yn groes i argymhelliad y Cyfarwyddwr Gwasanaeth Materion Ffyniant a Datblygu (Cofnod 23).

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

Byddai'r defnydd preswyl arfaethedig, ar ffurf fflat hunangynhaliol ychwanegol o fewn islawr eiddo teras presennol, yn rhoi pwysau sylweddol ar y llain, yn cynrychioli defnydd gorddwys a gorddatblygiad o'r safle. Byddai ceisio cynnwys cynifer o unedau/ystafelloedd gwely ag y bo modd o fewn adeilad mor fach, yn arwain at greu llety byw cyfyng ac o ansawdd gwael i ddeiliaid y dyfodol. Fel y cyfryw, mae'r cais yn groes i Bolisi AW5 o Gynllun Datblygu Lleol Rhondda Cynon Taf a'r Canllawiau Cynllunio Atodol ar gyfer Datblygu Fflatiau a fabwysiadwyd gan y Cyngor.

**65 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 25/07/2022 tan 05/08/2022.

**Daeth y cyfarfod i ben am 4.12 pm**

**Y Cyngorydd S Rees  
Cadeirydd.**

## PLANNING & DEVELOPMENT COMMITTEE

6 OCTOBER 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0265/10 (GRD)  
**APPLICANT:** Mr Davies  
**DEVELOPMENT:** Construction of a hard stand for the siting of a caravan & new detached garage retrospective.  
**LOCATION:** 52 LLEWELLYN STREET, TRECYNON, ABERDARE, CF44 8HU  
**DATE REGISTERED:** 02/03/2022  
**ELECTORAL DIVISION:** Aberdare West/Llwydcoed

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**RECOMMENDATION: GRANT, SUBJECT TO CONDITION**

**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.

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

- Letters of objection from three or more individuals have been received.

#### **APPLICATION DETAILS**

The application seeks consent for the retention of a detached garage and area of hard stand and patio, along with the erection of a fence at 52 Llewellyn Street, Trecynon.

The garage is positioned to the rear and side of the application property. The garage measures approx. 6.5m in length and 5.5m in width. The building measures approx. 2.3m in height to the eaves and 3.9m to ridge. Externally, the garage is finished in brickwork with tiles to the roof. New openings include a front facing garage door along with a side facing door and window.

The application also involves retention of raised hardstanding and small patio constructed within the curtilage of the property to the side of the dwelling. The works are positioned adjacent to the rear boundary walls of neighbouring properties to the south and the total area of works measures approx. 8.3m in width by approx. 16m in

length. The area of raised hardstanding and decking reaches heights of between 0.8m and 1.3m above prevailing ground levels. The applicant also proposes the construction of a timber fence to the northern and eastern side of the elevated patio and hardstanding area which would reach a maximum height of approx. 3.1m when measured above prevailing ground levels.

The proposal also includes the provision of a fence towards the southern end of the site screening the proposal, and a static caravan which is in situ, from terraced properties to the south. The fence would run a length of approx. 11.6m and would measure approx. 2.6m in height above prevailing ground levels.

There is currently a static caravan in situ at the application site, which is positioned atop the now constructed area of hardstanding and patio. The provision of a caravan within the curtilage of the property does not form part of the proposal and as such permission is not being sought for the siting of the static caravan.

Amended plans were submitted by the applicant which revised the site plan and application site. Initially, the applicants claimed that the access lane between no's 51 and 54 Llewellyn Street was under their ownership; however, a revised plan omitted reference to this access lane, which is in fact Council owned.

#### **SITE APPRAISAL**

The application property refers to a detached bungalow located within a predominantly residential area of Trecynon, Aberdare.

The property sits centrally within a modest plot and is set back from the adjacent highway of Trefelin by a front garden. To the side of the property is a driveway which leads to the now constructed detached garage, along with an area of amenity space which now includes the now constructed hardstanding and patio. The property also benefits from a rear garden.

The property is bounded to the north by garages, with the adjacent highway to the east and the grounds of Tegfan Residential home to the west. To the south, the application site adjoins the rear gardens of nearby terraced properties.

Properties within the immediate locality are a mix of detached, semi-detached and terraced properties of varying scales and designs.

#### **PLANNING HISTORY**

08/1049/10: 52/53 LLEWELLYN STREET, TRECYNON, ABERDARE. '*Single storey extension for en-suite bathrooms*'. Granted, 12/0/2008

#### **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties. Five letters of objection were received. The points raised have been summarised below.

Objections:

- Questioning the need for a garage, with applicants allegedly owning garages on adjacent land.
- Incorrect plans submitted, with lane between no's 51 and 54 Llewellyn Street being Council owned.
- Objections to utilising the access lane between no's 51 and 54 Llewellyn Street, with increase in vehicular activity and concerns with highway safety.
- The hardstanding constructed is too close to neighbouring properties, impacting privacy.
- The proposed screening fence would overshadow neighbouring properties.

Most objections received also related to the siting of a static caravan at the site, with objections outlining the following:

- Loss of Privacy to neighbouring properties.
- Loss of a view.
- The caravan overshadows neighbouring properties and causes loss of light.
- The caravan and associated works are an eyesore.
- Concerns with the proposed use of the caravan, possible Airbnb use or as a holiday unit. Concerns also relating to increase in vehicular activity and security issues should the caravan be used as a holiday unit.

#### **CONSULTATION**

Local Highway Authority

No Objections, Subject to Condition

#### **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 lies within the settlement boundary of Aberdare.

**Policy CS1** – Development in the North of the County.

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

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

Supplementary Planning Guidance

- A design guide for householder development

**National Guidance**

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

Planning Policy Wales (Edition 11) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

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

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

Other policy guidance considered:

## **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 retention of a garage and the retention and completion of other works within the curtilage of an existing residential property. The principle of development is therefore acceptable subject to the criteria set out below.

#### Static Caravan:

Concerning the static caravan at the site. The provision of a caravan that meets the definition in the 1960 Act (as amended by the 1968 Act), sited within the curtilage of a domestic property and used for ancillary purposes does not amount to development and does not require planning permission.

The static caravan positioned at the site would be considered to meet the legal definition of a caravan and would be sited in the front garden and within the curtilage of the property. The applicants have also provided a statement as part of the application, stating that the caravan would be used as an annex, ancillary to the main dwelling and will be used and occupied by the applicant's family.

Consequently, the siting of the caravan at this location, for its stated use does not currently amount to a change of use nor would it be considered operational development, and planning permission is not required.

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

The proposed garage would be sited to the rear and side of the property and whilst somewhat visible within the public realm, would not be considered over dominant in relation to the existing and surrounding properties. The garage is smaller in scale and subservient to the main house, which is considered acceptable. Overall, the garage is of a domestic scale and design, with materials considered to blend well with the site and surrounding areas.

Concerning the retention of hardstanding/ small area of patio and the erection of a timber fence to the northern, southern and eastern sides of the raised hardstanding. The works are considered relatively minor and in scale and would not be considered

to dominate the character of the property. Whilst the provision of a fence at this location could appear slightly unusual, the works would nonetheless be domestic in scale and nature. The works would be sufficiently set away from the main house and would not dominate the appearance of the dwelling as viewed from the street.

Whilst objections were received with regards to the unsightly nature of the static caravan, planning permission is not required for the siting of a static caravan at this site. Additionally, the proposed fencing would somewhat screen the static caravan, which would be considered beneficial in terms of visual amenity.

Overall, it is considered that the proposal would not detract from the character or appearance of the area and would be considered acceptable in this regard.

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

The proposed garage is positioned towards the rear of the application site and is set away from neighbouring properties. Due to the subservient scale and massing of the garage, and that it is set at a sufficient distance away from neighbouring properties, it is not considered that the construction of a domestic garage at this location would detriment the amenities of neighbouring occupiers.

The raised hardstanding and decking would reach heights of between 0.8m and 1.3m above prevailing ground levels, which could raise concerns of overlooking. However, the works also include the erection of a screening fence to the northern, southern, and eastern sides of the raised hardstanding and decking, which are considered sufficient in height to protect the privacy of neighbouring occupiers.

A proposed 2.6m high screening fence would be erected along the southern boundary of the site adjacent to the rear gardens of terraced properties along Llewellyn Street. The rear walls of gardens along this street measure at approx. 2.2m in height. Consequently, it would not be considered that the proposed 2.6m high screening fence, which is only 0.4m higher than an existing boundary wall between the application property and neighbouring properties to the south would be considered overbearing nor would it detriment the amenities of neighbours through overshadowing.

Several objections received relate to loss of privacy and overshadowing caused by the placement of a static caravan at the application site. However, as noted in this report, the provision of a static caravan within the curtilage of a residential property for uses ancillary to the main dwelling would not be considered development, and planning permission is not therefore required. Notwithstanding, the proposed screen along the southern boundary of the site is considered to provide sufficient privacy to neighbouring occupiers and would not significantly overshadow neighbouring properties. As such, 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:**



The Local Highway Authority consider that the proposed garage and vehicle hardstanding provides additional off-street parking at the site, which in turn decreases on-street parking demand in the interests of highway and pedestrian safety. The proposal is therefore considered acceptable in terms of highway safety, subject to conditions restricting the use of the garage to purposes normally associated with domestic use.

Whilst third parties objected to using an unadopted lane between No's 51 and 54 Llewellyn Street as a vehicular access, to the detriment of highway safety in their view, no such concerns were raised by the Highway Authority.

**Other Matters:**

Objections were raised by third parties regarding the original site plans submitted, in that they were inaccurate with the applicants claiming ownership of land which wasn't theirs. Amended plans were received, which demonstrated that the lane between No's 51 and 54 Llewellyn Street does not form part of the application site.

Objectors also questioned the need for a garage at the site, claiming that the applicants own several garages on land adjacent to the property. However, each planning application must be considered on its own merit, with the provision of a domestic garage at this location considered acceptable in principle.

Concerns were also raised with regards to the possible use of the caravan at the site. The applicants have confirmed in their submission that the use of the caravan would be as an annex, ancillary to the main dwellinghouse at the site. The occupiers would be the applicant's own family, which is considered acceptable. However, should other uses be undertaken at the site, or that it becomes apparent that the caravan is being used as a holiday let, then further planning consent may be required. Any issues pertaining to a change of use at the site, including highway safety and amenity impacts, would be considered in full as part of any future planning application.

**Community Infrastructure Levy (CIL) Liability**

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

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

**Conclusion**

It is considered the proposal does not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

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

1. The development hereby approved shall be carried out in accordance with the approved plans
  - Location Plan. Received by LPA 06/04/2022
  - Existing Site Plan. Drawing Number BB-01. Rev B. Received by LPA 06/04/2022
  - Proposed Site Plan. Drawing Number BB-02. Received by LPA 06/04/2022
  - Garage Plans & Elevations. Drawing Number BB-03. Rev A
  - Sections. Drawing Number BB-04. Rev A

And documents received by the Local Planning Authority on 03/03/2022, 06/04/2022 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.

2. The use of the garage hereby approved, shall at all times be restricted to purposes normally associated with a domestic use and no trade or business shall be carried out therein and at no time shall it be converted to a room or living accommodation to be enjoyed as part of the dwelling.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users, in line with Policy AW5 of the Local Development Plan.

## PLANNING & DEVELOPMENT COMMITTEE

6 OCTOBER 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0363/10 (JE)  
**APPLICANT:** Mr Sidhu  
**DEVELOPMENT:** Change of use of Ground Floor Funeral Parlour to Retail Shop and conversion of First Floor Flat to 2no. Two Bed Flats.  
**LOCATION:** THE CO OPERATIVE FUNERALCARE, HIGH STREET, TONYREFAIL, PORTH, CF39 8PL  
**DATE REGISTERED:** 21/06/2022  
**ELECTORAL DIVISION:** Tonyrefail East

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#### **RECOMMENDATION: APPROVE**

**REASONS:** The proposed development is acceptable in principle and involves the subdivision of an existing residential property to provide 2no. residential units in a sustainable location within settlement limits. In addition, the proposal is not considered to result in any adverse impact upon highway safety, the amenity of surrounding properties or the character and appearance of the area. As such, the development is considered therefore to comply with the relevant requirements of the Local Development Plan.

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

- A request has been received from Councillor Dan Owen-Jones for the matter to come to Committee so that members can consider the impact of the development on the surrounding area.

#### **APPLICATION DETAILS**

Full planning permission is sought for the change of use of the ground floor funeral parlour to a retail shop and conversion of first floor flat to 2no. two bed flats at the Co-operative Funeral Care, High Street, Tonyrefail, Porth, CF39 8PL.

Whilst the conversion of the existing funeral parlour to a convenience store would be largely facilitated through internal conversion of the ground floor of the property, the

proposal would see the installation of a new shopfront, blocking up existing windows and doors and the installation of a new roller shutter door at the property.

The proposed works to the first floor would see an existing 4-bedroom flat which covers the full extent of the first floor of the property converted into 2no. 2 bedroom flats. Each flat would benefit from external access onto the highway and would consist of the following layout: 2no. bedrooms, lounge, kitchen and bathroom. To provide window openings to the proposed flats an existing window would be blocked up and 3no. new openings would be created to the rear of the property.

## **SITE APPRAISAL**

The application site relates to a vacant two storey commercial premises located along High Street in Tonyrefail. On its front elevation the property benefits from an existing commercial frontage, area for signage and roller shutter door which served the previous use as a funeral parlour. Adjoining the rear of the property is a vacant single storey warehouse/retail store which gains access from the yard to the rear. On its eastern side the property is abutted by an access lane which also serves as a public right of way (ANT/102/1). On its western side the property is attached via a single storey extension to no.70 High Street.

The surrounding area is residential in nature and characterised by various property types. Nevertheless, there are several commercial premises within the vicinity which include a 'Spar' convenience store and public house to the north west and a car repair garage to the south west.

## **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.

One letter of objection has been received from the occupiers of a neighbouring property. The points raised have been set out below:

- Allowing another shop in the area is going to make existing problems with cars being damaged and antisocial behaviour worse.
- Will result in parking problems outside properties 72-84 High Street.
- Sets out concerns with vehicles speeding along High Street and requests ramps or signage to reduce this.

## **CONSULTATION**

**Transportation Section:** No objection or conditions suggested.

**Public Health and Protection:** No objection subject to conditions.

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

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

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

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

The application site lies within the settlement boundary for Tonyrefail and but is not allocated for any specific purpose.

