



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, 20FED 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** ERBYN 5PM AR DYDD MAWRTH, 18 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 HWYLUSO BUSNES Y PWYLLGOR.

AGENDA

Tudalennau

1. DATGAN BUDDIANT

Derbyn datganiadau o fuddiannau personol gan Aelodau, yn unol â gofynion y Cod Ymddygiad.

Nodwch:

1. Mae gofyn i Aelodau ddatgan rhif a phwnc yr agendwm mae eu buddiant yn ymwneud ag ef a mynegi natur y buddiant personol hwnnw; a
2. Lle bo Aelodau'n ymneilltuo o'r cyfarfod o ganlyniad i ddatgelu buddiant sy'n rhagfarnu, mae **rhaid** iddyn nhw roi gwybod i'r Cadeirydd pan fyddan nhw'n gadael.

2. DEDDF HAWLIAU DYNOL 1998 A PHENDERFYNIADAU RHEOLI DATBLYGU

Nodi y dylai Aelodau o'r Pwyllgor, 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 08.09.22

Cadarnhau cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 8 Medi 2022 yn rhai cywir.

7 - 16

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

5. CAIS RHIF: 21/0855

Cais i gymeradwyo materion wedi'u cadw'n ôl (ymddangosiad, tirlunio, cynllun, mynediad a graddfa) mewn perthynas â 15 annedd a gwaith cysylltiedig (yn unol â chaniatâd cynllunio amlinellol: 17/0195) (Derbyniwyd cynlluniau diwygiedig ar 20/08/21) (Derbyniwyd Adolygiad Ecolegol ar 24/03/22) (Derbyniwyd Cynllun Safle diwygiedig ar 30/05/22) **TIR Y TU ÔL I DERAS SIÔN, RHES Y GORON, CWM-BACH, ABERDÂR**

17 - 34

6. CAIS RHIF: 22/0343

Adeiladu adeilad swyddfa deulawr newydd ac adeilad porthdy unllawr. **UNED D A C, PUROLITE INTERNATIONAL LTD, PARC BUSNES LLANTRISANT, LLANTRISANT, PONT-Y-CLUN, CF72 8LF.**

35 - 48

7. CAIS RHIF: 22/0533

Caniatâd cynllunio amlinellol gyda'r holl faterion wedi'u cadw'n ôl ac eithrio mynediad ar gyfer adeiladu hyd at 765 o fetrau sgwâr o adeiladau diwydiannol (B1 / B2 / B8 hyblyg), cyfleusterau parcio,

draenio a gwaith cysylltiedig (derbyniwyd cynlluniau wedi'u diweddaru ar 23/08/22) **TIR YN YSTAD BRYNGELLI, LÔN Y DDÔL, HIRWAUN.**

49 - 70

8. CAIS RHIF: 22/0600

Symud deunydd pwll glo o domen uchaf Llanwynno i safle ger tomen Tylorstown, sy'n cynnwys creu tirffurf newydd a gwaith ailbroffilio/sefydlogi safle'r domen uchaf, yn ogystal â draeniau newydd, creu/gwella llwybrau mynediad, aildyfu llystyfiant a gwaith cysylltiedig. **TIR YN NHOMEN UCHAF LLANWYNNO A THIR Y TU ÔL I DOMEN TYLORSTOWN, TYLORSTOWN, CF43 4UF**

71 - 94

9. CAIS RHIF: 22/0810

Annedd 5 ystafell wely, garej ynghlwm, man ychwanegol i barcio ceir. **HEULWEN DEG, BYTHYNNOD Y GRAIG, GRAIG-WEN, PONTYPRIDD, CF37 2EF**

95 - 110

10. CAIS RHIF: 22/0910

Amrywio amod 2 (cynlluniau wedi'u cymeradwyo) o ganiatâd cynllunio 22/0028/08 i wneud mân ddiwygiadau i ddyluniad wynebâu'r adeilad a champfa newydd i'r chweched dosbarth, ac i'r cynllun tirlunio. **YSGOL GYFUN BRYNCELYNNOG, HEOL PENYCOEDCAE, BEDDAU, PONTYPRIDD, CF38 2AE**

111 - 122

11. CAIS RHIF: 22/0991

Amrywio amod 2 o ganiatâd cynllunio 21/0005/08, i ddarparu mynediad y Blynnyddoedd Cynnar ar wahân i'r gât bresennol ar Fryn Bethania, gyda gwaith gwella'r briffordd cysylltiedig **YSGOL GYNRADD CWMLAI, HEOL PENYGARREG, TONYREFAIL, PORTH, CF39 8AS.**

123 - 134

12. CAIS RHIF: 22/1041

Garej â tho gwastad gyda gwaith cysylltiedig **109 TŶ RHIW, TŶ RHIW, FFYNNON TAF, CAERDYDD, CF15 7RW.**

135 - 142

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

13. CAIS RHIF: 22/0783

Cadw newidiadau presennol i'r ardd gefn (grisiau a deciau canol). Ailgyflwyno 21/0923/10. **3 PLEASANT HEIGHTS, PORTH, CF39 0LZ.**

143 - 148

CEISIADAU WEDI'U GOHIRIO

14. CAIS RHIF: 21/0942

Ehangu ffin yr ardd a chreu ardal barcio, gosod gatiau mynediad pren a waliau terfyn newydd â blociau (derbyniwyd cynlluniau diwygiedig a disgrifiad ar 07/08/2022) **MERRIVALE, FFORDD LLWYDCOED, LLWYDCOED, ABERDÂR, CF44 0TW.**

149 - 160

15. CAIS RHIF: 21/1283

Newid defnydd y llawr gwaelod o Ddosbarth Defnydd A2 (Swyddfa Fetio) i Ddosbarth Defnydd A3 (Siop Gludfwyd) a gosod ffliw echdynnu ar gefn yr eiddo ar gyfer y defnydd newydd (Derbyniwyd Cynlluniau Diwygiedig ar 01/11/21) (Derbyniwyd yr Asesiad Sŵn ac Arogl ar 01/02/22) **LADBROKES PLC, 45 HEOL YNYS-HIR, YNYS-HIR, PORTH, CF39 0EL.**

161 - 172

16. CAIS RHIF: 22/0492/10

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

173 - 184

ADRODDIAD ER GWYBODAETH

17. 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 26/09/2022 – 07/10/2022

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.

185 - 198

18. MATERION BRYD

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

Cyfarwyddwr Gwasanaeth y Gwasanaethau Democraidd a Chyfathrebu

Cylchrediad: -

Aelodau o'r Pwyllgor Cynllunio a Datblygu:

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

tudalen wag



PWYLLGOR CABINET CYNGOR RHONDDA CYNON TAF PWYLLGOR CYNLLUNIO A DATBLYGU

Cofnodion o gyfarfod hybrid y Pwyllgor Cynllunio a Datblygu a gynhaliwyd
Dydd Iau, 8 Medi 2022 am 3.00 pm

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

Siambr Y Cyngor

Y Cynghorydd S Rees (Cadeirydd)
Y Cynghorydd W Lewis Y Cynghorydd G Hughes
Y Cynghorydd R Williams Y Cynghorydd C Middle

Zoom

Y Cynghorydd J Bonetto

Swyddogion oedd yn bresennol: -

Siambr Y Cyngor

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

Y Cynghorwyr Bwrdeistref Sirol eraill oedd yn bresennol: -

Siambr Y Cyngor

Y Cynghorydd S Hickman

Zoom

Y Cynghorydd R Bevan
Y Cynghorydd J Edwards

66 CROESO AC YMDDIHEURIADAU

Daeth ymddiheuriadau am absenoldeb gan Gynghorwyr y Fwrdeistref Sirol D Grehan, W Owen a D Williams.

67 DATGAN BUDDIANT

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

13. CAIS RHIF: 22/0492.

Y Cynghorydd Sarah Hickman, Personol a Niweidiol, "Rwy'n byw yn agos i'r ymgeisydd a'r safle dan sylw".

68 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.

69 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.

70 COFNODION 04.08.22

PENDERFYNWYD cadarnhau'r cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 4 Awst 2022 yn rhai cywir.

71 NEWID I DREFN YR AGENDA

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

72 CAIS RHIF: 22/0101

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

(Nodwch: Ar yr adeg hon, gadawodd Cyngorydd y Fwrdeistref Sirol L Tomkinson y cyfarfod).

Yn unol â'r gweithdrefnau a gafodd eu mabwysiadu, derbyniodd y Pwyllgor Jackie Samuel (Gwrthwynebydd). Cawson nhw bum munud i annerch yr Aelodau ynglŷn â'r cynnig uchod.

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

Amlinellodd y Pennaeth Materion Cynllunio gynnwys dau lythyr 'hwyr' a ddaeth i law oddi wrth yr Ymgeisydd, a oedd yn ymdrin â darparu basgedi caergawell a rhesymeg y datblygiad arfaethedig.

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

73 CAIS RHIF: 22/0462

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

- Robert Hathaway (Asiant)
- Howard Mander (Gwrthwynebydd)

Siaradodd yr Aelod Lleol, Cynghorydd y Fwrdeistref Sirol J Edwards, nad yw'n aelod o'r Pwyllgor, am y cais gan fynegi ei gwrthwynebiad i'r datblygiad arfaethedig. Gofynnodd i'r Pwyllgor ystyried cynnal ymweliad â'r safle.

Defnyddiodd yr Asiant Robert Hathaway yr hawl i ymateb i'r pryderon a godwyd.

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

74 CAIS RHIF: 22/0492

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

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:

- Rosemary Green (Ymgeisydd)

- Virginia Adams (Cefnogwr)
- Emily Cooling (Gwrthwynebydd)

Defnyddiodd yr Ymgeisydd Rosemary Green yr hawl i ymateb i sylwadau'r gwrthwynebydd.

Wedi datgan buddiant yn y cais yn gynharach (gweler Cofnod 67), defnyddiodd yr Aelod Lleol, Cynghorydd y Fwrdeistref Sirol S Hickman ei hawl i annerch y Pwyllgor ynghylch y cais, a hynny o dan adran 14(2) o'r Cod Ymddygiad. Cyflwynodd hi bryderon trigolion y gymuned mewn perthynas â'r datblygiad arfaethedig, gan adael y cyfarfod er mwyn i'r mater yma gael ei drafod.

Cyflwynodd y Pennaeth Datblygu Mawr a Buddsoddi ei gais i'r Pwyllgor ac yn dilyn trafodaeth, penderfynodd yr Aelodau wrthod y cais uchod, yn groes i argymhelliad y Cyfarwyddwr Gwasanaeth Materion Ffyniant a Datblygu. Roedd hyn am fod gyda'r Aelodau bryderon ynglŷn â diogelwch o ran y briffordd pe byddai'r arwyneb caled yn aros yn ei le. 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 dod i benderfyniad yn groes i argymhelliad Swyddog, neu unrhyw reswm arfaethedig neu reswm cynllunio dros ddod i benderfyniad o'r fath.

(Nodyn: Ar yr adeg hon, ail-ymunodd Cynghorydd y Fwrdeistref Sirol L Tomkinson â'r cyfarfod, ond roedd wedi ymatal rhag pleidleisio gan nad oedd yn bresennol ar gyfer y ddatl gyfan).

75 CAIS RHIF: 22/0468/10

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

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

Cyfeiriodd y Pennaeth Materion Cynllunio at lythyr 'hwyr' a ddaeth i law oddi wrth yr Asiant Pete Sulley. Roedd cynnwys y llythyr eisoes wedi'i amlinellu pan roedd yr Asiant wedi annerch y Pwyllgor. Argymhellodd y Pennaeth Materion Cynllunio ddileu Amod 3, pe bai'r Pwyllgor yn penderfynu cymeradwyo'r cais.

Cyflwynodd y Pennaeth Materion Cynllunio y cais, a gafodd ei adrodd yn wreiddiol i'r Pwyllgor ar 4 Awst 2022, pan benderfynodd yr Aelodau ohirio

dod i benderfyniad ar y cais er mwyn caniatáu ar gyfer yr ymgynghoriad gofynnol gyda Heddlu De Cymru mewn perthynas ag Ymddygiad Gwrthgymdeithasol yng nghyffiniau'r safle (Cofnod 47).

Rhoddodd yr Aelodau ystyriaeth i'r adroddiad pellach a'r cyngor a ddaeth i law gan Heddlu De Cymru. Yn dilyn trafodaeth, **PENDERFYNWYD** caniatáu'r cais yn unol ag argymhelliad y Cyfarwyddwr Gwasanaeth Materion Ffyniant a Datblygu, yn ddarostyngedig i ddileu Amod 3, ac yn ddarostyngedig i amod ychwanegol yn cyfyngu defnydd y datblygiad arfaethedig i ddefnydd dosbarth C3(a). Roedd hyn oherwydd bod yr Aelodau o'r farn y byddai defnydd yr annedd yn nosbarth defnydd C3(b) neu C3(c) yn niweidiol i'r gymuned leol o ystyried cyngor Heddlu De Cymru.

76 CAIS RHIF: 20/1319

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

Cyflwynodd y Pennaeth Materion Cynllunio y cais i'r Pwyllgor, gan argymhell y dylid gohirio'r cais, gan nad oedd yr ymgynghoriad trydydd parti gofynnol wedi'i gynnal eto.

Yn dilyn ystyriaeth gan y Pwyllgor, **PENDERFYNODD** yr Aelodau ohirio penderfynu ar y cais tan gyfarfod o'r Pwyllgor Cynllunio a Datblygu yn y dyfodol er mwyn caniatáu i'r ymgynghoriad trydydd parti gofynnol gael ei gynnal.

(Nodyn: Roedd Cynghorydd y Fwrdeistref Sirol J Smith wedi ymatal rhag pleidleisio ar yr eitem hon gan nad oedd yn bresennol ar gyfer y ddadl gyfan).

77 CAIS RHIF: 21/1547

Ysgubor arfaethedig ar gyfer campfa ynghyd â thanc nofio, 2 gynhwysydd nwyddau, ardal 'astroturf' a maes parcio cysylltiedig. **CANOLFAN YMWELWYR, PARC GWLEDIG CWM DÂR, HEOL DÂR,**

CWMDÂR, ABERDÂR, CF44 7RG

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

78 CAIS RHIF: 21/1674

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

Cyflwynodd y Pennaeth Datblygu Mawr a Buddsoddi y cais i'r Pwyllgor ac ar ôl trafodaeth **PENDERFYNWYD** caniatáu'r cais yn unol ag argymhelliad y Cyfarwyddwr Gwasanaeth Materion Ffyniant a Datblygu. Roedd hyn yn ddarostyngedig i gwblhau cytundeb Adran 106 i sicrhau bod yr anheddau'n cael eu sefydlu a'u cynnal a'u cadw yn unedau fforddiadwy, i'r diben parhaus o ddiwallu anghenion tai lleol a nodwyd.

(Nodwch: Cymerodd y Pwyllgor doriad o bum munud ar yr adeg hon).

79 CAIS RHIF: 22/0659

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

Cyflwynodd Pennaeth Materion Cynllunio 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.

80 CAIS RHIF: 22/0743

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

Cyflwynodd y Pennaeth Datblygu Mawr a Buddsoddi y cais i'r Pwyllgor ac ar ôl iddo gael ei ystyried **PENDERFYNWYD** gohirio'r penderfyniad tan gyfarfod o'r Pwyllgor Cynllunio a Datblygu yn y dyfodol. Roedd hyn er mwyn caniatáu i Swyddogion baratoi adroddiad pellach i'r Aelodau a

fyddai'n cynnwys rhagor o wybodaeth am y dosbarth defnydd arfaethedig a lefel y gofal i'w ddarparu er mwyn galluogi'r Pwyllgor Cynllunio a Datblygu i ystyried y cais yn ei fanylder.

81 CAIS RHIF: 22/0920

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

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

82 CAIS RHIF: 22/0347

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

Cyflwynodd y Pennaeth Materion Cynllunio y cais a gafodd ei gyflwyno'n wreiddiol i'r Pwyllgor ar 4 Awst 2022, pan benderfynodd yr Aelodau ohirio'r cais er mwyn caniatáu trafodaethau pellach gyda'r Ymgeisydd ac Adran Priffyrdd a Thrafnidiaeth y Cyngor mewn perthynas â gweithredu Gorchymyn Rheoleiddio Traffig (gweler Cofnod 44).

Rhoddodd yr Aelodau ystyriaeth i'r adroddiad pellach, ac yn dilyn trafodaeth **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhellion y Cyfarwyddwr Gwasanaeth Materion Ffyniant a Datblygu, yn ddarostyngedig i dynnu Amod 6 oddi yno.

Roedd yr Aelodau o'r farn nad oedd angen i'r Ymgeisydd weithredu Gorchymyn Rheoleiddio Traffig er mwyn gwneud y datblygiad yn dderbyniol, ac felly byddai Amodau 1 i 6 yr adroddiad yn cael eu hail-rifo yn 1 i 5..

83 CAIS RHIF: 22/0614

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

Cyflwynodd y Pennaeth Materion Cynllunio'r cais, a gafodd ei gyflwyno'n wreiddiol i'r Pwyllgor ar 4 Awst 2022, pan wrthododd yr Aelodau'r cais yn groes i argymhelliad y Cyfarwyddwr Gwasanaeth Materion Ffyniant a Datblygu (gweler Cofnod 42).

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

1. Byddai'r defnydd bwriedig – hynny yw, siop gludfwyd – yn niweidiol i fwynderau trigolion cyfagos, a hynny o ganlyniad i gynnydd o ran sŵn a tharfu arnyn nhw, cyflwyno arogleuon a gwastraff a allai eu hystyried yn niwsans, effeithiau a fyddai'n codi o ganlyniad i ddefnyddio'r safle yn siop gludfwyd yn gyffredinol, a chyflwyno a gweithredu unrhyw offer echdynnu cysylltiedig. Mae'r newid defnydd arfaethedig felly yn groes i Bolisiâu AW5 ac AW10 Cynllun Datblygu Lleol Rhondda Cynon Taf mewn perthynas ag amwynderau.
2. Byddai'r defnydd bwriedig yn siop gludfwyd yn golygu y byddai pobl yn parcio'u ceir ar y stryd heb fawr o feddwl am gyfnodau byr mor agos â phosibl at y safle, a hynny ar brif ffordd brysur y pentref ac o bosibl ar y llinellau melyn dwbl gyferbyn â'r safle. Byddai'r datblygiad arfaethedig felly'n cael effaith niweidiol ar ddiogelwch cerddwyr a defnyddwyr y ffordd, ac amwynderau'r trigolion cyfagos yng nghyffiniau'r safle, yn groes i Bolisi AW5 Cynllun Datblygu Lleol Rhondda Cynon Taf.