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

**Policy AW1** - sets out the requirements for new housing development.

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

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

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

**Policy AW8**- requires applications to be accompanied by appropriate ecological surveys and appraisals in the interest of preserving and protecting the area's natural heritage.

**Policy AW10** - states that development will not be permitted where it 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 SSA4** – advises that proposals for residential and commercial development within the key settlement of Tonyrefail will be permitted subject to certain criteria.

**Policy SSA11** – recommends a housing density of 35 dwellings per hectare unless a lower density is necessary to protect the character of the area or the amenity of existing and future residents.

**Policy SSA13** – sets out the criteria for the consideration of development proposals within settlement boundaries

#### Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking
- Development of flats

#### National Guidance

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

Planning Policy Wales (Edition 11) (PPW) sets out 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 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 permission for the change of use of the ground floor of the property from a funeral parlour to a convenience store and the subdivision of the existing first floor flat into 2no. self-contained residential units.

The application site is located within the settlement boundary and an established residential area of Tonyrefail. It is accessible by a range of sustainable transport options including bus, foot and bicycle; and has good access to key services and facilities within the Key Settlement of Tonyrefail. This site can therefore be considered a sustainable location for residential purposes in accordance with Policy AW2.

Whilst the renovation will result in the building changing from a funeral parlour to a retail store on the ground floor, which would likely lead to an intensification of use and some impact to the amenities of surrounding residents, both uses fall within Class A1 and therefore planning permission is not required for the change.

Taking the above into account, the principle of development is therefore acceptable subject to the criteria set out below.

#### **Quality of accommodation**

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 this instance the flats are of an acceptable size and each habitable room would have at least one window. Access is well overlooked and can be made from the

surrounding pavements and roads. Whilst the proposal does not benefit from external amenity space, it is located close to nearby public open space that is easily accessible from the property. As such, the proposal is generally considered to meet the requirements set out in the SPG and is considered acceptable in this regard.

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

Whilst the objectors have raised concern with regard the impact upon the amenity of neighbouring occupiers associated with the proposed retail use, as noted above, the proposed change of use at ground floor level would not require planning permission as both a funeral parlour and convivence store fall within the same planning use class, Class A1. Therefore, whilst these concerns are acknowledged, the change of use to a retail store could occur without the need of this application. Nevertheless, the Council's Public Health and Protection section set out that the operation of the ground floor retail store does have the potential to result in increased noise from associated activities. As such, they recommend conditions be attached to any consent restricting the hours of deliveries and collections and hours of working at the site. Whilst it is noted that the ground floor change of use does not require permission, this application gives the Council over the change, and when considering the more intensive use as a retail store, the inclusion of additional residential units above and the residential nature of the area surrounding the site, the conditions are considered reasonable and necessary and have been recommended below should Members be minded to approve the application.

With respect to the flats, it is not considered the subdivision of the exiting flat into 2 units would result in any detrimental impact upon the existing amenity and privacy standards currently enjoyed by residents of the surrounding properties. Whilst it is accepted a degree of additional noise/disturbance would inevitably occur, any potential impact would be typical of such a residential use and typical of this residential area.

Furthermore, as the physical amendments proposed to the ground floor unit would not see the footprint of the property increased and relate mostly to internal alterations and minor external design changes, it is not considered this element of the proposal would cause any additional impact upon the residential amenity of neighbouring residents.

Whilst the proposed would see amendments to the existing fenestration which includes the creation of new openings, as the new fenestration is located solely on the front and rear elevations matching the existing arrangement, any overlooking impact is not considered to significantly increase in comparison to existing levels.

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:

Pedestrian access to the ground floor unit and first floor flats is to be retained from High Street, Tonyrefail. This is considered sufficient to serve the needs of all proposed. Vehicular access for stock delivery etc. is to remain from High Street via a roller shutter door. This is considered sufficient to serve the needs of the proposed retail unit.

The existing use requires up-to a maximum of 3 spaces for the first floor flat and 3 commercial vehicle spaces plus 1 space per 2 members of staff at the ground floor. This equates to 3 commercial vehicle spaces and roughly 5-6 off-street parking spaces. The proposed use of the first floor as two separate 2 bedroom flats requires 4 off-street parking spaces and the use of the ground floor in A1 requires 1 commercial vehicle space and between 2-3 off-street parking spaces. This equates to a maximum standard of 1 commercial vehicle space and 6-7 off-street parking spaces.

The changes in terms of off-street parking requirement as a result of the proposal are considered negligible. Neither the existing nor the proposed use provide any off-street parking and it is not feasible to do so. It is not considered that the change of use would result in either a significant increase or decrease to the parking requirements of the property and as such, whilst concerns are raised due to the lack of parking provided, a highways objection on this basis would not be practical. Further mitigating factors include the location of the property in an area where it is accessible by foot by the local populace and the highway adjacent to the premises is heavily controlled in terms of traffic and on street parking, with double yellow lines in place.

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

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

The change of use would be largely facilitated through internal conversion of the building with external changes limited to revised fenestration and the creation of new access doors to serve the first floor flats and a new shopfront window. As such, it is considered that the proposals will not detract from the character or appearance of the area. It should also be noted that the redevelopment of the building would result in a positive contribution to the street scene through bringing a tired and dated property back into beneficial use.

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

### **Public Health and Protection**

Following consultation Public Health and Protection recommended a number of conditions in relation to construction noise, waste and dust. Whilst these comments

are noted, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary.

In their comments the Public Health and Protection also set out that conditions in relation to contaminated land should be included on any consent. However, the proposal does not propose any ground works or extensions of the property. As such, it is not considered that these conditions are necessarily in the instance.

## **Ecology**

The Council's Ecologist was consulted during the consultation process to consider whether any ecological assessments were required during the consultation period. The following response was received: the proposal is not affecting the roof and attic spaces and there is no demolition involved this application. As such, the proposal would not trigger the Council's bat survey trigger list. In addition, a check of the SewBrec records shows that there is no existing recorded bat roost for this building.

## **Drainage**

Following consultation, the Council's Flood Risk Management team raised no objection to the application. However, their response set out that there is a surface water conveyance route towards an unnamed ordinary watercourse south of the site and recommends a condition for the submission of a flood mitigation plan to be submitted. However, this area is located outside of the redline boundary for the application and no new development is proposed. As such, it is not considered that this condition is reasonable or necessary.

## **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.

However, the development is a conversion from existing floor space that was recently used as a residential flat. Therefore, in this instance, there would be no positive CIL charge.

## **Conclusion**

The proposed development is acceptable in principle and involves the subdivision of an existing residential property to provide 2no. residential units in a sustainable

location within settlement limits. In addition, the proposal is not considered to result in any adverse impact upon highway safety, the amenity of surrounding properties or the character and appearance of the area. As such, the development is considered therefore to comply 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

- Drawing No.01
- Drawing No.04
- Drawing No.05
- Drawing No.07

and documents received by the Local Planning Authority on 22/03/2022, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The public opening hours of the ground floor retail store shall be as follows:

- Monday to Sunday – 07:00 to 22.00 hours

Reason: To define the scope of the permitted use and in the interests of the amenity of neighbouring occupiers in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Deliveries/collections, within/to/from the ground floor retail store shall be restricted to 08:00 – 18:00 Mondays to Saturdays. There shall be no such deliveries/collections on Sundays or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the scope of the permitted use and in the interests of the amenity of neighbouring occupiers in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

6 OCTOBER 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0587/10 (JE)  
**APPLICANT:** Rhondda Cynon Taf County Borough Council  
**DEVELOPMENT:** Install floodlighting and new boundary fencing  
**LOCATION:** PENYRENGLYN CHANGING ROOMS, BAGLAN STREET, TREHERBERT, TREORCHY, CF42 5AW  
**DATE REGISTERED:** 15/07/2022  
**ELECTORAL DIVISION:** Treherbert

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#### 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).

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#### 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 retention of works consisting of the installation of floodlights and new boundary fencing at Penyrenghlyn Changing Rooms, Baglan Street, Treherbert.

With regard to the floodlights, the application seeks to retain of 6no. 15 metre masts which would illuminate the main football pitch. The floodlights are positioned at 47 metre intervals with 3no. lights located on each side of the pitch. In addition, the application also seeks permission for an additional 10no. 6 metre masts positioned at 27 metre intervals that would illuminate the 5-a-side pitches to the south of the main pitch.

The boundary treatments to be retained consist of 4.5 metre high metal fencing with 0.5 metre high retaining boards along the site boundaries, which have replaced previous perimeter fencing along the northern and eastern boundaries and is a new feature along southern and western boundaries. The proposal also includes the retention of 1.2 metre high fencing with 0.2 metre high retaining boards enclosing the main pitch, inside of the site boundary.

The lights and fencing are part of wider improvements to the sports field which include an upgrade to a 3G pitch and creation of 3no. 5 a side pitches. The wider improvements also include an extension to the existing changing room block which is currently subject of a separate planning application, ref. 22/0739/10.

## **SITE APPRAISAL**

The application site is an irregular shaped parcel of land located to the west of Baglan Street, Treherbert that contains a long established sports pitch and associated changing facilities. Pedestrian access to the site can be gained via Baglan Street and the access road to the north and north west whilst the site benefits from an area of off street parking alongside the changing rooms to the south.

The site is bounded by Penyreglyn Primary School to the south east, the highway at Baglan Street (A4061) to the north and east, an unnamed highway serving surrounding properties to the north west and an access road serving Treherbert Recycling Centre and a commercial premises to the west. The closest neighbouring properties are located along Baglan Street to the north and east of the site.

Members are advised that at the time of the Officer's site visit works had commenced on site with the floodlighting columns and perimeter fencing in place. However, the development under consideration has subsequently been completed during the application process.

## **PLANNING HISTORY**

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

## **PUBLICITY**

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

No letters of objection have been received following consultation.

## **CONSULTATION**

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

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

**Flood Risk Management (Drainage):** No objection.

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

The application site lies 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 not result in 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 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 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 seeks consent for the retention of new floodlights and boundary fencing as part of wider upgrading works that will improve the facilities at the site and enable year-round use of the existing recreation ground.



It is considered the works align with the relevant National Planning Policy requirements, inasmuch as TAN 16 supports the improvement of recreational facilities, playing fields and open spaces where their poor condition places a constraint on their use, specifically noting the following:

Paragraph 3.7 states “Playing fields and green open spaces have special significance for their recreational and amenity value and particularly in towns and cities, for their contribution to the urban environment and for supporting biodiversity. Playing fields and green spaces add interest and vitality to living and working environments.”

Paragraph 3.8 states that “Sometimes, the retention and enhancement of facilities may best be achieved through the redevelopment or rehabilitation of a small part of a site, particularly where this would be related to playing field use, for example the provision of changing facilities, which would not adversely affect the quantity or quality of remaining pitches, or their use.”

Paragraph 4.8 states that “The provision of floodlighting at sport and outdoor recreational facilities can allow for more efficient use of such facilities through extended opening hours”.

It is therefore considered that in principle, the proposal is acceptable, subject to an assessment of the following criteria.

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

The application site consists of established sports fields and other associated recreation facilities. Although it is acknowledged the proposed floodlight columns project higher than any of the other structures within the site, and that the lighting would create some prominence within the hours of darkness, it is considered that the columns add very little mass on account of their narrow width. As such, any visual impact on the character of the site and adjoining street scene is minimised.

Furthermore, given the recreational nature of site, and that most of the surrounding dwellings are set back away from the boundary of site with lighting designed to face the pitch only, it is unlikely that the lighting would introduce a feature that could be considered incongruous or out of keeping, and thus be harmful to the character and setting of the area.

With regard to the fencing, this has largely replaced existing fencing at the site and is not considered to result in any adverse impact upon the character and appearance of the area. In addition, such features are of a typical design and scale to existing structures seen at a number of sports facilities across the Country Borough.

As such, the application is considered acceptable in this regard.

### **Impact on residential amenity**

The site is already well established and well used by the community and it is likely that the nearest residents of the area would have become accustomed to the activities generated by the use of its facilities, which provide health and social benefits to the local community.

However, on account of the dwellings located around the perimeter of the site, any potential impacts upon the amenities of nearby residents should be considered.

Whilst it is accepted that the installation of floodlighting would extend the use of the sports pitch into the evening in the winter months, it is considered that the intensity of the use and traffic movements would be no greater than that generated during the summer months. In addition, following confirmation from the applicant that the pitch would not operate beyond 9pm and would be manned by a staff member, no objection was raised to the proposal by the Council's Public Health and Protection Section, subject to a condition being added to any consent restricting the use of the flood lights to between the hours of 08:00 and 21:00 hours Monday to Sunday should Members resolve to approve the application.

When considering the impact of the fencing, this has largely replaced existing fencing at the site and would be sufficiently separated from neighbouring properties as not to result in any adverse impact upon the amenity of residents.

Subsequently, it is considered that the proposal is acceptable in this regard.

### **Public Health**

Following consultation, the Council's Public Health and Protection Section suggested a number of conditions 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.

### **Ecology**

The Council's Ecologist was consulted during the application process in order to provide comments on the ecological impacts of the development. Whilst concern was initially raised with regard to the potential impact upon bats, the existing highway to the west of the site is already illuminated by tall street lighting and as such, it is not considered that floodlighting of the pitch, which will be directed downwards, would likely have any greater impact than that which already exists in the area. In addition, the pitch which is being illuminated is open ground poor quality bat foraging habitat which bats are not likely to be crossing or using. As such, the Ecologist confirmed that no assessment is required in this instance and the application is considered acceptable in this regard.

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

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

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

## **Conclusion**

Having taken account of all of the issues outlined above, the application proposal is considered to represent an appropriate balance between the need to provide enhanced sporting facilities (in this case the ability to use existing sports fields for longer hours during winter months) and maintaining the character of the application site and amenities of neighbouring 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 approved shall be carried out in accordance with the approved plans
  - Proposed Floodlighting
  - Proposed Fence Layout
  - DRG No. 024558-02
  - 15 Metre Column Plan
  - AL-MUK2603-05

and documents received by the Local Planning Authority on 15/07/2022, 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.

2. The lighting columns hereby approved shall not be operated when the sports pitch is not in use or outside of the hours of 08:00 and 21:00 on any day, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity of the site are protected, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

6 OCTOBER 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0815/10 (MF)  
**APPLICANT:** Mr M Phillpott  
**DEVELOPMENT:** Two-storey side and rear extension.  
**LOCATION:** 9 HEOL JOHNSON, TALBOT GREEN, PONTYCLUN,  
CF72 8HR  
**DATE REGISTERED:** 13/07/2022  
**ELECTORAL DIVISION:** Llantrisant and Talbot Green

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

**REASONS:** The proposed works would result in an attractive development that would provide improved living conditions for occupiers, while having no undue impact upon the character and appearance of the host dwelling. While it is accepted a degree of impact would occur to the amenities of the adjoining/adjacent properties, it is not considered any impact would be significant enough to warrant refusal of the application.

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

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

3 no. letters of objection have been received.

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of an 'L' shaped two-storey extension that would wrap around the western side and rear of the application property.

The western side element of the proposed addition would be set back from the front elevation of the host property by 500mm and would run the full length of the dwelling, projecting from the rear by 4.3m. It would measure 2.7m in width and would incorporate a hipped roof design to 7.8m in height, tying in with the main property's existing ridgeline and eaves.

The rear element would be set in from the boundary with the adjoining dwelling by 500mm, would project from the back of the host property by 4.3m, and would measure 9m in width tying in with the new side element. This aspect of the scheme would also incorporate a hipped roof design to 7.8m in height, tying in with the main property's existing ridgeline and eaves.

External materials would match that of the host property. The addition would allow for several internal alterations to accommodate 5 no. bedrooms (2 no. of which being en-suite) and a family bathroom at first floor level, and various living accommodation across the ground floor.

## **SITE APPRAISAL**

The application property forms a mid-20<sup>th</sup> century, two-storey, semi-detached dwelling located on a housing estate within a residential area of the village. The house is set roughly centrally within a generous plot having enclosed garden areas to the front and rear. A single storey annex is located to the western side that would have to be removed as part of the proposed development. The dwelling is set back from and at a lower level than the street to the front, with an area of highway verge in-between, but at a comparable ground level to the neighbouring properties in the row. The site is bounded by neighbouring dwellings at either side. Vehicular access is gained from a service lane to the rear of the site. A public footpath is located adjacent to the service lane beyond which is the A473.

All properties in the street are of the same scale, being large, two-storey, semi-detached dwellings, but it is noted that roof design vary between pitched and hipped designs. There are several examples of large two-storey extensions similar to that proposed within the street.

## **PLANNING HISTORY**

15/0735/10 – Two-storey residential extension and garage in rear garden.  
Decision: Granted, 11/08/15

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification. 3 no. letters of objection have been received from occupiers of neighbouring properties, making the following comments (summarised):

- The proposed extension would be out of character with other properties in the street.
- The proposed extension would overshadow the adjoining/adjacent properties and their rear garden areas.
- The proposed extension would devalue the immediate neighbouring properties.

## **CONSULTATION**

None undertaken.

## **POLICY CONTEXT**

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

The current LDP's lifespan was 2011 to 2021. 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, the existing Plan remains the development plan for consideration when determining this planning application.

The application site is located inside of the settlement boundary for Talbot Green but is not allocated for any specific purpose.

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

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

### **Supplementary Planning Guidance**

- Design and Placemaking
- 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) 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), 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.

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

Other relevant national planning policy guidance consulted:

- 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.

### **Principle of the Proposed Development**

The application seeks planning permission for a two-storey extension at a long-established residential dwelling, proposed to enhance the living conditions of residents at the site. The principle of development is therefore considered acceptable, subject to compliance with the relevant material considerations set out below.

### **Visual Impact**

Given its scale and height, the proposed extension would inevitably result in a visible alteration to the current character and appearance of the application property and wider street scene. However, it is considered the 500mm set back from the front elevation will create some subservience in the relationship between new and old, and the use of appropriate matching external materials will ensure the addition integrates well with its host, reducing any potential visual impact. Furthermore, the dwelling is



sited within a generous plot that is considered can accommodate the addition proposed without resulting in overdevelopment or a terracing effect.

It also noted that there are several examples of large, two-storey side/rear extensions similar to that proposed at other properties in the street, and the extension proposed is not dissimilar to that approved at the site in 2015, albeit the previous consent did not include a rear element. It is therefore considered this type of development is typical of the area and the proposal would not be out of character with its surroundings.

It is subsequently considered the proposed extension would not form an overly prominent feature in the street scene and is acceptable in respect of potential visual impact.

### **Residential Amenity**

An extension of this scale and height will inevitably result in a degree of overbearing impact to the adjoining/adjacent properties. However, the addition would be of a comparable design, scale and siting to that of many other two-storey extensions in the locality. It is therefore considered the resulting relationship it would have with the immediate neighbours would be typical of the area and any potential impact not significant enough to warrant refusal of the application.

A degree of overshadowing impact would occur to the adjoining property to the east, no. 11. However, being set in from the boundary with this property by 500mm and projecting to only 4.3m, a depth equivalent to many other extensions approved within the County Borough and generally considered appropriate for this type of dwelling, any potential impact would only occur for a short period of the day during the evening and would not be considered significant enough to warrant refusal of the application.

While an occupier of the adjacent dwelling to the west, no. 7, has noted the extension would overshadow their property, given the relationship between the two properties, side to side and no. 7 being set back from the application property, and the fact that the proposed extension would not project beyond the rear of the neighbouring dwelling, it is not considered any further undue overshadowing would occur here over and above the existing situation.

Finally, with respect to privacy, the windows proposed in the front and rear elevations would not result in any further overlooking of the neighbouring properties than that which already occurs. It is noted however that 3 no. windows would be sited in the western side elevation directly facing the adjacent dwelling, 2 no. at ground floor level and 1 no. at first floor level. While some overlooking could occur, none of these windows would serve habitable rooms, they would serve a utility and store at ground floor level and a bathroom at first floor level. It is therefore considered obscure glazing would overcome any concerns and a condition requiring the windows be obscure glazed in perpetuity is suggested below.

Subsequently, while the comments of the objectors are acknowledged, the application is considered to be acceptable in terms of the potential impact upon the amenity and privacy of neighbouring residents.

### **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 not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion**

While it is accepted a degree of impact would inevitably occur to the residential amenity standards currently enjoyed by the adjoining/adjacent properties, it is not considered any impact would be significant enough to warrant refusal of the application. Furthermore, it is not considered the proposed works would result in any undue impact to the visual amenity of the host dwelling or the surrounding locality.

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

**RECOMMENDATION:** Approve, subject to 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 ref:

- 2000-001 – Existing Plans and Elevations
- 2000-002 – Proposed Plans and Elevations
- 2000-003 – Location and Site Plan

and documents received by the Local Planning Authority on 13/07/22 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. Notwithstanding the plans hereby approved, the ground and first floor windows in the western side elevation of the extension (utility room, store room and bathroom) shall be obscure glazed with privacy glass level 3 or above prior to the extension being brought into beneficial occupation. The windows shall remain obscure glazed as such thereafter.

Reason: In order to maintain the privacy and amenity of the adjacent residents, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

6 OCTOBER 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0819/10 (JE)  
**APPLICANT:** Mr Nish Amin  
**DEVELOPMENT:** Two storey rear extension and first floor side extension (Resubmission of 21/1691/10)  
**LOCATION:** 3 HILLTOP CRESCENT, PONTYPRIDD, CF37 4AD  
**DATE REGISTERED:** 04/07/2022  
**ELECTORAL DIVISION:** Trallwng

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#### RECOMMENDATION: APPROVE:

#### REASONS:

The proposed development is considered to be acceptable in respect of its visual impact and the impact it would have upon the amenity and privacy of the neighbouring residential properties.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

#### APPLICATION DETAILS

Full planning permission is sought for the construction of a two storey extension and first floor side extension at 3 Hilltop Crescent, Pontypridd. The proposed two storey extension would be located to the rear of the property and the proposed first floor extension would be located along the western side of the dwelling.

The proposed two storey extension would measure a width of 9.8 metres covering the majority of the width of the dwelling and would protrude outwards to a depth of 2 metres. It would have a dual pitched roof design to the rear of the main dwelling measuring a maximum height of 7.6 sloping to 5.5 at the eaves and would have a hipped roof design to the side tying into rear of the proposed first floor extension.

The proposed first floor side addition would be located above an existing single storey area which is currently incorporated within the roof plane of the dwelling. The proposed

extension would measure a width of 4.2 metres by a depth of 9 metres. The proposed extension would have a hipped roof design measuring a maximum height of 7.6 metres sloping to 5.5 metres at the eaves.

The application is a resubmission following the Council's refusal of an earlier application for a similar development at the site on 25/01/2021. The previous application 21/1691/10 was refused because it was considered that the proposal would represent a visually incongruous and un-neighbourly form of development which would have a detrimental impact on both the character and appearance of the surrounding area and the residential amenity of surrounding properties

## **SITE APPRAISAL**

The application property is a detached dwelling located within a residential area of The Common, Pontypridd. The property is located within a cul-de-sac and is set back from the highway by an enclosed amenity space which provides off street parking and an area of garden. To the rear of the property is an enclosed amenity space bounded on both sides by neighbouring properties with an access lane to the rear. Within the amenity space is an existing patio area along the rear of the dwelling which gives way to an area of lawn beyond. The nature of the area slopes from east to west with the adjacent properties 1 and 5 Hilltop Crescent located at lower and higher level respectively.

Neighbouring properties are a mix of detached dwellings of a similar scale and design to the application dwelling along the western side of Hilltop Crescent and bungalows located to the opposite side of the street.

## **PLANNING HISTORY**

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

**21/1691/10: 3 HILLTOP CRESCENT, PONTYPRIDD, CF37 4AD**

Two storey extension to rear and first floor extension to side.

Decision: 01/03/2022, Refuse

## **PUBLICITY**

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

6 letters of objection have been received from the occupiers of neighbouring properties. The points raised have been summarised below:

- Overbearing impact upon neighbouring properties.
- Out of character with the existing street scene at Hilltop Crescent and would set precedent for further development that could see a terracing affect should other properties follow suit.
- Impacts upon parking due to larger property.

- The proposal would be contrary to the 45 degree rule and would result in a loss of light.
- Overshadow adjoining property.
- Visual amenity.
- Impact upon property values.
- Impact upon the stability of neighbouring structures.
- Proximity to adjacent boundaries.
- Drainage issues.
- Plans could lead to future development such as a conversion to a House of Multiple Occupation.

## **CONSULTATION**

No consultation undertaken.

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

The application site lies within the settlement boundary for Pontypridd but is not allocated for any specific purpose.

**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.

### **Supplementary Planning Guidance**

- 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 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

## **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 the extension of an existing residential dwelling within the settlement boundary for Pontypridd. 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**

Although the proposed first floor side extension would form a prominent addition to the dwelling which would be visible from the highway to front of the site, when considering the revised proposal which includes a hipped roof design in place of the previous flat roof, it is considered that the extension would form a sympathetic addition to the dwelling that would not adversely impact upon its overall character and appearance. In addition, neighbouring property No. 16 Hilltop Crescent has an existing first floor level extension to the side of the dwelling comparable to that proposed. As such, when viewed in the context of the street scene, the proposed first floor side extension would not be considered to adversely impact upon the character and appearance of the wider area.

With regard to the proposed rear extension, located to the rear of the property it would not be widely visible in the surrounding vicinity. When considered in conjunction with the proposed first floor extension, the full development would form a large addition to the application property. However, it is not considered to result in such an impact that would warrant a refusal in this regard.

Taking the above into account, the proposed development is considered to comply Policies AW5 and AW6 of the Local Development Plan.

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

In terms of residential amenity, any impact would be greatest upon the adjacent properties 1 and 5 Hilltop Crescent given their proximity to the proposed extension. Given the relationship with these properties, with no.1 located lower in level and angled towards the application property, there is some concern raised with regard to the impact upon the amenity of occupiers. However, when considering the depth of the rear extension which measures only 2 metres beyond the rear property line, a reduction of 1 metre from the previously refused application, this would represent a minimal increase in depth which is not considered to result in a feature that would result in an impact great enough to warrant a refusal of the application. It is also noted that no.5 Hilltop Crescent is set back from the application property and any impact associated with the proposed extension would be similar to that which occurs between these properties and others within the vicinity.

Whilst the objectors raised concerns with regard to overlooking and loss of privacy, fenestration would largely be located on the front and rear elevations of the proposed extensions. Only landing and dressing room windows would be sited on the side elevation that would overlook the roof of no.1 Hilltop Crescent only. However, to ensure no overlooking opportunities are gained from these openings a condition to

require the installation of obscure glazing has been recommended. As such, the proposed development is not considered to result in any additional opportunities for overlooking above those already experienced by neighbouring properties.

Taking the above into account, the application is not considered to result in a significant adverse impact upon the amenities of adjacent occupiers. As such, the application is considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Other issues raised by the objectors**

Whilst it is acknowledged that the development would increase the number of bedrooms at the property that could result in increased parking demand, there is sufficient room within the front amenity space to increase the width of the existing driveway at the property to create additional parking.

The objectors raised concerns in relation to the impacts upon neighbouring properties through structural works and increased drainage requirements associated with the development of the extensions. These matters would be covered through the Building Regulations process and cannot be taken into account during the consideration of this application.

The objectors also commented that the development would likely result in the conversion to a House of Multiple Occupation (HMO) in the future which would impact upon the nature of the area. Any such change of use 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.

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

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

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

### **Conclusion**

It is considered the proposal would not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. 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 plans

- DRG.NO. 3A
- DRG.NO. 4A
- DRG.NO. 5A
- DRG.NO. 7A

and documents received by the Local Planning Authority on 04/07/2022, 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.

3. Prior to beneficial occupation, the proposed first floor windows on the western side elevation of the dwelling shall be glazed in a minimum of Pilkington Level 3 or above obscure glass. Once installed this level of obscurity shall remain in perpetuity.

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

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## PLANNING & DEVELOPMENT COMMITTEE

6 OCTOBER 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0868/10 (GH)  
**APPLICANT:** Cynon Taf Community Housing  
**DEVELOPMENT:** Proposed full planning application for the demolition of the former Porth Infants School and redevelopment to provide residential development and associated works. (Updated Geotechnical and Geoenvironmental Report - version 3 - received 17/08/2022)  
**LOCATION:** LAND AT FORMER PORTH INFANTS SCHOOL, MARY STREET, PORTH, CF39 9UH  
**DATE REGISTERED:** 15/07/2022  
**ELECTORAL DIVISION:** Porth

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

#### REASONS:

The proposed development is located within the settlement boundary, where its sustainable location and the beneficial re-use of this previously developed land would comply with the Northern Strategy Area policies of the Rhondda Cynon Taf Local Development Plan and align with the National Sustainable Placemaking Outcomes set out within PPW11.