84 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.

Cyflwynodd y Pennaeth Materion Cynllunio'r cais a gafodd ei gyflwyno'n wreiddiol i'r Pwyllgor ar 7 Gorffennaf 2022, pan ohiriwyd y cais gan yr Aelodau er mwyn cynnal ymweliad â'r safle a gynhaliwyd ar 19 Gorffennaf 2022. Yna, cafodd y cais ei gyflwyno i'r Pwyllgor ar 18 Awst 2022, lle'r oedd yr Aelodau wedi ei gymeradwyo, yn groes i argymhelliad y Cyfarwyddwr Gwasanaeth Materion Ffyniant a Datblygu (gweler Cofnod 56).

Rhoddodd yr Aelodau ystyriaeth i adroddiad pellach y Cyfarwyddwr Gwasanaeth Materion Ffyniant a Datblygu, a oedd yn tynnu sylw at gryfderau a gwendidau posibl cymeradwyo cais yn groes i argymhelliad Swyddogion, ac yn dilyn trafodaeth, **PENDERFYNWYD** cymeradwyo'r cais am y rhesymau a amlinellir yn yr adroddiad pellach, ac yn ddarostyngedig i'r naw amod a nodir yn yr adroddiad hwnnw.

85

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

PENDERFYNODD yr Aelodau dderbyn adroddiad y Cyfarwyddwr Gwasanaeth Materion Cynllunio mewn perthynas â 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 08/08/2022 tan 26/08/2022.

Daeth y cyfarfod i ben am 5.19 pm

**Y Cyngorydd S Rees
Cadeirydd.**

tudalen wag

PLANNING & DEVELOPMENT COMMITTEE

20 OCTOBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0855/16 (KL)
APPLICANT: CJC Estates Ltd
DEVELOPMENT: Application for reserved matters approval (appearance, landscaping, layout, access and scale) in respect of 15 dwellings and associated works.(pursuant to outline planning approval: 17/0195) (Amended Plans rec. 20/08/21) (Ecological Review rec. 24/03/22) (Amended Site Layout Plan rec. 30/05/22)
LOCATION: LAND TO THE REAR OF SION TERRACE, CROWN ROW, CWM-BACH, ABERDARE
DATE REGISTERED: 11/06/2021
ELECTORAL DIVISION: Cwmbach

RECOMMENDATION: Approve

REASONS:

The proposed dwellings are located within the defined settlement boundary and within an established residential area.

The dwellings are in accordance with the scope of the existing outline consent and the design and arrangement of the dwellings would be acceptable both in terms of their visual impact and with regard to the amenity of the closest neighbouring properties. The proposal would also not be detrimental to highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Approval of reserved matters is sought for the construction of 15 no. dwellings on land at the rear of Sion Terrace, Cwmbach. The application includes details of access, appearance, landscaping, layout and scale for consideration.

The proposed dwellings would be arranged around a new internal estate road with plots 1-3 being situated within the most central part of the site along the entrance road to the site, plots 4, 5 & 6 being situated behind 1-3 along the northern boundary and plots 7-15 being situated along the eastern boundary.

The development would comprise of the following house-types:

- **2 no. Aberdovey:** 3 bed semi-detached properties (DQR compliant).
- **2 no. Amroth:** 4 bed detached properties
- **2 no. Harlech:** 4 bed detached properties
- **4 no. Mumbles:** 4 bed detached properties
- **1 no. Pembroke:** 4 bed detached property
- **4 no. Pendine:** 4 bed detached properties

The palette of finishing materials for the dwellings would consist of a mixture of render, grey brick and red cladding, with blue black slate roof tiles, anthracite grey windows and doors (upvc and composite respectively).

All but one of the dwellings would benefit from on-plot parking with some also having either an integral or detached garage. The one dwelling without on-plot parking (plot 5) would benefit from off-street car parking spaces however, these would be positioned on the opposite side of the shared driveway which would serve that plot and plots 4, 6 & 7.

A 15m buffer has been left at the northern end of the site (to the rear of plots 4, 5 & 6) to protect the Ancient Semi-Natural Woodland (ASNW) to the north. A grasscrete footpath serving the buffer (to enable the long-term maintenance of the ecological mitigation areas) and also the attenuation area to the rear of plot 1 would extend from the shared driveway serving plots 4, 5,6 & 7 and alongside the western side boundary of plot 4.

In addition to the standard application forms and plans, the following supporting documents have also been submitted:

- Planning Statement
- Drainage Strategy
- Preliminary Ecology Assessment
- Ecological Review

SITE APPRAISAL

The application site relates to an irregular shaped parcel of land which is situated at the rear of existing residential properties in Sion Terrace to the south-west Bron Haul to the north-east. It measures approximately 0.62 hectares and slopes steeply from north-east to south-west. Access is provided off Sion Terrace. The site appears to have been recently cleared of all vegetation.

The surrounding area is predominantly residential in character with residential properties being located to the south-west and north-east. Cwmbach Church in Wales Primary School, a children’s play area and amenity grassland lie to the east whilst an area of mature ancient woodland lies to the north-west.

Existing properties in the area predominantly comprise of two-storey terraced and semi-detached dwellings which are typically set back from the highway.

PLANNING HISTORY

21/0747	Land at the rear of Sion Terrace, Cwmbach	Variation of condition 1 of planning ref. 17/0195/13 to permit a period of a further 3 years for the submission of reserved matters (Ecological Review rec. 24/03/22)	Pending (S106 agreement)
19/1236	Land at the rear of Sion Terrace, Cwmbach	Outline application for 5 no. self-build plots with all matters reserved	Pending (S106 agreement)
17/0195	Land at the rear of Sion Terrace, Cwmbach	Outline planning application for residential development of approximately 15 dwellings, open space, landscaping, drainage features and associated infrastructure with all matters reserved except access.	Refuse 27/06/17 Allowed at Appeal: 15/06/18

PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of a number of site notices in the vicinity of the site. Two letters of objection have been received and are summarised as follows:

- The access road in and out of the site is adjacent to existing dwellings.

- Crown Row is the only way in and out and is an extremely small residential road.
- The road cannot take an increase in traffic.
- The first part of the road is difficult to get through due to cars parked opposite residents' homes.
- Queries how large vehicles like diggers will access the road should the application go ahead.
- There should be another road that leads out at the top of the site which would take the strain and congestion away from Crown Row.
- Concerns raised with regards to surface water drainage as a result of the development.

The application was readvertised upon the receipt of amended plans (changes to the proposed layout of the site) however, no further letters were received.

CONSULTATION

Countryside, Ecology and Landscape: No objection

Flood Risk Management: No objection, condition recommended.

Highways and Transportation: No objection subject to conditions

Mid Glamorgan Fire Service: No objection

Natural Resources Wales: No objection

Public Health: No objection

Welsh Water: No objection, conditions and advisory notes recommended.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS1 – Development in the North: focus is on developing sustainable communities to support and reinforce the role of the Principle Town of Aberdare, achieved by providing high quality, affordable accommodation and ensuring the removal and remediation of under used and previously used land.

Policy CS4 – Housing Requirements: defines housing land requirements.

Policy CS5 – Affordable Housing: requires provision of affordable housing.

Policy AW1 – Supply of New Housing: sets out the means by which new housing will be delivered through the development plan.

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

Policy AW4 – Community Infrastructure & Planning Obligations: lists community infrastructure and planning obligation contributions which the Council may seek in respect of key settlements.

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

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

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

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

Policy NSA10 – Housing Density: reinforces housing density targets for residential development proposals, stating that proposals should be a minimum of 30 dwellings per hectare.

Policy NSA11 – Affordable Housing: seeks 10% affordable housing provision.

Policy NSA12 – Housing Development within and adjacent to Settlement Boundaries: gives criteria for development within settlement boundaries.

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

replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

Supplementary Planning Guidance

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

National Guidance

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

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

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

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
- Policy 9 – Resilient Ecological Networks – green infrastructure/ecology

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing
PPW Technical Advice Note 12: Design
PPW Technical Advice Note 15: Development and Flood Risk

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Planning History and Context

The current application seeks the approval of reserved matters, for appearance, landscaping, layout and scale for a residential development on land at the rear of Sion Terrace, Cwmbach. Whilst the outline application was originally refused by the Planning and Development Committee on 27th June 2017, it was later allowed at appeal on 15th June 2018. As such, the principle of the proposed development has already been established. The matter of the proposed access to the site was also considered to be acceptable, as was its impact upon the character and appearance of the site and surrounding area and impact upon amenity and privacy of surrounding residential properties.

A Unilateral Undertaking (S106 agreement) was submitted at appeal to ensure the provision of no less than 10% of the dwellings as three bed low cost housing units in the form of houses, and the provision of a public open space management plan which included the set-up, design and long-term management of the ecological mitigation areas.

Members may recall that a Section 73 application (ref. 21/0747) was recently reported to Committee (21st July 2022) which sought to extend the time period of the original outline consent for the reserved matters to be submitted. The application received a resolution to approve and is currently awaiting the conclusion of the Deed of Variation to the S106 agreement.

This current reserved matters application was submitted alongside the Section 73 application, and within the required timeframe of the original outline application. This application is therefore subsequent to the original consent rather than the Section 73 application.

The key considerations in determining the application are the impact of the detailed development on the character and appearance of the existing site and wider area and the potential impact upon the amenity and privacy of neighbouring properties. Highway safety is a further consideration when assessing the formation and configuration of the internal access roads and parking areas.

Character and Appearance

The site occupies a vacant parcel of land that lies beyond the rear of properties in Sion Terrace/Crown Row to the south-west and Bron Haul to the north-east. Access would be via the existing gap between nos. 6 & 7 Crown Row to the south-west with the internal access road leading north-west towards a turning head with two private shared driveways leading further to the north and south. The dwellings would be arranged around the internal access road and the private shared driveways, which would ensure that each dwelling has an active frontage with the road and which would ensure that the street is well overlooked. Furthermore, it is considered that the configuration of the road, private driveways and footpaths provide direct and legible routes to Sion Terrace/Crown Row.

The topography of the site is such that it slopes quite notably from north-west (Bron Haul) to south-east (Sion Terrace/Crown Row). As a result of this, the development would inevitably be visible from cross-valley viewpoint. However, the scale (height) of the dwellings and their positioning within the site would ensure that they would not appear out of context with the sloping nature of the surrounding area. Given the ground levels of the top end of the site, plots 7- 15 would be most prominent however, they would not project above existing properties in Bron Haul and would therefore not have a detrimental impact upon the sloping character of the surrounding area. Furthermore, the existing woodland that lies to the north and north-western boundaries of the site would help to screen plots 4, 5 and 6 whilst the newly landscaped area proposed (planting of native trees) at the rear of nos. 2 -6 Crown Row would help to reduce the overall visual prominence of plot 1.

The development itself would consist of a number of different house-types with the majority of these being detached. They would typically have a modern appearance with external materials consisting of render, grey brick and cedar cladding. Whilst the character of the immediate area is typically traditional terraced and semi-detached properties (Sion Terrace/Crown Row and Bron Haul respectively), there are numerous examples of detached properties in the wider area and it is considered that the detached properties at this development would add to the mix of property types available in the Cwmbach area. Furthermore, there is a variety of finishing materials visible in the immediate and wider area and whilst the dwellings would inevitably appear different to properties in the immediate and wider area in that they would have a more modern appearance, it is not considered that they would be unacceptable in visual terms.

Each dwelling would have a reasonable level of outdoor amenity space with adequate space in front of and between properties to ensure that a good degree of soft landscaping could be provided. This would help to soften the overall visual appearance of the development and help it to integrate successfully within the surrounding area.

Overall, it is considered that the proposed layout of the site and the scale and design of the proposed dwellings reasonably address the site constraints in terms of the topography of the site and the proposal is therefore considered to be acceptable in terms of the impact it would have upon the character and appearance of the site and surrounding area. The application would therefore comply with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential Amenity and Privacy

Given that the site lies within an established residential area, it is important to consider the potential impact of the layout and scale of the proposed development upon the levels of amenity and privacy currently enjoyed by the occupiers of neighbouring residential properties. The nearest neighbouring properties to the site are considered to be nos. 1-7 Crown Row (to the south-west) and nos. 15-22 Bron Haul (to the north-west).

Due to the sloping topography of the surrounding area, existing properties in Crown Row are situated at a notably lower ground level to the application site. The application was originally submitted with plans which included 4 split-level properties backing onto 5 properties in Crown Row. Due to the three-storey nature of the rear elevations of those properties, and the fact that they contained large window openings and Juliet-style balconies, it was considered that the proposal would have had a significant overbearing and overlooking impact upon existing properties, which would have had an adverse and unacceptable impact upon the amenity and privacy of properties in Crown Row. These concerns were raised with the applicant and amended plans were subsequently submitted which propose an alternative layout.

The amended plans indicate that plot 1 would now be the only plot that would be situated in close proximity to the rear boundaries of Crown Row. Plot 1 would be situated to the rear of no. 6 with plots 2 & 3 being situated further uphill, beyond plot 1. There is still some concern that plot 1 would have an overbearing impact upon no. 6, particularly given that it would be situated approximately 9.7m away from its rear elevation and set at a much higher ground level; however, it would now be the side elevation of plot 1 that would face the rear elevation of no. 6 and with a hipped roof design and some degree of landscaping being provided along the western boundary, on balance, the impact is considered to be acceptable. Furthermore, being sited to the north-east of no. 6, plot 1 would not give rise to any overshadowing impact, nor would it result in any overlooking as no windows would be incorporated into the side elevation. As such, the concerns raised previously have been significantly reduced.

Plot 4 would be sited at the rear of no. 1 Crown Row however, a number of existing trees would be retained between the rear boundary of no. 1 and the side elevation of plot 4. Furthermore, the separation distance between these properties would be 21.5 metres with plot 4 incorporating a hipped roof design. As such, any impact of this plot upon no. 1 would be limited.

Plots 7-15 would be sited along the north-eastern boundary of the site, adjacent to the rear boundaries of nos. 15-22 Bron Haul. Whilst the proposed dwellings would be visible from the existing properties, they would be set at a notably lower ground level and would not give rise to any adverse overbearing or overshadowing impact. It is noted that the proposed dwellings would effectively directly face the existing dwellings however, there is a sufficient separation distance between elevations to ensure that the level of overlooking towards those dwellings would not be detrimental. Furthermore, any views from the existing dwellings towards the proposed dwellings would mostly be obscured by boundary fencing.

The distance between Plots 7-15 and properties in Crown Row below would also be in the region of 60-65 metres and it is not considered that this would result in any adverse overlooking or overbearing impact.

Furthermore, in terms of the amenity of the potential future occupiers of the proposed dwellings, there is sufficient distance between the dwellings to ensure that no adverse impact would occur.

The access to the site would be sited between two existing properties, nos. 6 & 7 Crown Row. There is potential that this would give rise to some additional noise and disturbance from vehicles and pedestrians entering/exiting the site however, given that the access would serve 15 properties, it is not considered that this impact would be significant enough to warrant the refusal of the application. Indeed, the access to the site and its use was considered to be acceptable in the appeal decision of the original outline consent with the number of vehicle movements to/from the site being considered as limited.

Access and Highway Safety

The application has been assessed by the Council's Highways and Transportation Section in order to determine the potential impact of the proposed development upon highway safety in the vicinity of the site. Whilst concern remains in this regard (as per the original outline application), it is accepted that the application was allowed at appeal and, as such, no objection is raised to the proposal, subject to a number of conditions being added to the consent. The comments received are summarised as follows:

Internal Access Road

The proposal would provide a 5.5 metre wide carriageway with 2 no. 2.0 metre wide footways and a standard turning facility which accords with RCTCBC Design Guide. This is therefore considered to be acceptable.

Two private shared accesses would be provided off the main estate road which are in accordance with the standard detail (102) of the Council's Design Guide. Minor concern is raised that the residents of Plots 12 & 13 may have to perform multiple manoeuvres to access/egress the parking spaces on the private shared access however, this is largely dependent on the type of vehicle owned.

Off-Street Car Parking

The parking proposed for each house-type is in accordance with the Council's SPG: Access, Circulation & Parking. Whilst no visitor parking spaces have been provided (3 required), there is potential for some degree of on-street car parking, should the need arise.

Other Issues:

Ecology

As indicated previously, this current reserved matters application was submitted alongside a Section 73 application, which sought to extend the time period for reserved matters to be submitted. In the assessment of that application, it became apparent that the site had been cleared some time between the approval of that application and the submission of the Section 73 and reserved matters applications. As a result, an Ecological Review was undertaken and submitted which found that the conditions within the site have inevitably changed since the original Ecology Survey undertaken in 2016 and a number of recommendations have therefore been made in respect of the Ancient Semi-Natural Woodland (ASNW) which lies to the north of the site, nesting birds, foraging and commuting bats, adequate protection of retained trees and treatment of Japanese Knotweed. The report has been reviewed by the Council's Ecologist who concurs with the recommendations and considers that the condition imposed upon the original consent is still relevant and appropriate. This has therefore been carried forward to this current application.

Furthermore, the original outline consent was subject to a S106 Agreement which secured the long-term ecological management of the site. The S106 Agreement included details of an annual work programme, monitoring, annual reporting to the Local Planning Authority and details of those responsible for delivering the plan and this was concluded under the terms of the original outline planning permission. Members will recall that the subsequent Section 73 application was approved at Committee, subject to a deed of variation to carry forward the previous S106 Agreement.

Other

All other issues (i.e. drainage etc.) have all been considered as part of the original outline consent and it is therefore not necessary to consider these issues further in this application. Any condition imposed on the outline consent will be carried forward in any grant of reserved matters.

Issues Raised by Objector

The proposal has drawn two objections from the public which predominantly relate to highway and drainage issues. Both of these issues were fully considered in the appeal decision of the outline consent. Members will note that neither the Council's Highways and Transportation or Flood Risk Management sections have raised any objection to the details of this proposal and, as such, it is not considered necessary to address these issues further.