The design and layout of the development would provide an attractive use of the former school site and would be of an appearance and scale appropriate to the surrounding properties and street scene.

Furthermore, the 100% affordable dwellings would provide a welcome contribution towards local housing needs as identified by the Council's Local Housing Market Assessment 2017-2023.

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#### REASON APPLICATION REPORTED TO COMMITTEE

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

## **APPLICATION DETAILS**

Full planning consent is sought for the demolition of the former Porth Infants School at Mary Street, Porth and its redevelopment as an affordable housing scheme.

The proposal comprises 15 affordable properties arranged around a small cul-de-sac, with the accommodation consisting of 6 x two-bed houses and 9 x one-bed flats.

The houses would be located on the higher north-western side of the site and arranged as two short terraces. The steepness of the site means that the internal space would be split-level over three floors with an enclosed rear garden and two off-street parking spaces per dwelling to the front.

The 9 flats would occupy a single block at the lower southern corner of the site and be accessed via communal entrances. Again, due to the level changes, the front elevation would appear as a two-storey building, but three-storey to the rear. Each flat would have a single parking space.

In terms of external finishes, it is proposed that the elevations of houses and flats would be constructed with light coloured face brickwork, with contrasting rendered bays and recessed panels of larch cladding. Fenestration would be light grey uPVC. It is also noted that all properties would have solar panels fitted to southerly facing roof planes, whilst the flats would benefit from air source heat pumps.

Lastly, the space around the buildings, other than for the access and parking, would be landscaped with a mixture of trees, shrubs and native scrub. Numerous rain gardens, swales and an attenuation basin would also provide distinctive features, together with a community garden and raised beds for residents to plant.

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

- Design and Access Statement
- Geotechnical and Geoenvironmental Report
- Arboricultural Report
- Bat Survey
- Coal Mining Report

A Pre-Application Consultation (PAC) Report was also submitted by the Applicant, although in this case the development does not meet the definition of major development as set out within the Development Management Procedure (Wales) Order.

## **SITE APPRAISAL**

The former Porth Infant School consists primarily of a large Victorian building located within a residential area approximately 325m to the north of Porth Town Centre.

The building is typical of its age and comprises elevations of dressed stone, engineering brick detail to openings and quoins, below a roof of mostly slate tiles. There is later extension work to the building and a dilapidated demountable structure sits in the southern part of the site.

The irregular-shaped parcel of land includes a surface area of around 0.27 hectares and is enclosed by stone boundary walls or railings, or a combination of both. There is no vehicular access, although three of the four boundaries abut the highway at Mary Street, School Street and Birchgrove Street.

This steeply sloping site is both within the defined settlement boundary and part of a Registered Landscape of Outstanding Historic Interest in Wales. The site also falls within land designated as development high risk due to coal mining legacy, and includes an area identified as being subject to a high risk of surface water flooding.

## **PLANNING HISTORY**

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

**22/5039/41:** Pre-app – residential development. Decision: 12/05/2022, Raise No Objections.

**06/0105/10:** Placement of a metal storage container in the yard to store outdoor play equipment. Decision: 28/04/2006, Grant.

## **PUBLICITY**

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

No letters of objection or representation have been received.

## **CONSULTATION**

### Highways and Transportation

No objection subject to recommended conditions and informative notes.

### Flood Risk Management

The applicant has outlined that surface water will be disposed of using SuDS and an existing culvert within the highway. The latter is shown on the drainage layout as a 300mm diameter system, but this does not determine if this is a highway drain or an

ordinary watercourse. If this is found to be a highway drain, the Applicant will have to engage with the Highway Authority to acquire permissions to discharge into their system. Regardless of size and proposal type, connecting to an ordinary watercourse or highway drain will require the Lead Local Flood Authority to receive pre and post discharge rates to confirm the ordinary watercourse flood risk is not increased.

In light of the above a condition is recommended to ensure that surface water is effectively managed on site.

#### Public Health and Protection

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

#### Natural Resources Wales

No objection and notes that a European Protected Species (EPS) Licence will be required.

#### Dwr Cymru Welsh Water

The Drainage Proposals Drawing No. S.77701-303 revision A refers to surface water only. However, we can confirm that foul water flows can be accommodated in the public sewer system and a condition is recommended for details of a foul water scheme.

#### Western Power Distribution

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

#### South Wales Fire and Rescue Service

No objection. Information relating to water supplies and access has been provided for the benefit of the Developer.

#### Countryside – Ecologist

The May 2022 Ecological Services Bat Survey found that the property is a confirmed bat roost and therefore a European Protected Species licence will need to be obtained from NRW.

A condition for mitigation and enhancement measures for other species and any bat measures which are not covered by the EPS licence will be necessary, which should include a strategy for maintaining the site as a swift nesting site.



### The Coal Authority

The Coal Authority acknowledges that the Applicant has now submitted a revised Geotechnical & Geoenvironmental Site Investigation Report (August 2022, prepared by Terra Firma (Wales) Limited) in support of the application, which seeks to address concerns earlier raised.

The Coal Authority's Planning & Development Team considers that the information now submitted, and the professional opinions contained therein in respect of the risk posed by shallow coal mining legacy and the stability of the site, to be sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The objection to the proposed development is therefore withdrawn.

However, further detailed considerations of ground conditions and foundation design may be required as part of any subsequent Building Regulations application.

### South Wales Police

No objection. A list of recommendations, in respect of designing out crime, have been submitted for forwarding to the developer.

### Waste and Recycling

No objection, the bin collection point must be at the front of the property.

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

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and that a replacement is currently 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.

**Policy CS1** - seeks to build strong, sustainable communities in the Northern Strategy Area to be achieved through promoting residential development in locations which reinforce the roles of the Principal Towns and Key settlements, including the re-use of previously developed sites.

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

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

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

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

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

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

**Policy AW6** - supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Furthermore, proposals must be designed to protect and enhance landscape and biodiversity by providing measures for mitigation and enhancement, where appropriate.

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

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

**Policy NSA2** - supports proposals for residential and commercial development within the Key Settlement of Porth which: 1) support and reinforce the role of the centre as a Key Settlement; 2) are of a high standard of design; 3) promote the beneficial re-use of vacant floor space; and 4) support the provision of local services.

**Policy NSA10** - permits proposals with the net residential housing density is a minimum of 30 dwellings per hectare.

**Policy NSA11** - on sites of 10 units or more the policy seeks the provision of at least 10% affordable housing.

**Policy NSA12** - requires housing development within the settlement boundary to be accessible to local services by a range of sustainable transport modes without adversely affecting the highway network or provision of car parking in the surrounding area.

### **Supplementary Planning Guidance**

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

### **National Guidance**

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

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

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

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

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

### **SE Wales Policies**

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;  
PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 15: Development and Flood Risk;  
PPW Technical Advice Note 18: Transport;

Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The site, formerly occupied by Porth Infants School, is located in the Northern Strategy Area. The proposed development is for 100% affordable housing and being within the defined settlement boundary would be supported by the relevant criteria of LDP Policy NSA12.

Policy CS1 promotes the reuse of under used and previously developed land and buildings and the proposal also complies with national guidance, which promotes the redevelopment of previously used land in preference to Greenfield sites.

Likewise, the development of unallocated sites within the defined settlement boundary is supported by Policies AW1 and AW2, the former recognising that the delivery of new housing will be met, in part, by the development of windfall sites.

The minimum net residential density permitted by Policy NSA10 is 30 dwellings per hectare. The site is approximately 0.27 hectares, resulting in a net residential density of approximately 55 dwellings per hectare, which is well in excess of the policy requirement.

Furthermore, since all dwellings would meet the definition of affordable homes, the minimum provision of 10% affordable housing required in order to comply with Policy NSA11 would be easily met. The Council's Housing Strategy team has advised that

the unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2017/23.

The site is within the defined settlement boundary and would be a short walking distance from the key services and facilities within the retail centre of Porth. From there the site would also be accessible by sustainable transport modes including bus, train, foot and bicycle.

In terms of Policy AW2 this means that the site can be considered a sustainable location and its development would support the role of Porth as a Key Settlement in accordance with Policy NSA2.

In light of the above, the development would be considered acceptable in principle.

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

In this case, the site is subject to a very steep fall from Birchgrove Street to the north-east down to Woodfield Terrace to the south-west. The top part of the site is that with the most level area since this comprises hardstanding and was once used as the school playground.

It is appreciated that the only feasible vehicular access, to avoid gradients and an excess of engineering to accommodate them, would be from the boundary aligned with Mary Street. Consequently, this has dictated where the new build properties would be constructed.

The two-bed dwellings would be aligned with Birchgrove Street and in order to manage the level changes, the accommodation would be over three floors, with access to the rear amenity space from the first floor.

The building containing the nine flats would have some prominence, being close to the road junction at the southern side of the site. However, although the building would have a communal entrance rather than a walk-up approach, its size is not so great that it would lose any sense of domestic proportion.

The style of the houses and flats is modern, which is an acceptable approach and preferable to a Victorian pastiche. The houses, in particular are of a similar scale to the surrounding properties, albeit that their outward visual impact would be very limited due to how they would be set into the bank and screened by the existing boundary walls – as is the case for the extant school building.

Lastly, it is noted that a high proportion of the site area would be retained as community gardens or landscaped space. Following a formal pre-application earlier this year, it is good to see that the site layout plans incorporate a defined sitting out area and raised beds for future residents to use as growing space in the north-western part of the site, particularly those who will occupy the flats.

The submitted landscaping scheme details a comprehensive range of planting proposals, which are enhanced by the features required for the sustainable drainage scheme, including a water detention basin, graded swales and seven rain gardens.

In light of the above and given the current status of the site, it is considered that the proposed development would have a very beneficial impact on the character and appearance of the site and the surrounding area.

### **Impact on neighbouring occupiers**

It is notable that no objections or representations have been received from residents as a result of the public consultation. This perhaps underlines the benefit of PAC having been undertaken prior to the submission of the application, although it was not a statutory requirement in this case.

With regard to the houses at the highest part of the site, the submitted cross section drawing shows that the eaves of their rear elevation would only be slightly higher than the existing boundary wall. On this basis, it is not likely that they would have any impact on the residents at Birchgrove Street or those on School Street to the side

Similarly, the other dwellings which abut the lower part of School Street are side on, so any views towards them from the flats are not likely to be intrusive in terms of views towards habitable rooms or cause any harm to outlook.

In respect of the neighbouring houses at Woodfield Buildings and Woodfield Terrace at the lowest point to the south-west, the position of the flats, which have a three-storey aspect to the rear, is of slightly more concern. However, the distance between opposing elevations varies between 14m and just over 21m, which in the context of the surrounding opposing linear terraces is generous.

Furthermore, whilst there are a number of window openings in the rear elevation, it is noted from the floor plans that most of these are quite small, are not the main window to the room in question, or do not serve a habitable room. Consequently, views towards Woodfield Terrace would be limited.

In light of the above, the proposed development is not considered to have a significant impact to the outlook and amenity of the surrounding neighbouring properties and is considered to be acceptable in these terms.

### **Access and highway safety**

*Access (Site Layout Drawing A003)*

The proposed site layout drawing shows a small cul-de-sac serving fifteen residential units. This is acceptable in principle and accords with the following aspects of the Council's Design Guide for Residential Estate Roads:-

- Mews Court
- 6m junction radii
- 5.5m carriageway
- Full size turning facility.
- 2m footway on one side
- 1m margin on opposite side.

There is a slight concern that residents on eastern side of the proposed access road with 1m margin strip only would be forced to walk in the carriageway with moving vehicles to access / egress the site. However, taking into account that the layout accords with the Mews Court arrangement contained in the above mentioned Design Guide, this is acceptable.

Vision splays shall be provided in accordance with Tan 18 Manual for Streets for a 30Mph speed limit 2.4m x 40m and have been conditioned accordingly.

#### *Traffic Regulation Order*

There is an existing Traffic Regulation Order (School Keep Clear) preventing on-street car parking along School Street which will require revoking at the applicants own cost, for which a condition is recommended.

#### *Off-street car parking*

The Council's SPG for Access, Circulation & Parking 2011 identifies the following off-street car parking provision is required:

- 6 x two-bed dwellings require 12 spaces with 12 provided.
- 9 x one-bed apartments require a maximum of 18 spaces with 9 provided.

It is noted that the proposed apartments are 1 bedroom and taking into account the sustainable location of the proposed the SPG notes that the off-street car parking can be reduced to 1 space per apartment, in line with that proposed.

There is potential for the 3 visitor spaces required to park within the vicinity of the site for short durations with street space available.

The Council's Highways and Transportation Section also notes that residents of flats are less likely to own cars than other household types, and special consideration should be given to ensuring that flats are not built in locations where such residents would be isolated. In addition, the creation of flats in locations where residents do not

require a car is likely to contribute to the creation of more sustainable patterns of movement.

### *Sustainability*

The development of flats in sustainable locations has a range of potential benefits, providing residents with the opportunity to live close to existing services and facilities and access to a range of transport options.

Such development will be supported where residents would have access to a wide range of services, including public transport, and where development would contribute to the continued viability of existing services.

Taking into account the sustainable location in close proximity to Porth Town Centre with both bus and rail services within close proximity, the proposed development is acceptable.

### **National Sustainable Placemaking Outcomes**

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

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

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

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

- **Creating and Sustaining Communities:** The development density is appropriate for an urban location and would contribute to the overall housing requirement within the Northern Strategy Area. As a social housing scheme, it is of particular relevance in meeting a society need.
- **Facilitating Accessible and Healthy Environments:** The application site is very close to Porth Railway Station and a bus route. In addition, the services and facilities located in the town centre are within walking distance.
- **Making Best Use of Resources:** The development accords with the aim to prioritise the use of previously developed land.



- Growing Our Economy in a Sustainable Manner: The development would have a small but positive effect in terms of construction jobs and create footfall for local businesses.
- Maximising Environmental Protection: The development would include biodiversity enhancement measures, particularly for bats and birds.

In respect of the other national outcomes listed the development would be considered to have no less than a neutral impact.

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

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

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

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

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

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

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

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

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

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

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

## **Conclusion**

The application site is located within the settlement boundary and the principle of residential development would therefore be acceptable and accord with both the Core, Area Wide and Northern Strategy Area policies of the Rhondda Cynon Taf Local Development Plan.

The proposed redevelopment of the School site is considered to be acceptable in principle and the new dwellings would be compatible with neighbouring residential land uses.

Furthermore, the proposed housing development has been designed for and in accordance with a registered social landlord and will result in the beneficial re-use of an existing brownfield site in a sustainable location.

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

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

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

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

- A003 Revision H
- A004 Revision D
- A005 Revision D
- A006 Revision D
- A007 Revision D
- A008 Revision D
- A009 Revision C
- A010 Revision D
- A013

- 0102 Revision P03

and details and documents received on 14<sup>th</sup> July 2022 and 17<sup>th</sup> August 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 details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

The scheme shall be implemented in accordance with the approved details prior to the beneficial occupation of the development.

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

4. No development shall commence, until details of a scheme for the delivery and implementation of the ecological mitigation and enhancement measures outlined in Section 10 of the Bat Survey (Ecological Services Ltd, dated May 2022), has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall also include:

- i) any bat mitigation and enhancement measures which are not covered by the scope of an EPS licence,
- ii) a strategy for maintaining the property as a swift nesting site.

The measures shall be implemented prior to beneficial occupation of the development.

Reason: In the interest of nature conservation and biodiversity in accordance with Section 6 of PPW 11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until full engineering design and details of the road layout including sections; street lighting details and surface-water drainage details have been submitted to and approved in writing by the Local

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

The vehicular access to the site will be expected to be laid out, constructed and retained thereafter with 2.4 x 40 metre vision splays.

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

6. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for:
- a) the means of access into the site for all construction traffic,
  - b) the parking of vehicles of site operatives and visitors,
  - c) the management of vehicular and pedestrian traffic,
  - d) loading and unloading of plant and materials,
  - e) storage of plant and materials used in constructing the development,
  - f) wheel cleansing facilities,
  - g) the sheeting of lorries leaving the site.

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

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

7. No development shall commence until details of a scheme for the revoking of a Traffic Regulation Order for the removal of zig zag 'School Keep Clear' road markings in the vicinity of the site has been submitted to and approved in writing by the Local Planning Authority. The road markings shall be removed prior to beneficial occupation of the development.

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

## PLANNING & DEVELOPMENT COMMITTEE

6 OCTOBER 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0510/10 (GH)  
**APPLICANT:** Castell Construction Ltd  
**DEVELOPMENT:** The demolition of the existing warehouse building and the construction of a block of 16 affordable housing apartments with associated parking and amenity areas. (Revised plans incorporating solar panels to main roof received 19/05/22, Ownership Certificate 'C' received 04/08/22, revised elevation drawings, floor plans, site layout, lighting details and additional cross section received 08/08/22. Further revised elevation drawings and site sections received 21/09/22)  
**LOCATION:** W R BISHOP AND CO FRUIT AND VEGETABLE WHOLESALE, PENRHIWFER ROAD, TONYREFAIL, PORTH, CF39 8EY  
**DATE REGISTERED:** 08/08/2022  
**ELECTORAL DIVISION:** Tonyrefail West

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**RECOMMENDATION:** REFUSE FOR THE FOLLOWING REASON:

**REASONS:** By virtue of its scale, massing and siting, the development would unacceptably dominate the outlook from the habitable rooms within the south-west facing elevation of no.19 Bryn Rhedyn. Its looming presence and proximity would therefore have a significant detrimental impact on the amenity of neighbouring residents, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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#### REASON APPLICATION REPORTED TO COMMITTEE

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

#### APPLICATION DETAILS

Full planning consent is sought to demolish the former WR Bishop Fruit and Veg Warehouse, Penrhiwfer Road, Tonyrefail, and construct a two-storey residential scheme of sixteen apartments, in its place.

The proposal would provide 100% affordable housing on behalf of the Registered Social Landlord Newydd Housing Association.

The one-bed/two-person flats would be of an identical size, each with an internal floor space of 47.6m<sup>2</sup>, comprising bedroom, bathroom and open plan living area. All flats would be served by a communal entrance and shared internal circulation space.

Currently, the site is accessed via Penrhiwfer Road. However, it is proposed to close off this entrance and create a new vehicular and pedestrian access from Bryn Rhedyn, which would lead to a car park with seventeen spaces.

The submitted site layout plan indicates that some landscaping and planting would be provided, with large areas to the north-east and south-east of the site seeded with amenity grass. These areas would be enclosed with a 1.8m high close-boarded timber fence.

Lastly, it is noted that a covered secure cycle parking stand and enclosed bin store are proposed to the north-western side elevation.

As the description of development notes, the plans presented to Members are a revised versions of the original submission. This is as a result of a meeting with the Applicant, Agent and Architect and subsequent correspondence with the Applicant's Agent, which aimed to resolve concerns relating primarily to the design of the proposal, access, and amenity. Further detail regarding these matters is set out within the body of the report below.

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

- Bat Survey Report
- Transport Statement
- Design and Access Statement

## **SITE APPRAISAL**

The application site comprises a vacant warehouse building and associated curtilage from which a wholesale business formerly operated. The site is located towards the northern fringe of Tonyrefail and within the area known as Penrhiwfer.

The site is accessed directly from the B4278 to the north-east where a large hardstanding and parking area provides a forecourt to the warehouse building. The

remaining land around the more southerly area of the site comprises grassland, scrub and contains a number of trees, and where the site boundary is demarcated by the adjacent highway Bryn Rhedyn.

Most of the surrounding development is residential in nature and includes traditional Victorian dwellings, as well as later 20th century properties. The exception to this is that there is a Co-op supermarket on the opposite side of Bryn Rhedyn to the south-east.

Other than for the general planning policies listed below, there are no specific constraints or considerations relating to this site. However, records show that the site is intersected by an area designated by The Coal Authority as 'high risk to development'.

## **PLANNING HISTORY**

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

**21/5106/10:** Pre-app. Decision: 19/11/2021, Raise No Objection

## **PUBLICITY**

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

As a result of the initial consultation letters of objection were received from 53 individuals, including the Member of Parliament for Pontypridd, together with a petition containing 936 signatures. The objections and concerns can be summarised as follows:

### Planning Policy / Land use / Infrastructure

- The proposed development causes a loss of employment to the area. The current plot is an ideal location for a commercial use which would create more employment opportunities and could easily be retrofitted into a commercial property or community function.
- The Council's SPG states that "development of flats in locations which would result in residents having limited access to services will be resisted", so how would this be acceptable when the infrastructure of Tonyrefail is inadequate.
- Local healthcare and school facilities are oversubscribed and many existing residents are registered in other villages.
- Before the Council gives planning permission to future housing developments, they should secure an improvement in the infrastructure.
- The sewerage system in Bryn Rhedyn is already insufficient for the current number of residents and adding more people to this situation would be catastrophic.

- Lack of need for the development.

### Highways

- Insufficient parking space resulting in additional on-street demand which will affect pedestrians and access for deliveries to the Co-op store. Vehicles are parked outside our house on both sides of the road.
- It is wrong to assume that there would be only one car per flat.
- The existing access road is too busy and narrow and more traffic would worsen the current health and safety issues. Visibility to the access and a blind bend are dangerous.
- The entrance to the Co-op is very dangerous, as cars pull out on residents entering the cul-de-sac. More cars will increase the chances of collisions.
- We had a new fence due to a lorry colliding with it and also one of our vehicles was hit by a lorry, so to propose to have a large waste lorry to go up this street is too hazardous.
- The planning application documentation states that there is 'plenty of overspill at Bryn Rhedyn' and this simply isn't true.
- Danger to children playing in the street.
- The Automated Traffic Count (ATC) survey carried out in order to obtain actual road speed data for Bryn Rhedyn was undertaken when we were under covid restrictions and people were told to work from home and travel only when necessary.

### Design and appearance

- Most properties in the neighbourhood are detached and the block of 16 flats would not preserve local character.
- The density is inappropriate and its design would not assimilate with existing housing.
- The proposals have insufficient external amenity space for future residents and rely on land outside the Applicant's control to the south of the site.
- There are no parking spaces for the disabled, which is required by Lifetime Homes and DQR standards.
- The flats do not comply with DQR as stated in the documentation and on the drawings. They should be a minimum of 50square metres and they are only 47.6 square metres.
- The proposed dwellings are not accessible to a wheelchair user or similarly disabled person, due to the limited space for manoeuvrability inside each flat.
- The Applicant indicates that a report from Newydd Housing recommends dwellings with a mix of 1 and 2 bedrooms, but due to viability the Applicant wants to squeeze 16 flats there instead.

### Residential amenity



- The new homes are not family oriented and would bring hassle to the street with parking and noise.
- The building would overshadow local residents.
- We chose to live in a property that was not overlooked front or back.
- Concerns about impact to health of self and children, including sensitivities to noise, sounds, lights, fear of strangers. (Further details relating to personal health conditions and an explanation of concerns relating to previous employment were provided by the objector, but not replicated in this report).
- We live opposite the block of apartments and believe that our privacy is going to be invaded.
- The proposed bin storage, and the smells emanating therefrom, will rob us and our family of our amenity to use our front lawn for sitting out, in the way we have for the last 30 years.
- The limited view we have past the Bishops Warehouse will be totally removed and our home cast into shade

#### Ecology, environment and sustainability

- We believe there are bats in the building and wildlife in the green surrounding the building.
- There is lack of evidence on how the proposed plans meet local and national sustainability goals and address the Welsh Government Well-being of Future Generations (Wales) Act.
- The stream runs along the rear of properties and is culverted near the Bishop's site. Following prolonged rain and when in spate, it occasionally breaks its banks into nearby gardens.

#### Community integration

- The houses in Bryn Rhedyn accommodate families, including multi generations, each with a similar lifestyle that create a harmonised and peaceful environment. The development for 1 bed flats would cause a conflict in character.
- We believe the applicant has premises in Thomastown which has housed some questionable residents in the past, resulting in Police intervention. We certainly do not want this type of premises opposite our houses.
- If the proposal was for adults over 50, I think it would put many peoples mind at ease. This age group are generally less noisy and disruptive.

#### Community safety

- Residents will not feel safe in their own homes and will need to install security cameras to safeguard them.
- Existing poor water pressure is going to suffer further. There was a fire at a bungalow on the main road and not enough pressure for the fire officers to put it out, so what chance would the fire service have to put 16 apartments out?

- Bryn Rhedyn is quite a pricy area in Tonyrefail. The tenants who would move into these ridiculously tiny 16 bedroom flats will be people who are at the lower rungs of society. It would only take one bad egg moving into this area to see opportunities to rob or cause damage in an area populated by older and better off residents.
- Band A on the housing waiting list are the most vulnerable, troubled and troublesome members of the community. To move them onto this street would cause a variety of drug and alcohol related issues that police are unable to deal with due to the sheer volume of disruption in the community.
- Concerns that the development would be similar to Glyndwr Court in Pentre, comprising 8 self-contained flats originally intended for a variety of individuals with a diverse range of needs. However, as some of the young people struggled with drug and alcohol abuse, the flats became unsafe for others, and very soon the flats were all occupied by addicts of some kind.

### Procedural issues

- No prior consultation was undertaken by the developer.
- Not all homeowners in close proximity to the proposals, or in the west of Bryn Rhedyn who will be affected as the road is a cul-de-sac, were issued with a copy of the consultation letter.
- The applicant is seeking to exclude the area where the trees are from their interpretation of the site area, despite the fact that it will be purchased in the land transaction. Accordingly, a full tree survey should be provided before RCTCBC can determine their position on the application.
- The aerial view has been marked up to include land not in the ownership of the vendor of the site, and land that is not being sold to the developer. Notably that land to the south east between the retaining wall and the Co-op superstore. This is currently an amenity to the community and is used as an area for dog walking, accessible even in poor weather conditions.
- We request a site visit by any Committee constituted to consider the application.
- We received our letter dated 27th April but the plans were drawn up a month before this. How come it took so long to send the letter as this doesn't give us much time to put our views across?

### Other non-planning matters

- Residents have worked hard in their professions to pay for their houses to live in a quiet cul-de-sac and do not want the development at the bottom of the street causing mayhem and devaluing houses.
- During construction there will be noise and obstruction in an already busy narrow street.
- We have no objection to houses being built in a nice cul-de-sac but not a block of flats.
- The design and layouts of the apartments are very small. I would rather see a smaller number of houses or at the very least two bedroom apartments that

could house small families, which would be more in keeping with the surrounding area.

- Social Housing opens up further question as to the calibre or social status of those who might fill these flats from another Valley. That they cannot be housed where they are from leads to more questions about the type of person. Tonyrefail does not need more unemployed people or possible criminals.
- The plans are inaccurate.
- This is greed over need to line property developers pockets and officials who do not live in the area and will then have to deal with the building once it is built.
- There are factual errors within the Developer's planning statement relating to the site location.
- There is an abundance of existing boarded up properties throughout the Rhondda which would be more suitable than the proposed site. The land in question, could be used to develop individual properties to help ease the burden of the housing shortage.

A formal reconsultation was undertaken on receipt of the revised plans. In addition, the case officer emailed copies of the revised plans to 48 email contacts clarifying that all of the objections and comments already received, including the petition, would still be taken into account, so there was no need to resubmit them unless they wished to comment on the revisions. A further two letters were received from residents stating that the revisions did not alter the reasons for their objections.

## **CONSULTATION**

### Highways and Transportation

No objection subject to conditions.

### Drainage

There are areas of low, medium and high surface water flood risk on the north and east of the site.

Given the total construction area is greater than 100m<sup>2</sup> the developer would be required to submit an application to the Sustainable Drainage Systems (SuDS) Approval Body (SAB) and the development would also be required to comply with Part H of the Building Regulations.

Regarding the requirements of the Lead Local Flood Authority, sufficient detail has been provided to satisfy the requirements of Section 8.3 of Technical Advice Note 15. Therefore, there are no objections or recommended conditions.

### Public Health and Protection

Conditions relating to construction noise, dust, waste and hours of operation are recommended. In addition, a condition requiring a site investigation for contamination would be required.

#### Natural Resources Wales

NRW continues to have concerns with the application as submitted but is satisfied that these concerns can be overcome with a condition for a Construction Environmental Management Plan (CEMP) to prevent pollution to the Nant Cae'rgwerlas watercourse.