Community Infrastructure Levy (CIL) Liability

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

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

Section 106 Contributions / Planning Obligations

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

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

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

The Welsh Government Development Management Manual and Welsh Office Circular 13/97 Planning Obligations provide procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and

when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

The original outline application was subject to a Unilateral Undertaking which required the developer to provide:

- not less than 10% of the dwellings as three bed low cost housing units in the form of houses; and,
- a public open space management plan which included the set-up, design and long-term management of the ecological mitigation area.

The details were agreed and concluded under the terms of the previous outline planning permission. Furthermore, the applicant has confirmed that plots 9 & 10 (Aberdovey House types – three bed properties) would be DQR compliant and offered as low cost housing, in accordance with the S106 agreement.

Conclusion

It is considered the proposal would not have a significant impact on the character and appearance of the locality, harm the residential amenity of the surrounding neighbouring properties, or be detrimental to highway safety. Since the site is located within the settlement boundary and the submitted details are compliant with the scope of the outline consent, the application is considered to comply with the relevant policies of the Local Development Plan.

RECOMMENDATION: Approve

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents unless otherwise to be approved and superseded by details required by any other condition attached to this consent:
 - Site Location Plan (Rec. 14/06/21)
 - Drawing No. 2166-002 Rev. O: Proposed Site Plan (Rec. 14/09/22)
 - Drawing No. 2166-006 Rev. C: Proposed Site Sections (Rec. 14/09/22)
 - Drawing No. 2166-019 Rev. A: Proposed Plot 01, Harlech House-Type Floor Plans (Rec. 19/10/21)
 - Drawing No. 2166-020 Rev. A: Proposed Plot 01, Harlech House-Type Elevations (Rec. 19/10/21)

- Drawing No. 2166-011 Rev. B: Proposed Plots 02, 03, 05, 09, Pendine House-Type, Elevations and Floor Plans (Rec. 05/10/21)
- Drawing No. 2166-017 Rev. B: Proposed Plots 04 & 06, Amroth House-Type, Floor Plans (Rec. 14/09/22)
- Drawing No. 2166-018 Rev. B: Proposed Plots 04 & 06, Amroth House-Type, Elevations (Rec.14/09/22)
- Drawing No. 2166-015 Rev. A: Proposed Plot 07, Harlech House-Type, Floor Plan (Rec. 05/10/21)
- Drawing No. 2166-016 Rev. A: Proposed Plot 07, Harlech House-Type, Elevations (Rec. 05/10/21)
- Drawing No. 2166-022: Proposed Plot 07, Detached garage, Elevation and Floor Plans (Rec. 02/11/21)
- Drawing No. 2166-012 Rev. C: Proposed Plot 08, Pembroke House Type, Elevations and Floor Plans (Rec. 05/10/21)
- Drawing No. 2166-010 Rev. B: Proposed Plots 10 & 11, Aberdovey House-Type, Elevation and Floor Plans (Rec. 05/10/21)
- Drawing No. 2166-025 Rev. A: Proposed Plots 12, 13, 14 &15, Mumbles House-Type, Floor Plans (Rec. 14/09/22)
- Drawing No. 2166-026 Rev. B: Proposed Plots 12, 13, 14 & 15, Mumbles House-Type, Elevation Plan (Rec. 14/09/22)

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

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

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

3. Prior to the construction of the dwellings hereby approved samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

4. 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. The scheme shall be implemented in accordance with the approved details prior to the residential use of the development and retained in perpetuity.

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

5. No development shall take place until a Species, Tree and Habitat Protection Plan for Construction has been submitted and approved in writing by the local planning authority. The plan shall include:
 - a) An appropriate scale plan showing Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
 - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed;
 - d) Details of specific species and habitat mitigation measures (including bat, nesting bird and reptile);
 - e) Details of wildlife sensitive lighting proposals;
 - f) Details of water pollution control measures;
 - g) Details of invasive plant control and removal;
 - h) Details of trees and hedgerow protection; and
 - i) An agreed scheme of progress reporting to the Council during the construction programme. Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions (Ecological Clerk of Works);
 - iii) Installation of physical protection measures and management during construction;

- iv) Implementation of sensitive working practices during construction;
- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- vi) Specific species and Habitat Mitigation measures; and
- vii) Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan.

Reason: In the interests of maintaining biodiversity in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan

6. Prior to the occupation of the dwellings hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the buildings are occupied.

Reason: To ensure the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 & AW 6 of the Rhondda Cynon Taf Local Development Plan.

7. Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.

Reason: In the interests of the amenity and privacy of neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan

8. No development shall commence until a scheme has been submitted to and approved in writing by the local planning authority of 'intrusive site investigations' and shall include:

- a) A programme for the undertaking of that scheme of intrusive site investigations;
- b) The submission of a report of findings arising from the intrusive site investigations; and

- c) The submission of a scheme of remedial works for approval in writing by the local planning authority.

The remedial works shall be fully implemented prior to the development first being brought into beneficial use.

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

9. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering design and details of the internal road layout, traffic calming, street lighting, surface water drainage and highway structures including longitudinal and cross sections have been submitted to and approved in writing by the local planning authority. The highway works shall be fully implemented in accordance with the approved engineering details to the satisfaction of the local planning authority.

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

10. HGV's used as part of the development shall be restricted to 09:00 to 16.30 weekdays, 09:00 to 13:00 Saturdays with no deliveries on Sundays and Bank Holidays.

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

11. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the local planning authority to provide for:

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

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

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

12. The Developer shall provide the occupier of each dwelling with a Travel Plan / Welcome Pack which should contain the following:

- a) Bus/Train Service providers, their contact details, frequency of service, timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport;
- b) Park and Ride/Park and Share facilities and associated costs and restrictions on use of such facilities;
- c) Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure;
- d) Local and national cycle routes; and
- e) Any other measures that would encourage use of sustainable modes of travel.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with the Planning Policy Wales and the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

20 OCTOBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0343/10 (GH)
APPLICANT: Purolite
DEVELOPMENT: Construction of a new two storey office building and single storey gatehouse building.
LOCATION: UNIT D AND C PUROLITE INTERNATIONAL LTD, LLANTRISANT BUSINESS PARK, LLANTRISANT, PONT-Y-CLUN, PONTYCLUN, CF72 8LF
DATE REGISTERED: 22/07/2022
ELECTORAL DIVISION: Llantrisant and Talbot Green

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS:

The construction of an office extension and gatehouse building, to support the existing business operations, would be consistent with the character of the site and surrounding area, and would create new employment opportunities. Furthermore, the development would not affect the amenity and operations of the closest neighbouring occupiers and would not be detrimental to highway safety.

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 construction of a two storey office building and single storey gatehouse at Purolite, Llantrisant Business Park.

The gatehouse would be located at the main entrance to the site and would include a security office reception area and welfare facilities. Its 8.3m length and 4.2m width mean it would be of modest size.

Conversely, the office accommodation would be of a far larger scale and constructed to the north-west facing front of the existing building. It would have an irregular footprint to a maximum width of 22.3m and maximum depth of 23.7m. The two floors would contain open-plan and separate offices, together with meeting rooms, welfare facilities and ancillary storage etc.

Both new buildings, which would provide just under 890m² of additional floorspace, would have external finishes comprising elevations of black and grey cladding, to be enclosed by a flat aluminium-capped roof. Fenestration would be aluminium framed, also in grey.

The site layout plan demonstrates that the remaining space to the front of the site would be re-laid out in part, to provide parking for visitors only, a paved footpath and some soft landscaping, as well as an indication of where air conditioning plant would be located.

Lastly, an amended site layout plan was received from the Applicant's Agent, which includes the extended car park which was recently approved via a separate planning application ref 22/0532/10. This extended car park, now under construction, will provide sufficient spaces to replace those that would be lost by the proposed development.

SITE APPRAISAL

The application site relates to the premises of Purolite, which are located to the southern part of Llantrisant Business Park.

The property consists of a large two-storey building of typical industrial estate unit appearance, with a car park to the front and delivery yard to its south-western side. Access is provided by an un-named no-through road to the front of the site, which connects with Heol-Y-Sarn around 190m to the north.

All of the surrounding land, save for the adjoining open countryside to the south and east, is occupied by other industrial land uses and buildings of a similar scale and style. The nearest residential properties are located approximately 0.34km to the south and 0.62km to the north of the site.

PLANNING HISTORY

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

22/0343/10: Extension to the new car park previously granted under application ref 17/0876/10. (Amended plans, with minor positional changes, received 26/5/22). Decision: 08/06/2022, Granted.

21/1441/10: Installation of a storage tank farm and associated hard standing and regrading works and new construction access. Decision: 08/12/2021, Granted.

18/0241/10: Proposed alterations to existing car park and new access to highway. Decision: 30/04/2018, Granted.

17/0876/10: Construction of new car park and extension to existing access road. Decision: 05/10/2017, Granted.

PUBLICITY

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

No letters of objection or representation have been received.

CONSULTATION

Highways and Transportation

No objection subject to conditions.

Dwr Cymru Welsh Water

No objection in principle to the foul flows discharging to the public sewer.

Natural Resources Wales

Concerns are raised in respect of the disposal of foul drainage, given that Welsh Government Circular 008/2018 stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer. However, as noted above, DCWW has indicated in their consultation response that the development can connect to the public sewer.