#### Dwr Cymru Welsh Water

DCWW has reviewed the information submitted as part of this application and notes that the intention is to drain foul water to the public sewer and surface water to the nearby watercourse. There is no objection in principle to this proposal subject to the inclusion of a condition to prevent surface water or land drainage being connected to the public sewer.

#### Western Power Distribution

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

#### South Wales Fire and Rescue Service

The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to the current standing advice by the Fire Authority, which has been provided as an appendix for the benefit of the applicant.

#### Countryside – Ecologist

No objection subject to a condition for details of site lighting and nesting bird and bat roost enhancement measures.

#### The Coal Authority

On the basis that the area where the built development would be constructed falls outside the defined Development High Risk Area, the Coal Authority does not consider a Coal Mining Risk Assessment is necessary for this proposal and does not object to this planning application.

#### South Wales Police

No objection. A list of recommendations, in respect of designing out crime, have been submitted for forwarding to the developer.

#### South East Wales River Trust

The Trust has advised that during a recent river survey it was noted the foundations of the site entrance bridge over the Nant Caegwerlas were undermined and are likely to need repair. If and when such repairs are required, they should be designed and constructed in such a way as to allow the maximum fish passage through the site to and from the upper Nant Caegwerlas.

Although this bridge is not within the application 'red line' area and is not proposed as the access for the development, these comments have been passed to the Applicant's Agent for information.

### Waste and Recycling

The bin collection point would have to be at the front of the development on the kerbside, in case of any access issues caused by parking opposite the site entrance.

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

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021, 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.

The application site lies within the settlement boundary for Tonyrefail.

**Policy CS2** - sets out the strategy for the Southern Strategy Area (SSA) with an emphasis on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries. Emphasis will also be on protecting the cultural identity of the strategy area by protecting the natural environment.

**Policy CS4** - identifies the housing requirement figure for the plan period.

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

**Policy AW1** - outlines how the housing land requirement will be met, and includes the development of unallocated sites within the defined settlement boundaries.

**Policy AW2** - ensures that development proposals are only supported when located in sustainable locations. Such locations would not unacceptably conflict with surrounding uses, have good access to key services by a range of sustainable transport options, and support the roles and functions of Key Settlements.

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

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

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

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

**Policy AW10** - development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability or any other identified risk to local amenity and public health would not be supported.

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

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

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

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

## **Supplementary Planning Guidance**

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

- Development of Flats

### **National Guidance**

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

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

It is considered 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
- Policy 7 – Delivering Affordable Homes – SDP/LDP allocations and innovative approaches.
- Policy 9 – Resilient Ecological Networks – green infrastructure / ecology

### SE Wales Policies

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

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

However, due to the concerns in respect of the impact of the development on the amenity of neighbouring residents, as the report outlines further below, it is considered that the application has not sufficiently demonstrated community well-being.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;  
PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 15: Development and Flood Risk;  
PPW Technical Advice Note 18: Transport;

Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The application property is located within the defined settlement boundary, in accordance with LDP Policies CS2 and SSA13.

Policy AW1 establishes the housing requirement over the LDP period, and notes that unallocated sites will contribute to the supply of new properties to help meet local need. Furthermore, the redevelopment of brownfield land is supported by Policy CS2, and PPW11 indicates a strong preference for the use of previously developed sites rather than greenfield locations.

The site is within 356m of the Tonyrefail retail centre, which has a number of services and facilities including a chemist, opticians, convenience stores, a newsagent, takeaways, hairdressers, a butcher, coffee shops and a public house.

The site is also close to a network of public rights of way, a bus route and adjacent to a proposed active travel route, which aims to improve connectivity within Tonyrefail and eventually form a continuous route to Tonypandy.

Consequently, it is considered that the development would support the role of Tonyrefail as a Key Settlement, as per Policy SSA4, and would meet the relevant criteria of Policy AW2, which define whether or not a location can be considered a sustainable one.

With regard to affordable housing, Policy SSA12 identifies that a 20% contribution will be sought on developments of over 5 units. However, since this scheme would be



constructed for Newydd Housing Association and all units would be affordable and secured as such by a S106 agreement, this policy requirement would be easily met.

Likewise, Policy SSA11 stipulates that proposals for residential development will be permitted where the net residential density is a minimum of 35 dwellings per hectare. The site comprises an area of 0.172 hectares, giving a density of development well in excess of policy requirements at 94 dwellings per hectare.

Lastly, Policy AW11 requires that employment and retail units are marketed for 12 months for those express purposes. Since the last use was an employment one (Use Class B8), the applicant would need to provide evidence that the property has been marketed consecutively for a twelve-month period.

The DAS accompanying the application states that “the site has been marketed in excess of 12 months and no interest has been shown for continuation of employment use”. In addition, evidence of marketing was apparent by the presence on site of a Property Agents board in April 2022. The same boards can be seen in Google Street View images dated July 2021.

In light of the above, it is considered that the principle of residential development is acceptable.

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

The new apartment building would be constructed in a similar position on site to that of the warehouse it seeks to replace, albeit that it would be set 2.2m further away from the north-eastern site boundary and 6m further from the south-western boundary with Bryn Rhedyn.

The footprint of the building would be slightly larger than the old one, with an increase in depth and width of 1.6m and 2.1m respectively and the initial submission included a pitched roof with an increase in ridge height of 1m. In general terms therefore, the difference between the form and massing of the new and old buildings, with regard to the scale of the site, was not considered to be particularly significant.

However, concerns were raised with the Applicant’s Agent about the plans submitted both at the pre-app stage and the current application. In particular, there was a concern about regimented design, unvaried roofline and the squat appearance of the building, due to the depth of the side elevations, as well as issues regarding the external parts of the site.

Consequently, as the preceding Application Details section explains, the Agent was contacted to highlight various matters, including the following:

- There was a sense that the development would see one big shed replaced by another, with limited design detail and visual interest.

- The boundary treatment along the south-eastern boundary was unattractive and would create a feeling that the development was insular, which would prevent integration into the community or street scene.
- Access to the outside space seemed to be limited, with no easy way for future residents to enjoy outside space, or any defined area for them to sit outside and congregate.
- The single aspect flats facing north-east towards Penrhiwfer Road would not receive direct sunlight and could be affected further by shading caused by the large trees on the adjoining land.

Details were also requested for the combined bin/cycle store, soft and hard landscaping, site lighting and a north-west/south-east section to include the property at 19 Bryn Rhedyn.

Subsequently, these additional details accompanied the revised elevation drawings and floor plans and were subject to a second formal consultation. The changes to the elevations, intended to address the bullet points above, resulted in the addition of bay sections, with gable sections above to create interest and give vertical emphasis to the front and rear, with some full height glazing, including Juliet balconies to the first floor.

The design of the south-east facing side elevation was also amended to create a staggered appearance, for the purpose of breaking up the depth of the elevation and to add some visual interest.

Furthermore, the updated site layout plan showed that the open area to the south of the site, opposite the vehicle entrance to the Co-op store would be left open and instead of a 1.8m close boarded fence immediately adjacent to the footpath there would be a 1m high bow-topped powder coated fence. These revised details are considered to be an acceptable improvement to the previous plans and despite the landscaping plan not being particularly detailed, such matters can be addressed with the use of planning conditions.

Since then, further revised elevation drawings and cross sections have been submitted, as the description of development reflects. These revisions, which attempt to address neighbour amenity concerns, are considered in the following section of the report and would result in the introduction of a largely flat and hipped roof. This means that compared to the ridge of the current warehouse building, the flat roof of the new would be 0.54m lower.

Concerns still remain about the approach to the development and the provision of the flats in a single large building, via a communal entrance. The Agent advised that this was due to the viability of developing the site and the need to provide 16 units. Nonetheless, a different design, perhaps incorporating a small group of buildings with flats having their own entrances, might have been preferred and would have resulted in a development with less of a corporate or institutional feel. There is also a concern

about whether a large flat roof would look incongruous, especially in the absence of a parapet around its perimeter, albeit that massing would be reduced.

In respect of how the development would sit within the wider community, several of the objectors have also highlighted that the single, large building does not reflect the settlement pattern in this part of Tonyrefail. Notwithstanding the comments in the preceding paragraphs, it would perhaps be more difficult to sustain this as a planning objection since the locality is not part of a conservation area designation or defined character area.

Historic mapping also demonstrates that the Coop site accommodated a large building long before the houses were constructed at Bryn Rhedyn, in addition to the mass of the former WR Bishop Warehouse. Therefore, for a long period the local character has comprised a mix of commercial and residential buildings of various eras.

The development as proposed would clearly result in an improvement to the current appearance of the site and being of a residential nature, would be more relatable to the surrounding dwellings at Bryn Rhedyn and at Penrhiwfer Road.

However, whilst just being an improvement over the status quo is not sufficient planning justification to recommend a development for approval, taking into account the site context and the foregoing matters it is considered, on balance, that the development would not be detrimental to the character and appearance of the site and surrounding area, and there are no objections in this regard.

### **Impact on neighbouring occupiers**

There have been various objections from existing residents regarding matters of privacy, overshadowing and amenity, as well as concerns about public safety.

The development is proposed as an affordable housing scheme which, like the neighbouring properties around it, fall within Use Class C3. The application does not seek consent for any other form of residential use, such as secure accommodation or where an element of care would be provided.

The matter of tenure, whether a new property is to be owner-occupied or rented, regardless of the landlord or the background of any potential tenants, is not a material planning consideration and the development cannot be considered to be anything other than acceptable in terms of residential compatibility. In most other cases it might be considered that a residential land use would be preferred to the established industrial Use Class B8 and all the comings and goings that would have been associated with that B8 use.

Furthermore, the cross sections provided by the Applicant demonstrate that there would be a gap between the elevations of the flats and the properties on the opposite side of Bryn Rhedyn of at least 33m, and those at the opposite side of Penrhiwfer

Road of at least 24m. This easily meets the 21m rule of thumb distance which is used to ensure the privacy of residents is maintained where there are opposing elevations and would also mean that there would be no overshadowing of other habitable rooms or gardens.

Similarly, the provided lighting arrangements for the site, together with their positions, angle of direction and illumination spill show that the lighting of the external areas of the development would be no more intrusive than the street lights within the adopted highway.

Nonetheless, despite the considerations above, the relationship between the development and the neighbouring dwelling immediately to the north-west, no.19 Bryn Rhedyn, would not be so satisfactory. Section drawing CC shows that there would be 13.76m between the front elevation of no.19, which contains several windows to habitable rooms - including lounge, dining room and bedrooms - and the side elevation of the proposed flats.

Usually, where there is around 11-12m between a front or rear elevation of a neighbouring property and the side elevation of a new development this, depending on the context of the site and any other material matters, may be considered satisfactory. It is also noted that the side elevation of the flats would be about 2.2m further away from no.19 than that of the warehouse

However, in this case, the side elevation opposing the front elevation of no.19 would not be that of a single dwelling, or even a couple of dwellings with a good gap in between, but one continuous two storey wall to a depth of 17m. This is greater than the width of the front elevation of no.19.

So, whilst it is recognised that no.19 currently looks out towards the side elevation of the warehouse, this relationship has been worsened by the increase in depth of the proposed development, and by the north-easterly shift of its footprint of 6.6m, in order to accommodate the car park and access from the south-western side.

It is also likely that the roof of the combined cycle and bin store, which would be erected on the side elevation of the flats, would be apparent from the ground floor windows of no. 19. This would not have the same direct amenity impact as the elevation itself but would add unhelpfully to the perception of closeness.

The latest iteration of the elevation drawings, referenced further above, are better in that the gable end of the development facing no.19 would be lower in height and being hipped, would slope away towards the ridge of the flat roof.

Nevertheless, the revision does not address the main amenity concern since the habitable ground and first floor rooms of no.19 would still face a two-storey wall. Although it is appreciated that the roof amendments mean that more sky would be visible and there might be glimpses beyond either side of the new building this would

be of greatest benefit from a position close to the windows of the aforementioned rooms. The outlook from a position further back into the room would be unchanged.

In any event, the situation relating to outlook from the windows on the Penrhiwfer Road side of no.19 would still be worse than the current situation because of the previously highlighted 6.6m footprint shift.

LDP Policy AW5 requires development proposals to ensure that there would be no significant impact on the amenities of neighbouring occupiers. However, due to the position and massing of the side elevation of the new building it is considered that this would dominate the outlook from no.19 Bryn Rhedyn, create a harmful sense of enclosure to the detriment of its residents and exacerbate what is already a poor built relationship between no.19 and the extant warehouse.

Therefore, and again on balance, in terms of the impact on the amenity and privacy of neighbouring residents, particularly in respect of the property known as 19 Bryn Rhedyn, the application is considered to be unacceptable.

### **Access and highway safety**

The Council's Highways and Transportation Section has reviewed the application and provided the following assessment:

#### *Proposed Primary Access*

The new vehicular / pedestrian access to the site is proposed to be from Bryn Rhedyn which is an adopted residential cul-de-sac with a carriageway width of 5.5m with 2m wide footways on both sides, which is acceptable for safe vehicular and pedestrian movement.

The proposed access point would require the relocation of an existing street lighting column. The applicant will be required to relocate this at their own cost in a position to be agreed by the Council's street lighting department.

The new access would require:

- A width of 6m
- 4.5m radii as a minimum
- Visibility achievable at 2m x 25m in both directions in accordance with Manual for Streets for a 20mph speed limit
- Dropped crossing with tactile paving

#### *Transport Statement*

The Transport Statement indicates 85<sup>th</sup> percentile speeds of 20.6mph southbound and 20.4mph northbound. The average daily trips recorded for Bryn Rhedyn are 128 southbound and 136 northbound.

### *Vision Splays*

The vision splay requirement for a 30mph speed limit area in accordance with Manual for Streets is 2.4m x 40m.

However, since the applicant has submitted a speed survey indicating 85<sup>th</sup> percentile speeds of 20.6mph, which would require vision splays of 2.4m x 25m, this can be achieved within the existing highway limits and is acceptable.

The proposed new access is a substantial betterment to the existing access from the site which is directly onto the B4278 Penrhiwfer Road and has sub-standard visibility splays at the junction of 2.4m x 7m left and 2.4m x 17m right, which is of significant concern. There is also a lack of suitable segregated footway facilities for the existing access to serve a residential use.

### *Swept Path*

Swept path analysis contained within the Transport Statement indicates that service and delivery vehicles can access / egress the site safely, using the car park aisle width as a turning facility, which is acceptable.

### *Existing Culverted Access Point.*

The existing Penrhiwfer Road access referred to above, crosses the culverted watercourse. Without a comprehensive assessment of the existing culvert it is not anticipated that the private structure would withstand the type of vehicular loading associated with residential use (bin waste, fire tender, large delivery vehicles etc).

### *Parking*

In accordance with the Council's SPG documents for Access, Circulation & Parking and Flats, the proposed 16 x one-bed apartments would require 16 x off-street car parking spaces for residents and 3 visitor spaces. The proposed car park provides for 17 x off-street spaces.

Considering the sustainable location close to public transport and the retail area of Tonyrefail, with the potential for short term visitor parking to take place on street, the proposed car parking provision is acceptable.

### *Cycle Parking*

The proposed development provides for 16no. secure cycle stands to promote sustainable modes of transport and mitigate the reliance on private motor vehicle as the primary mode of transport.

### *Travel Plan*

Contained within the Transport Statement is a residential travel plan indicating information relating to sustainable modes of transport and local facilities to reduce reliance on the private motor vehicle as the primary mode of transport which is acceptable. A condition is recommended in this regard.

### *Conclusion.*

The proposed development would result in the closing up of the existing sub-standard access off Penrhiwfer Road and providing for primary access from Bryn Rhedyn which is acceptable for safe vehicular and pedestrian movement. Parking provision would be provided in accordance with the Council's SPG Access, Circulation & Parking.

The development would therefore be considered acceptable subject to a number of highway related conditions.

### **Ecology**

The Spectrum Ecology bat survey, dated August 2021, has been reviewed for this site. It is still recent enough to be acceptable and includes a building inspection and a dawn emergence survey.

The report concludes that there was no bat roost use of the building and no nesting bird use. The Council's Ecologist considered that survey effort is adequate, the conclusions justifiable and no further survey work is required.

However, the report identifies a precautionary bat method statement and requirement for control of site lighting in Section 5.0, and nesting bird and bat roost enhancement in 4.2, both of which should be conditioned for the submission of details for approval, if planning permission is granted.

### **Other matters**

The public consultation highlighted a number of other concerns, which are set out below.

### *DQR Standards*

As an affordable housing development, the proposed development would be dependent upon Social Housing Grant. In order to receive those funds, the space

standards set out by the Welsh Government's Development Quality Requirements would have to be met.

A query was raised about the floor space of the flats. However, it is understood that the minimum standard of 50m<sup>2</sup> can be relaxed if the plans showing the flat layout can demonstrate that minimum furniture requirements can be accommodated and internal circulation space is acceptable.

In any event, it is considered that whether or not a development is DQR compliant is a matter for the developer to demonstrate to Welsh Government, or risk losing funding.

#### *Infrastructure and local services*

Concerns relating to local infrastructure in the Tonyrefail area were highlighted, including healthcare, school, water and sewerage facilities and so forth. In this regard, no objections were received from any of the statutory consultees, including the South Wales Fire and Rescue Service and South Wales Police.

The issues relating to waiting lists for hospital treatment, or GP and dentistry capacity for example, are common across the UK, and are regularly subject to press coverage. In addition, consultation on the LDP was undertaken on the basis of there being a total dwelling supply over the plan period of between 14,936 to 15,386 new units, whereas the number delivered has been far lower at 7192. This scheme of 16 flats is a very small proportion of that larger housing requirement.

#### *Need for the development*

The Council's Housing Strategy Team has advised that this social rented scheme has been designed by Newydd HA, in dialogue with them, to help address the need for additional affordable housing within Tonyrefail, and that the unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2017/23.

#### *Procedural matters*

In this case the application does not constitute 'Major Development' and no prior community consultation was required to be undertaken by the developer.

The application was advertised in accordance with the requirements of the Development Management Procedure (Wales) Order. The application was received by the LPA on 25<sup>th</sup> April 2022 and the first consultation letters were sent on 27<sup>th</sup> April. The date that the Applicant's plans were drawn is of no material relevance.

The area to the north-east between the application site and Penrhiwfer Road does not fall within the red line area of the plan and would not be required to undertake the development. Therefore, a tree survey is not required and the status of this land is not a planning matter.



Land to the south-east of the site, which is included as part of the development and outlined as part of the external amenity space and landscaping scheme, is not within the ownership of the applicant.

However, as the description of the development notes, the correct ownership certificate has been completed and a copy of the relevant press notice has been provided to the LPA. Any future issues, in respect of whether the development could be carried out in accordance with the submitted plans, were Members inclined to recommend approval, is therefore not germane.

### **National Sustainable Placemaking Outcomes**

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

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

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

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

- **Creating and Sustaining Communities:** The development density is appropriate for this edge of centre location and as a social housing scheme would contribute to the affordable housing requirement within the Northern Strategy Area.
- **Making Best Use of Resources:** The development accords with the local and national policy aims to prioritise the use of previously developed land and buildings.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs.
- **Maximising Environmental Protection:** The development would be expected to include a condition for biodiversity enhancement measures with regard to bats and nesting birds
- **Facilitating Accessible and Healthy Environments:** The application site is in a very sustainable location, being close to a bus route and services and facilities located within walking distance in Tonyrefail town centre. It would therefore not

be car dependent. However, due to the amenity issues outlined further above, the development would not ensure the well-being of all residents.

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

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

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

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

The CIL (including indexation) for this development is expected to be £ 29,757.32.

However, social housing relief may be claimed on the social housing element of the development.

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

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

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

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

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

on Planning Obligations, however it is made clear that this is only intended to form the basis of negotiations between all parties.

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

In this case the proposed development, on behalf of the Newydd Housing Association, would provide 100% affordable housing for social rent.

Therefore, a S106 agreement would 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**

As the preceding sections of the report note, it is considered that the proposed development and residential land use would, in principle, be acceptable.

Furthermore, whilst there are concerns regarding the form and layout of the flats, its relationship with the surrounding street scene and thus its impact on the character and appearance of the locality would not be considered to be a detrimental one, and no other concerns were raised by statutory consultees, particularly with regard to access and highway safety.

However, the proximity of the north-western side elevation of the development to the nearest neighbouring property would be harmful to residential outlook and amenity, and therefore the development could not be considered to be in accordance with LDP Policy AW5.

### **RECOMMENDATION: REFUSE FOR THE FOLLOWING REASON:**

1. By virtue of its scale, massing and siting, the development would unacceptably dominate the outlook from the habitable rooms within the south-west facing elevation of no.19 Bryn Rhedyn. Its looming presence and proximity would therefore have a significant detrimental impact on the amenity of neighbouring residents, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### MUNICIPAL YEAR 2022-2023:

**PLANNING AND  
DEVELOPMENT COMMITTEE  
6<sup>th</sup> OCTOBER 2022**

**REPORT OF: DIRECTOR  
PROSPERITY AND  
DEVELOPMENT**

	Agenda Item No. ....
	<b>APPLICATION NO: 22/0743/09 – 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) at Windy Ridge, Pleasant View, Ynys-Y- Bwl, Pontypridd, CF37 3PF.</b>

#### 1. **PURPOSE OF THE REPORT**

Members are asked to determine the above planning application.

#### 2. **RECOMMENDATION**

To approve the application in accordance with the recommendations of the Service Director, Planning.

#### 3. **BACKGROUND**

This application was originally reported to the Development Control Committee on 8<sup>th</sup> September 2022 (A copy of the original report is attached as Appendix A). Following consideration of the application, Members resolved to defer determination of the application, in order that additional information/clarifications may be provided. Members specifically requested that clarifications be provided on the distinction between care homes which fall within use Class C3(b) and those within Class C2 of the Use Classes Order.

Before expanding upon the afore mentioned matter, it is first re-iterated that the current submission is not an application for planning permission for the change of use of the dwelling, rather, this is an application for a Certificate of Lawfulness for a Proposed Use under Section 192 of the 1990 Act ('CLOPUD'). The application 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. Since the application is for a certificate of lawfulness, the relative planning merits of this application are not tested.

During the Committee meeting Members discussed the fact that the property would be operated by a private company, with a history of operating care homes and debated the various distinctions between care homes which fall under Class C3(b) and those which fall under Class C2. Further discussion on this matter is provided in the following sections of the report.

Whilst there is no exhaustive checklist that may be used to establish if a care home falls within C3(b), rather than Class C2, it is considered that there are a number of defining factors and characteristics which Class C3(b) care homes have in common. These are set out as follows;

The most fundamental requirement is that the residents of the care home live together in the property as a 'single household'. This means that, rather than being 'passive occupants' each of the residents would contribute to the day to day running of the household, participating in, and undertaking everyday tasks, such as cleaning and cooking, in the same way that a conventional family household would. In care homes under Class C3(b) whilst it is acknowledged, in some instances, that each resident may require one-to-one support; the purpose of the carers is to assist residents in their day-to-day tasks, as opposed to undertaking those themselves on behalf of the residents, this approach is described as 'supported living'.

The applicant has also provided examples of further operational distinctions which exist between care homes which fall within the two use classes. They comment that whilst it is difficult to provide definitive parameters when dealing with people requiring personal care and support; in general, their residents who live in a 'supported living setting', which would operate under a C3(b), may not always need such a structured and closely supported care regime, as would be the case in a formal care home. They comment that in a Class C2 care home setting, a wider range of perhaps medically derived conditions might be catered for, whereas in 'supported living' the fundamental intention is to provide more specific forms of social care that usually aims to improve the coping skills, awareness and quality of life of the resident.

It is also commented that it is often the case that the social forms of care regimes, such as the Class C3(b) 'supported living' scheme presented, are provided on a more permanent basis, for people who may have an inherent condition (such as autism, learning disabilities, or acquired brain injuries) that they will not recover from, and are hopefully being assisted to develop coping mechanisms and improved life-skills in a safe environment. This re-enforces the principle that the residents placed in a Class C3(b) care home would live together on a permanent basis, for extended periods of time, forming bonds and friendships, and residing as a 'single household'.

Following on from the above point, it is clearly defined that the number of residents in a Class C3(b) care home may not exceed 6. In the case of the current submission, the description of the proposed use clearly specifies that the number of residents would not exceed 6. Whilst it is accepted that staff may be required to stay overnight on a rota system, it has been established that such staff would not count toward the number of 'residents' (further

commentary on this specific issue is covered in the original report to Committee).

In addition to the above, the physical layout of the property may also be a defining factor in determining whether a care home falls within Class C3(b) or C2. In general, it is expected that a care home under Class C3(b) would be expected to retain a layout and many of the physical features associated with a conventional Class C3 dwelling house. In response to this point, the applicant has confirmed in writing, that they intend the property to still function and be configured as a family home. They comment that, this will be central to ensuring the required operation of the proposed new home as a cohesive household entity.

They do acknowledge that some internal works to circulation spaces are likely to be required in order to improve corridor widths, and for the ease and safety by which future residents can circulate (bearing in mind the fact that some future residents may have a diminished sense of balance/coordination and will sometimes need to be assisted by staff in moving around their home). However, they comment that the location and orientation of the bedrooms, bathrooms and communal spaces will be maintained so as to provide residents with an attractive and homely living environment that can provide a permanent long-term home for them.

Having regard to the above-mentioned matters, it is considered 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).

However, Members are also advised that should a certificate of lawful use be issued, then the certificate would relate strictly to the description presented that being; a '*Class C3(b) care home for up to six residents living as a single household with care provided.*' As such, should at any point in the future a use, which differs from this, be carried out at the property, then the Council would be entitled to reassess the activities being carried out, in order to establish whether a change of use had occurred and if necessary, take appropriate action.

As such, to conclude, it is considered that the change of use currently presented would be within the same use class (C3) as the existing property and would not fall within the definition of 'development' as defined in Section 55 (1) of the Town and Country Planning Act 1990. Consequently, it is considered that 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**

**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

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**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.

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**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:

1. Manager – Monday – Friday 8am – 5pm
2. 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:

- Site location plan.
- A cover letter / planning statement describing the use/ activity proposed.
- 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).
- The Planning Committee Report in respect of Saer Coed, Load of Hay Road, Crumlin.

- The Planning Officer's Report in respect of Cyncoed Road, Cardiff.
- 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 Ynysybwl. 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).**

tudalen wag



## PLANNING & DEVELOPMENT COMMITTEE

6 OCTOBER 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 29/08/2022 – 23/09/2022

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**

**6 OCTOBER 2022**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**REPORT**

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

**OFFICER TO CONTACT**

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

**See Relevant Application File**

**APPEAL DECISION RECEIVED**

**APPLICATION NO:** 21/1625  
**APPEAL REF:** CAS-01924-W4M7X5  
**APPLICANT:** Mr C Robin  
**DEVELOPMENT:** Proposed garage and hardstand with raised deck above  
(Re-submission of 21/0872/10).  
**LOCATION:** 66 TYNBEDW TERRACE, TREORCHY, CF42 6RL  
**DECIDED:** 11/04/2021  
**DECISION:** Refused  
**APPEAL RECEIVED:** 20/05/2022  
**APPEAL DECIDED:** 31/08/2022  
**APPEAL DECISION:** Dismissed

**APPLICATION NO:** 21/1696  
**APPEAL REF:** CAS-01820-K4D0K0  
**APPLICANT:** Mr P Hammett  
**DEVELOPMENT:** Retain and complete alterations to the pitch of the main  
dwelling roof and include a new attic dormer to rear.  
**LOCATION:** 34 ALLEN STREET, ABERPENNAR, CF45 4BD  
**DECIDED:** 10/02/2022  
**DECISION:** Refused  
**APPEAL RECEIVED:** 22/03/2022  
**APPEAL DECIDED:** 13/09/2022  
**APPEAL DECISION:** Dismissed

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**Report for Development Control Planning Committee**

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**Tylorstown**

**21/1196/10** Decision Date: 13/09/2022  
**Proposal:** 4no. detached 4B/7P detached houses with integral garages, widening of street pavement (Landscape Design Statement received 31/8/21, Preliminary Ecological Assessment received 3/12/21, reptile Survey received  
**Location:** LAND EAST OF EAST STREET, TYLORSTOWN, FERNDALE, CF43 3HR

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**Aberaman**

**22/0817/10** Decision Date: 02/09/2022  
**Proposal:** Two storey rear extensions  
**Location:** 3 & 4 LOWER STATION STREET, ABERAMAN, ABERDARE, CF44 6RH

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**Abercynon**

**22/0764/23** Decision Date: 30/08/2022  
**Proposal:** Proposed alterations to Park Road Access Footbridge, Abercynon to increase height.  
**Location:** PARK ROAD ACCES BRIDGE, ABERCYNON