In addition, a condition for a construction environmental management plan is recommended, due to the proximity of the site to the Llantrisant Common and Pastures SSSI and the potential for pollution via dust, material storage and surface water runoff.

Public Health and Protection

No objection, subject to a condition requiring a site investigation for contamination.

Western Power Distribution

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

Countryside – Ecologist

The development would have minimal ecological impacts, although car park landscaping may support nesting birds. Therefore, a condition is recommended that for any shrubbery removed, a nesting bird method statement is provided. In terms of biodiversity enhancement, a condition for bird box provision is also recommended.

Flood Risk Management

Given the total construction area is greater than 100m², the applicant will be required to submit an application to the Sustainable Drainage Systems (SuDS) Approval Body (SAB) and also comply with Part H of the Building Regulations.

The Flood Risk Management section also recommends a condition is for the submission of details in respect of the management of surface water. However, since the area of site where the buildings would be constructed is already hard-surfaced, such a condition would be considered unnecessary.

South Wales Fire and Rescue Service

Notes that a comprehensive fire strategy should be provided which indicates the package of fire safety measures that are proposed to satisfy The Building Regulations and should address any variations to current guidelines.

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 is 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 Llantrisant.

Policy CS2 - The policy emphasis in the Southern Strategy Area (SSA) is on sustainable growth that protects the culture and identity of communities by focusing

development within defined settlement boundaries. Emphasis will also be on protecting the cultural identity of the strategy area by protecting the natural environment.

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

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

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

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

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

Supplementary Planning Guidance

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

National Guidance

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

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

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

being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

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

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

SE Wales Policies

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The Purolite site is located both within Llantrisant Business Park and the defined settlement boundary, which means that the development would correspond with the general aims of LDP Policy CS2.

Policy AW2 aims to direct development to sustainable locations within the settlement boundary in the Southern Strategy Area. In this case the proposal would comply with the relevant criteria of this Policy and it is noted, in particular, that the development

would not conflict with the surrounding land uses, the majority of which are industrial and therefore fall within Use Classes B1, B2 and B8.

Policy CS2 also recognises the economic importance of growth and investment opportunities within the Southern Strategy Area which benefit the whole of Rhondda Cynon Taf. National planning policies encourage a positive approach towards developments which generate economic prosperity and regeneration, therefore weight can be given to the proposal's economic benefits.

Taking the above into account, the location of the development would be very acceptable and its further contribution to economic activity and the support of existing and new local jobs would accord with local and national planning policies.

Impact on the character and appearance of the area

The development would be located at the most southerly part of Llantrisant Business Park, within a cul-de-sac of similar industrial uses and where the surrounding units are of typical 'big shed' mass and appearance.

The siting of the small gatehouse and layout of the remaining car park area are of little concern, given their small scale, and would have little impact on the street scene.

In respect of the large two-storey office, the modular design and appearance of this building can best be described as being of a plain form. However, whilst such a design might be less acceptable as part of a modern commercial office district, the site context within an industrial area gives less cause for concern.

As noted during a visit to the site, it is unlikely that the development would have a wider visual impact. For example, any views from the old town of Llantrisant would be very unlikely due to the local topography which rises away from the site, and where longer views might be available towards the valley floor from any direction, the office building would not seem incongruous within the business park setting.

Therefore, it is considered that the proposal would not be harmful to the character and appearance of the site or surrounding area.

Impact on neighbouring occupiers

The proposed development would increase the intensity of use of the site, although since most of the new floorspace would be for office use, the potential is for a greater number of traffic movements rather than any kind of manufacturing noise.

As previously mentioned, the site is part of a large and busy industrial estate. Nearly all of the neighbouring properties and those close to the site, some of which are also part of the Purolite business, are industrial in character, and are where manufacturing or office-based activities take place.

Therefore, also noting that there are no dwellings located in close proximity to the site, it is considered that no detriment would be caused to the amenity of neighbouring occupiers, or any other third parties disadvantaged by the development.

Access and highway safety

Access

There would be no significant alterations to the proposed access. The property is accessed from Llantrisant Business Park, which has been designed and built for safe vehicular and pedestrian movement and is satisfactory to serve the proposed development.

Parking

The Council's SPG for Access Circulation and Parking sets out that the proposed development is located within Zone 3 and for an office use would require 1 space per 25-35m² of floorspace.

With a GFA of 724m² the development would require between 29 to 37 car parking spaces in addition to a service bay to accommodate calling service and delivery vehicles. Provision should also be made for cycle parking, motorcycle parking and parking bays with facilities for EV charging.

The details contained within the submitted site plan indicate that the existing and future off-street parking requirements would be met by the previously approved car park extension. Therefore, the application is acceptable in this regard.

Closure of Access

The proposed closure of a redundant access and reinstatement as highway verge is acceptable in principle and would require the applicant to submit details of the reinstatement for approval. This can be secured by condition and would require the developer to enter into a highway agreement under S278 of the Highways Act, together with an appropriate bond to undertake the works within the highway.

National Sustainable Placemaking Outcomes

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

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

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

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

- **Creating and Sustaining Communities:** The development will provide jobs to meet society's needs and is of an appropriate development density.
- **Facilitating Accessible and Healthy Environments:** The application site is close to a bus and cycle route and has good connections to the principal highway network, Ely Valley Link Road/A4119 and the M4.
- **Growing Our Economy in a Sustainable Manner:** The development would create construction jobs and foster economic activity by providing a permanent employment base for existing and new employees.
- **Maximising Environmental Protection:** The development would be required to include biodiversity enhancement measures and water resources would be managed naturally via the use of sustainable drainage options to gain SAB approval.

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

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The proposed development would be compatible with the surrounding land uses and would benefit the existing business, local economy and protect and provide local opportunities for employment.

The siting and use of the new buildings would not be expected to affect the operations of neighbouring businesses and would have safe access to the highway network with sufficient parking and circulation space.

The application is therefore considered to comply with the relevant parts of LDP Policies CS2, AW2, AW5, AW6, AW8 and AW10.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

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

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

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

- 1001 Rev P07
- 1002 Rev P07
- 2001 Rev P01
- 1801 Rev P06
- 1802 Rev P03
- OPP1205939 Rev A Sales Floor Plan (Security Office)
- OPP1205939 Rev A Sales Elevations (Security Office)

and details and documents received on 18th March 2022 and 22nd July 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, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for;

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

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

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

4. i). No development shall commence until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme, all aspects of which must be carried out by, or under the direction of, a suitably qualified competent person in accordance with BS10175, shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

(a) A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.

(b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (a) above.

(c) A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

ii). The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (i) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by, or under the direction of, a suitably qualified competent person.

iii). If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by, or under the direction of, a suitably qualified competent person.

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

5. No development shall commence until details of a scheme for the provision of biodiversity mitigation and enhancement measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a method statement for any existing shrubbery removed from site, which may support nesting birds, together with proposals for the provision of bird boxes.

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

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

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

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; habitats protection, avoidance and mitigation measures.
- Details of dust control measures.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan. In particular, details of how pollution by land water or air will be prevented from affecting the SSSI.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

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

Reason: to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in accordance with PPW11 and Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. The parking spaces shall be retained in perpetuity in connection with the business unless otherwise agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation.

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

tudalen wag

PLANNING & DEVELOPMENT COMMITTEE

20 OCTOBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0533/13 (KL)
APPLICANT: ADW Group Ltd
DEVELOPMENT: Outline planning permission with all matters reserved except access for the erection of up to 765 square metres of industrial buildings (flexible B1 / B2 / B8) , parking, drainage and ancillary works (updated plans received 23/08/22)
LOCATION: LAND AT BRYNGELLI ESTATE, MEADOW LANE, HIRWAUN
DATE REGISTERED: 11/05/2022
ELECTORAL DIVISION: Hirwaun, Penderyn and Rhigos

RECOMMENDATION: Approve, subject to conditions

REASONS: The proposal would provide additional industrial units within an established industrial estate which is located within the defined settlement boundary for Hirwaun. Whilst the application is made in outline with all but access being reserved for future consideration, it is considered that the site could be developed in such a way that it would have a limited impact upon the character and appearance of the application site, and upon the amenity and privacy of surrounding residential properties. Furthermore, the site would be accessed via the existing entrance to the industrial estate and this is considered to be acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Outline planning permission is sought for the construction of up to 765 square metres of industrial buildings (flexible B1/B2/B8 use) and associated parking at an existing industrial estate known as Bryngelli Industrial Estate, which is located on Meadow

Lane, Hirwaun. Details of access are included for consideration in this application with all other matters being reserved for future consideration.

Whilst matters of layout are reserved for future consideration, the application is accompanied by an indicative site layout plan which indicates how the site might be developed. The plan shows that the development may consist of a number of industrial units with 4 being arranged along the southern boundary of the site and 1 being positioned adjacent to the eastern boundary. Access would be provided via the existing entrance to the wider industrial estate with the existing estate road being extended to serve the new units. The plan indicates that a number of parking spaces would be situated to the fronts or sides of the proposed units.

Details submitted with the application indicate minimum and maximum dimensions for the proposed units, as detailed below:

Unit 1:

- Width: Min. 18.0m; Max. 20.0m;
- Depth: Min. 12.0m; Max. 13.5m;
- Height to Ridge: Min. 6m; Max. 6.5m;
- Height to Eaves: Min. 5.25m; Max. 5.75m;

Unit 2:

- Width: Min. 15.0m; Max. 16m;
- Depth: Min. 7.5m; Max. 8.0m;
- Height to Ridge: Min. 6.0m; Max. 6.5m;
- Height to Eaves: Min. 5.25m; Max. 5.25m;

Unit 3

- Width: Min. 15.0m; Max. 16m;
- Depth: Min. 7.5m; Max. 8.0m;
- Height to Ridge: Min. 6.0m; Max. 6.5m;
- Height to Eaves: Min. 5.25m; Max. 5.25m;

Unit 4

- Width: Min. 10.0m; Max. 12.0m;
- Depth: Min. 12.0m; Max. 13.5m;
- Height to Ridge: Min. 6.0m; Max. 6.5m;
- Height to Eaves: Min. 5.25m; Max. 5.25m;

Unit 5

- Width: Min. 12.0m; Max. 13.5m;
- Depth: Min. 20.0m; Max. 21.0m;
- Height to Ridge: Min. 6.0m; Max. 6.5m;
- Height to Eaves: Min. 5.25m; Max. 5.25m;

The application is accompanied by the following:

- Planning Statement
- Transport Statement
- Geo-Environmental and Geo-Technical Desk Study Report.

SITE APPRAISAL

The application site comprises of a vacant parcel of land which is located on an established industrial estate known as Bryngelli Industrial Estate, Hirwaun. The industrial estate is located at the southern edge of the settlement of Hirwaun, with access being served from Meadow lane which runs east to west along the northern boundary of the estate.

The site has an irregular shaped footprint with an area of approximately 0.3 hectares. It is generally flat for the most part; however, it rises gradually towards the southern end. It predominantly comprises of an area of hardstand, which appears to be used for informal parking associated with the industrial estate, with some areas of grass and scrub to the south.

The site forms part of the wider industrial estate which sits between Meadow Lane to the north and the A465 to the south. The immediate area to the north of the site is characterised by a number of existing industrial units of varying scales and designs. It is understood that all of the units are within B1/B2/B8 use. A number of single storey residential properties are situated to the east of the site (Tower Road) with a rear access lane and fence with an associated hedgerow being located at the boundary. A vacant parcel of land lies to the west of the site. This site forms part of the employment area; however, an application has been submitted for 35no. dwellings (planning ref. 21/1491/10). This application is currently being considered.

PLANNING HISTORY

The following planning applications are on record for the wider Bryngelli Industrial Estate:

21/1491	Land adj. Industrial Meadow Lane, Hirwaun	Bryngelli Estate,	Residential development of (35 no. units) (Amended Plans	Pending
---------	---	-------------------	--	---------

			rec. 23/05/22) (Amended Ownership Certificate and Additional Marketing Information rec. 24/05/22).	
11/1459	Ferrari's Bryngelli Estate, Meadow Lane, Hirwaun	Bakery, Industrial	Demolition of existing buildings and erection of foodstore (Class A1), petrol filling station, highways works, car parking, landscape and ancillary works (amended application site and layout - received 01/03/13).	Granted 28/10/14
11/1127	Unit 1, Industrial Meadow Lane, Hirwaun	Bryngelli Estate,	Change of use to a Public Service Vehicle operating centre	Granted 21/08/13
05/2086	Ferrari's Bryngelli Estate, Meadow Lane, Hirwaun	Bakery, Industrial	Bakery premises extension to house purpose built refrigerated food store and freezer	Granted 13/02/06
05/0398	Bryngelli Estate, Meadow Lane, Hirwaun	Industrial	Single storey extension to front elevation (Retail area).	Granted 24/05/05
04/2229	Land adj. Industrial Estate	Bryngelli	Bakery shop advertisement	Granted 01/02/05

PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of site notices in the vicinity of the site. One letter of representation has been received which is summarised as follows:

- The planning application is on land that forms the access to an adjoining site.
- The development would block access to the adjacent land.
- The application should be put on hold until Land Registry have updated their records to determine the extent of landownership.
- A Deed of Transfer plan has been provided as evidence to show the extent of land purchased by the adjoining landowner.

Further consultation (direct neighbour notification and further site notices) undertaken upon receipt of amended plans which removed a fence, gate and narrow strip of land

beyond from the applicant's ownership. No other amendments were made to the scheme. One further letter of objection has been received from the adjoining landowner which repeats that the development would block access to the adjoining land and prevent HGVs from accessing the site.

CONSULTATION

The following consultation responses have been received:

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

Fire Safety: No objection, advice and recommendations provided.

Flood Risk Management: No objection, condition recommended.

Highways and Transportation: No objection, subject to conditions.

Hirwaun and Penderyn Community Council: No objection.

Natural Resources Wales: No objection, subject to conditions.

Public Health and Protect: No objection, conditions recommended.

Welsh Government (Transport): No objection, advice provided.

Welsh Water: No objection

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site forms an unallocated parcel of land which is situated within the defined settlement boundary for Hirwaun. The following policies are considered to be relevant in the determination of this application:

Policy CS1 (Development in the North): places emphasis on building strong, sustainable communities

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

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

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

Policy AW8 (Protection and Enhancement of the Natural Environment): advises that RCT natural heritage will be preserved and enhanced by protecting it from inappropriate development.

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

Policy NSA3 (Development in the Key Settlement of Hirwaun): permits commercial development within Hirwaun where development is of a high standard of design and integrates positively with existing development.

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

Supplementary Planning Guidance

Design and Placemaking
Nature Conservation
Planning Obligations
Access Circulation and Parking

National Guidance

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

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

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

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

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.

SE Wales Policies

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

It is considered that the key considerations in the determination of this planning application will be whether the principle of the proposed development at the application site is acceptable in the first instance, and if so, whether the site is capable of accommodating the proposed industrial units, associated means of access/parking/turning facilities and sufficient amenity space without resulting in a

detrimental impact upon the amenity and privacy of neighbouring properties; the character and appearance of the surrounding area; and highway safety in the vicinity of the site.

Principle of the proposed development

The application seeks outline planning permission for the construction of up to 765 square metres of industrial buildings on a parcel of land that is situated within the defined settlement boundary. The site sits at the southern end of an established industrial estate in which there are a number of existing industrial units of varying scales and designs. It is understood that all of the units are within Use Class B1/B2/B8.

Given the location of the site at the southern edge of an established built-up area, the site is considered to have good access to key local services and amenities as well as good access to a range of sustainable modes of transport with bus stops being located in close proximity to the site. Although there are a number of existing residential properties immediately adjacent to the east of the site (Tower Road), the site forms part of the existing industrial estate in which there are already a number of existing industrial and commercial uses (Use Class B1/B2/B8). It is therefore not considered that the proposal to construct additional industrial units at this site would unacceptably conflict with existing uses in area. As such, the application site is considered to be located within a sustainable location, as defined by Policy AW2 of the Rhondda Cynon Taf Local Development Plan and the application would therefore comply with this policy.

Policy NSA3 permits development in the key settlement of Hirwaun providing that the development is of a high standard of design and integrates positively with existing development. Whilst details of overall design (i.e. layout, scale and appearance) are reserved for future consideration, the indicative site layout and minimum and maximum dimensions proposed suggest that the site could be developed in a way that would be sympathetic to that of the surrounding area. Whilst this matter could be controlled in the consideration of a reserved matters application, the Planning Statement indicates that the proposal would utilise materials that would suit the character and appearance of the area and, as such, no concern is raised in this regard. The Planning Statement also states that any unit provided to the east of the site would be limited to B1 use to ensure that there would be no negative impact upon the neighbouring residential street (Tower Road).

Policy CS2 further supports commercial development in locations that would support and reinforce the roles of the Key Settlements. As the site forms part of an existing industrial estate, the proposed development would help to reinforce the commercial aspect of this particular area of Hirwaun. Furthermore, the application site currently forms an area of hardstanding with some scrub towards the southern boundary. Some of the site is currently being used for informal parking for the wider industrial estate however, the majority of the site is vacant and does not appear to be used for any particular purpose. Given its relationship with the existing industrial estate, the site is

unlikely to be suitable for any other development, and so it is considered that the development would ensure the re-use of under-used land.

In light of the above assessment, the principle of the proposed development is considered to be acceptable, subject to further consideration of the criteria set out in the subsequent sections below:

Impact on the character and appearance of the area

As indicated above, the application is made in outline with matters of layout, scale and appearance being reserved for future consideration. As such, no details are required to be submitted with regards to the overall design of the proposal; however, the application is accompanied by an indicative site layout plan that indicates how the site could be developed.

The plans indicate that units would typically be arranged adjacent to the southern boundary of the site with one unit being situated adjacent to the eastern boundary. Given the layout of the existing industrial estate and the location of the existing internal estate road, this is considered to be a feasible way of laying out the site. It is also considered that the site is capable of accommodating the number of units and/or the maximum floor space proposed without resulting in overdevelopment of the plot or impacting upon the character and appearance of the site and surrounding area.

In terms of the scale of the proposed units, the minimum and maximum dimensions are considered to be acceptable and in-keeping with the variety of different industrial units that already exist within the existing industrial estate. Furthermore, the details submitted with the application indicate that appropriate external materials would be proposed in the submission of a future reserved matters application.