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**22/0798/10** Decision Date: 08/09/2022  
**Proposal:** 2 story rear extension  
**Location:** 35 NANT-Y-FEDW, TYNTETOWN, ABERCYNON, MOUNTAIN ASH, CF45 4LS

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**22/0821/10** Decision Date: 31/08/2022  
**Proposal:** Single story extension to existing Abercynon Fire station.  
**Location:** SOUTH WALES FIRE AND RESCUE ABERCYNON STATION, THE BASIN, CILFYNYDD ROAD, ABERCYNON, MOUNTAIN ASH, CF45 4RR

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**Aberdare East**

**22/0553/10** Decision Date: 05/09/2022  
**Proposal:** Change of use to a Beauty Therapists (Two hairdressing stations and sport massages).  
**Location:** 56 BUTE STREET, ABERDARE, CF44 7LE

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**22/0875/10** Decision Date: 31/08/2022  
**Proposal:** First floor rear extension.  
**Location:** 21 OXFORD STREET, GADLYS, ABERDARE, CF44 8BD

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**Report for Development Control Planning Committee**

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**Beddau and Tyn-y-nant**

**22/0904/10** Decision Date: 22/09/2022  
**Proposal:** Dormer to front elevation, provision of additional car parking to front.  
**Location:** 12 HEOL CLWYDDAU, BEDDAU, PONTYPRIDD, CF38 2LW

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**22/0924/10** Decision Date: 23/09/2022  
**Proposal:** Two storey side extension  
**Location:** 22 MAES MAELWG, BEDDAU, PONTYPRIDD, CF38 2LD

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**Brynna and Llanharan**

**22/0837/10** Decision Date: 08/09/2022  
**Proposal:** Rear, single storey extension, conversion of integral garage into habitable space.  
**Location:** 3 FFORDD-Y-DOLAU, LLANHARAN, PONTYCLUN, CF72 9ZD

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**22/0896/10** Decision Date: 23/09/2022  
**Proposal:** Single storey rear/side extension  
**Location:** 18 BRIDGEND ROAD, LLANHARAN, PONTYCLUN, CF72 9RD

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**Church Village**

**22/0589/10** Decision Date: 21/09/2022  
**Proposal:** Two storey side and rear extension.  
**Location:** 5 HEOL MYNYDD, CHURCH VILLAGE, PONTYPRIDD, CF38 1RS

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**Cilfynydd**

**22/0831/10** Decision Date: 31/08/2022  
**Proposal:** Removal of existing porch and addition of new ground floor bay window.  
**Location:** 217 MERTHYR ROAD, PONTYPRIDD, CF37 4DH

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**Cwm Clydach**

**21/0482/10** Decision Date: 01/09/2022  
**Proposal:** Garage to front of property.  
**Location:** 14 HOWARD STREET, CLYDACH, TONYPANDY, CF40 2BP

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**Report for Development Control Planning Committee**

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**Cymer**

**22/0610/10** Decision Date: 07/09/2022

**Proposal:** Single storey extension.

**Location:** TYNEWYDD HOUSE, SCHOOL STREET, CYMMER, PORTH, CF39 9AN

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**22/0911/10** Decision Date: 23/09/2022

**Proposal:** Demolish detached garage to side, construct new two storey extension

**Location:** 19 AVONDALE COURT, GLYNFACH, PORTH, CF39 9NH

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**Glyn-coch**

**22/0710/15** Decision Date: 02/09/2022

**Proposal:** Renewal of outline planning permission for one dwelling of approved planning application (19/0435/15).

**Location:** TY GLYNCOCH, YNYSYBWL ROAD, GLYN-COCH, PONTYPRIDD, CF37 3DZ

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**22/0897/10** Decision Date: 08/09/2022

**Proposal:** Partially take down existing single storey side annexe and construct and extend new two storey extension.

**Location:** 82 CEFN CLOSE, GLYN-COCH, PONTYPRIDD, CF37 3PS

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**Hirwaun, Penderyn and Rhigos**

**22/0517/10** Decision Date: 20/09/2022

**Proposal:** One bedroom holiday let above existing garage.

**Location:** DIDDOSFA BUNGALOW, HOBBS LANE, HIRWAUN, ABERDARE, CF44 9BU

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**22/0929/10** Decision Date: 20/09/2022

**Proposal:** Single storey pitched roof extension to the side elevation

**Location:** 7 HALT CLOSE, RHIGOS, ABERDARE, CF44 9UH

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**Llantwit Fardre**

**22/0799/10** Decision Date: 31/08/2022

**Proposal:** Rear & side extensions, front dormer, demolition of ground floor extension (Re-submission).

**Location:** MARTYNDALE, 7 HEOL DOWLAIS, EFAIL ISAF, PONTYPRIDD, CF38 1BB

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**22/0935/10** Decision Date: 05/09/2022

**Proposal:** Single storey rear extension

**Location:** 80 PARC NANT CELYN, EFAIL ISAF, PONTYPRIDD, CF38 1AJ

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**Report for Development Control Planning Committee**

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**Llwyn-y-pia**

**22/0853/10** Decision Date: 05/09/2022  
**Proposal:** External Alterations to lower ground floor, to include blockwork infill with render finish to replace existing garage door with new DDA compliant door set and 4No. new window openings.  
**Location:** THE COURT HOUSE, LLWYNYPIA ROAD, LLWYNYPIA, TONYPANDY, CF40 2HZ

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**22/0856/10** Decision Date: 02/09/2022  
**Proposal:** Proposed rear outbuilding / store  
**Location:** 89 PARTRIDGE ROAD, LLWYN-Y-PIA, TONYPANDY, CF40 2LS

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**22/0879/10** Decision Date: 12/09/2022  
**Proposal:** Refurbishment of restaurant, changes to elevations with the back of house corral area extended, new access door to be installed with side glazing and replacement columns. Minor alterations to the patio area with new  
**Location:** MCDONALDS RESTAURANT, LLWYNYPIA ROAD, LLWYNYPIA, TONYPANDY, CF40 2JQ

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**22/0880/01** Decision Date: 12/09/2022  
**Proposal:** Repositioning of Good Times sign following replacement column works.  
**Location:** MCDONALDS RESTAURANT, LLWYNYPIA ROAD, LLWYNYPIA, TONYPANDY, CF40 2JQ

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**Mountain Ash**

**22/0814/10** Decision Date: 01/09/2022  
**Proposal:** Two storey rear extension. Relocate public sewer manhole through S185 WW Application.  
**Location:** 17 PARC GWERNIFOR, MOUNTAIN ASH, CF45 3UQ

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**Pen-y-graig**

**22/0464/10** Decision Date: 14/09/2022  
**Proposal:** Two storey rear extension, front porch and detached garage (amended plans received 16/08/2022).  
**Location:** 5 SIMON TERRACE, WILLIAMSTOWN, TONYPANDY, CF40 1NJ

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**Penrhiw-ceibr**

**22/0599/10** Decision Date: 30/08/2022  
**Proposal:** Installation of external lift and reconstruction of steps to the front of property.  
**Location:** 74 CLARENCE STREET, MOUNTAIN ASH, CF45 3BD

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**Report for Development Control Planning Committee**

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**Pentre**

**22/0839/10** Decision Date: 14/09/2022  
**Proposal:** Two storey rear extension (amended plans received 22/08/22).  
**Location:** 3 CHURCH STREET, TON PENTRE, PENTRE, CF41 7AD

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**22/0847/10** Decision Date: 12/09/2022  
**Proposal:** Single storey rear extension  
**Location:** 5 WHITEFIELD STREET, TON PENTRE, PENTRE, CF41 7AR

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**Pontyclun Central**

**22/0635/10** Decision Date: 16/09/2022  
**Proposal:** Single storey front extension (amended plans received 24/08/22)  
**Location:** 24 MANOR HILL, MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 8JP

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**Pontyclun East**

**22/0797/10** Decision Date: 05/09/2022  
**Proposal:** Dormer loft conversion to rear, new gable ends to side and front elevation  
**Location:** RIVENDELL, LLANTRISANT ROAD, GROES-FAEN, PONT-Y-CLUN, PONTYCLUN, CF72 8NJ

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**Pontyclun West**

**22/0575/09** Decision Date: 01/09/2022  
**Proposal:** Certificate of lawful existing use sought to regularise the use of the property.  
**Location:** THE OLD BARN, CEULAN FARM, HENSOL ROAD, MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 8JU

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**Porth**

**22/0309/10** Decision Date: 05/09/2022  
**Proposal:** Conversion of flat/shop into single dwelling house, single storey rear extension and alterations to front elevation.  
**Location:** 37 GETHIN TERRACE, PORTH, CF39 9TT

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**Taff's Well**

**22/0878/10** Decision Date: 13/09/2022  
**Proposal:** Ground floor single story extension to the side of property, additional parking space to front  
**Location:** 8 RHIW'R DDAR, TAFF'S WELL, CARDIFF, CF15 7NA

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**Report for Development Control Planning Committee**

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**Ton-teg**

**22/0826/01** Decision Date: 30/08/2022  
**Proposal:** Advertising boards to tennis court fencing and rear of spectator stand.  
**Location:** LLANTWIT FARDRE FOOTBALL CLUB, MAIN ROAD, TON-TEG

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**Tonyrefail East**

**22/0909/10** Decision Date: 22/09/2022  
**Proposal:** Single storey extension  
**Location:** 26 ST JOHNS ROAD, TONYREFAIL, PORTH, CF39 8LG

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**Treforest**

**22/0816/10** Decision Date: 07/09/2022  
**Proposal:** Single story rear extension.  
**Location:** OAK LANDS, ST MICHAEL'S AVENUE, TREForest, PONTYPRIDD, CF37 1NS

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**22/0922/09** Decision Date: 02/09/2022  
**Proposal:** Single storey rear extension  
**Location:** 8 OAKWOOD STREET, TREForest, PONTYPRIDD, CF37 1TX

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**Treherbert**

**22/0790/10** Decision Date: 05/09/2022  
**Proposal:** Two storey rear extension.  
**Location:** 32 MISKIN STREET, TYNEWYDD, TREHERBERT, TREORCHY, CF42 5LP

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**22/0885/10** Decision Date: 23/09/2022  
**Proposal:** Conversion of outbuilding to family annexe.  
**Location:** 6 MARY STREET, TREHERBERT, TREORCHY, CF42 5AE

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**Treorchy**

**22/0582/09** Decision Date: 15/09/2022  
**Proposal:** Change location of roof ridge on single storey rear extension, also change the pitch.  
**Location:** 1 BUTE STREET, TREORCHY, CF42 6DB

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**Report for Development Control Planning Committee**

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**Ystrad**

**22/0756/10** Decision Date: 02/09/2022

**Proposal:** First floor rear extension.

**Location:** 6 BRYN TERRACE, ARTHUR STREET, YSTRAD, PENTRE, CF41 7RX

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**22/0874/10** Decision Date: 23/09/2022

**Proposal:** Rear extension on top of single storey extension

**Location:** 12 TAFF STREET, GELLI, PENTRE, CF41 7TZ

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**Rhondda**

**22/0196/10** Decision Date: 14/09/2022

**Proposal:** Proposed demolition of outbuildings and construction of detached garage with store above.

**Location:** LLANDRAW FARM, GELLIWION ROAD, MAESYCOED, PONTYPRIDD, CF37 1EY

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**Talbot Green**

**22/0506/10** Decision Date: 23/09/2022

**Proposal:** Rear single storey extension (amended plans and details received 03/07/2022)

**Location:** 26 LANELAY ROAD, TALBOT GREEN, PONTYCLUN, CF72 8HZ

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Total Number of Delegated decisions is 47

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**Report for Development Control Planning Committee**

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**Trealaw**

**22/0106/10**

Decision Date: 23/09/2022

**Proposal:** 2 no. garage / storage units.(Flood Consequence Assessment Received 29/07/22)

**Location:** COMPOUND, FOUNDRY ROAD INDUSTRIAL ESTATE, FOUNDRY ROAD, TREALAW, TONYPANDY, CF40 2XD

**Reason: 1** The submitted FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development. As such, the proposal does not comply with the requirements of Planning Policy Wales Technical Advice Note (TAN) 15: Development and flood risk. The application is therefore contrary to Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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**Aberaman**

**22/0849/10**

Decision Date: 20/09/2022

**Proposal:** Dwelling.

**Location:** LAND ADJACENT TO BRIARDENE, HILLCREST AVENUE, ABERAMAN, ABERDARE, CF44 6YH

**Reason: 2** The proposed development, by virtue of its scale and siting, would be overbearing to the adjacent property, resulting in a significant detriment the amenities of its occupiers, contrary to the provisions of Policy AW5 of the LDP.

**Reason: 1** The proposed development, by virtue of its siting within the plot, design, scale and height would constitute an unsympathetic development which would appear incongruent in the street scene. As such the proposed dwelling would fail to make a positive contribution to the character of the area and is contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales.

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**Trealaw**

**22/0697/10**

Decision Date: 05/09/2022

**Proposal:** Balcony with frosted glass balustrade (retrospective).

**Location:** 130 RHYS STREET, TREALAW, TONYPANDY, CF40 2QQ

**Reason: 1** The balcony structure, as a result of its excessive scale, design and elevated height, has an unacceptable detrimental impact upon the residential amenity and privacy standards previously enjoyed by the occupiers of the immediate neighbouring properties arising from overlooking and loss of privacy. The development is therefore contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions - Refusals between:**  
**Report for Development Control Planning Committee**

**29/08/2022 and 23/09/2022**

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Ystrad

**22/0884/10**

Decision Date: 23/09/2022

**Proposal:** Garden shed to rear, roof garden / patio over

**Location:** 17 UPLANDS, PENTRE, CF41 7PG

**Reason: 1** By virtue of its scale, design, and elevated height, the proposal would result in a significant detrimental impact upon the character and appearance of the rear of the host dwelling and wider area. Further, it would also result in a significant detrimental impact upon the residential amenity of neighbouring occupiers, by causing a material loss of privacy, an increase in overlooking and an unacceptable overbearing impact. The proposal would therefore be both unneighbourly and excessive, contrary to the relevant policies of the Local Development Plan (AW5 and AW6) and Supplementary Planning Guidance contained within the 'Design Guide for Householder Development (2011)'.

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Total Number of Delegated decisions is 4