Whilst the overall siting, scale and design of the units would be controlled by a reserved matters application, given the indicative information provided at this outline stage, it is considered unlikely that the proposal would have an adverse impact upon the character and appearance of the site or the surrounding area. The application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The application site is situated towards the southern edge of an established industrial estate however, it is noted that there are a number of residential properties located almost immediately to the eastern boundary (Hillside, Rose Villa, Bank View & Three Winds, all on Tower Road) and it will therefore be important to consider the amenity and privacy of these properties. These properties are all single storey and are all off-set from the boundary of the application site by enclosed gardens and a rear access lane.

The indicative site layout plan indicates that one unit could be constructed adjacent to the eastern boundary and, as such, there is potential for this unit to impact upon the amenity and/or privacy of the adjacent neighbouring properties.

The plan shows that the unit would be situated 18.5 metres away from Hillside with the separation distance increasing northwards, resulting in Three Winds being situated approximately 27 metres away. This distance, along with the likely orientation of the building (which will be limited by the position and direction of the boundary) and the maximum eaves/ridge height dimensions proposed (5.75m/6.50m respectively), it is unlikely that this unit would have an adverse overbearing impact upon. Furthermore, it is noted that three of the four properties along this section of Tower Road have detached garages or outbuildings adjacent to their rear boundaries which would provide further screening and reduce the overall impact of the proposed development.

The unit would be situated to the north-west of these properties and would therefore not give rise to any overshadowing or loss of light. Whilst no details have been included with the proposal to indicate whether the unit would incorporate any windows or doors to the rear elevation, it is not considered that the unit would result in an adverse level of overlooking towards existing properties due to existing boundary treatments at the site and the position of existing garages/outbuildings at the rear boundaries of neighbouring properties. The indicative site layout plan also indicates that a number of new trees would be planted at the boundary which would further reduce any potential overlooking impact.

The remaining 4 units would likely be situated towards the southern end of the site, adjacent to the A465 and it is not considered that units 3-5 would result in any impact upon existing residential properties. The indicative site layout plan shows that Unit 2 could be sited in close proximity to the south-western side boundary of Hillside with the separation distance being approximately 15 metres (between the dwelling and the closest point of unit 2). Given this distance, the siting of this unit to the south-west of Hillside and with it being predominantly sited towards its side elevation, it is not considered that the unit would give rise to any significant overbearing, overshadowing or overlooking impact.

Whilst it is noted that the proposal would result in an intensification of the existing industrial estate use, it is not considered that the proposal would result in an adverse impact upon surrounding residential properties in this respect. Surrounding residents would already be accustomed to some degree of noise and disturbance as a result of the existing industrial estate (which has no restrictions in terms of hours of operations) and it is not considered that 5 additional units, which are all limited in terms of their scale, would significantly increase the level of noise and disturbance. It is also noted that the Planning Statement indicates that the unit closest to the eastern boundary and therefore closest to existing residential properties would be restricted to B1 use, which by its very nature (business), would have the least impact. This could be conditioned to ensure that the development would have no adverse impact upon the nearest neighbouring properties. The Council's Public Health and Protection team have also

recommended that a condition be added to restrict the opening hours of the premises to 08:00hrs - 18:00hrs. Whilst it is noted that the development is in close proximity to a number of residential properties, the wider site is not restricted in terms of its hours of operation. It is not considered that the additional units would give rise to any impact that would be significantly different to that created by existing industrial units and so the imposition of such a condition is considered to be unreasonable in this case. Furthermore, it is considered that the proposal to restrict the use of the closest unit to B1 use only would help to limit any potential impact in this regard and, as such, it is recommended that a condition be added to restrict the use of any unit adjacent to the boundary with any residential property along Tower Road to Use Class B1.

The proposed units would all be accessed via the existing industrial estate entrance to the north, off Meadow Lane. Whilst the proposal could result in additional traffic and therefore additional noise and disturbance at this location, the Transport Statement submitted with the application indicates that the likely trips generated would not be significant and it is therefore not considered that the noise and disturbance in this regard would be significantly increased.

Whilst the overall siting, scale and design of the units would be controlled by a reserved matters application, given the indicative information provided at this outline stage, it is considered that the site could be developed in such a way that it would have a limited impact upon the amenity and privacy of neighbouring residential properties. The application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

The application has been assessed by the Council's Highways and Transport section and no objection has been raised in relation to the proposal (subject to conditions). The response received indicates that access would be provided by extending the existing internal industrial estate road. A 5.5m wider shared surface road is proposed with two turning areas provided.

It is considered that the internal access is acceptable to remain in the ownership of the applicant as a private shares access industrial estate. The road would provide sufficient space for two large vehicles to pass one another, in accordance with Manual for Streets.

The applicant proposes a 5.5m shared surface with no segregated footway facilities which raises cause for concern; however, taking into account the limited pedestrian movement associated with the proposed development, and that there is space for pedestrians to seek refuge off the carriageway in the event of two large vehicles passing, the proposal is considered to be acceptable.

In terms of parking, each unit would be provided with two car parking spaces and a van/delivery space which complies with the Parking Standard requirements.

Table B2 of the SPG indicates that for office use (Use Class B1 and A2), the following would be required:

Offices (<1000m ²)	1 space per 20-25m ²
Offices (>1000m ²)	1 space per 25-40m ²

The table above is the worst-case scenario in the event that all of the units would be occupied as office use (B1). In this case, the proposed development would require 34 spaces.

Should the development be used as general industry, the proposal would require 10 car parking spaces with 5 delivery spaces:

Type of Development	Operational	Non-operational
General Industry (<235m ²)	1 van space	2 spaces
General Industry (>235m ²)	See Note 4	1 space per 80m ²
Distribution/Storage (<1000m ²)	35% of GFA	1 space per 80m ²
Distribution/Storage (>1000m ²)	25% of GFA	1 space per 80m ²

The proposal includes units that are small scale starter units and so should all of the units be used for office (B1) use, the proposal could potentially be short of the maximum standards required. However, taking into account that there is space within the site for overspill car parking to take place without impacting on the public highway, the proposal is considered to be acceptable.

It is also noted that cycle parking stands would be provided adjacent to units 1 and 5. Each provides parking for 8 no. bicycles, resulting in a total of 16 cycle spaces. This equates to a cycle parking provision of approximately 1 per 50m² which far exceeds the minimum requirements of the Parking Standards.

The application is supported by a Transport Statement which estimates that the existing permitted use of the site has the potential to generate some 15 people movements during the morning peak hour (0800-0900), 17 people movements during the evening peak hour (1700-1800) and a total of 161 people movements over the course of a day (based on typical trip rates derived from TRICS data) The following table is provided, which indicates trip rates of 2540m²; however, the figures are consistent with a GFA of 765m², which represents the proposed scheme.

Time	Trip Rate per 100m ²			Trip Generation of 2540m ²		
	Arrivals	Departures	Total	Arrivals	Departures	Total
08:00-09:00	1.452	0.556	2.008	11	4	15

17:00-18:00	0.741	1.529	2.27	6	12	17
Daily	10.549	10.534	21.083	81	81	161

2011 Census data reveals that 73% of the workplace population in Hirwaun drive to work. Based on this proportion of driven trips, it can be expected that the proposed units would generate 15-17 peak hour vehicle movements equating to 1 every 3.5 minutes, which is not considered to be significant.

A review of injury accident records for the area around the site has been undertaken for the latest five-year period, for which data is available (2017-2021) inclusive). The data reveals that there are no recorded accidents on Meadow Lane, Bryngelli Close or Rhigos Road.

Concern is raised regarding the access leading to the application site off Meadow Lane in terms of the acute junction and narrow width with limited visibility however, taking into account that it is an existing access serving an existing industrial use with anticipated vehicular movements to be similar to the existing use, the access is considered to be acceptable. Furthermore, the existing access previously served a much larger industrial estate with the proposal being for 5 small starter units generating up-to 17 people two-way trips which is considered to be minimal. As such, the proposal is considered to be acceptable.

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

Other Issues:

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

Land Drainage and Flooding

The proposal has been assessed by the Council’s Flood Risk Management team and no objection has been raised in this regard. The comments received indicate that the application proposed a total construction area of 765 square metres which triggers the need for the applicant to submit a separate application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB), under Schedule 3 of the Flood and Water Management Act 2010. It is also indicated that the development would need to comply with Part H of the Building Regulations.

Details submitted with the application indicate that the site’s surface water will be disposed of via SuDs however, the Flood Risk Management team consider that it

would be necessary to impose a condition to any grant of planning consent in order for further information to be submitted to demonstrate how surface water will be managed at the site. It is advised that the information should include the general arrangement of the proposed drainage layout and pre and post discharge rates to ensure that the development complies with the requirements of Section 8.3 of Technical Advice Note 15. Whilst the recommended condition is noted, it is not considered necessary as the drainage details would be fully considered and approved under the separate SuDS application.

It is also commented that a review of Natural Resources Wales Surface Water Flood Risk maps shows that there are limited areas of low and medium surface water flood risk throughout the site, which appear to be localised low points across the site. There also appears to be a medium risk surface water conveyance route to the north of the site towards Bryngelli Close. It is advised that the applicant is made aware of the potential impact that the proposed development may have on downstream surface water flows and flood risk.

The application has also been assessed by Welsh Water who have also not raised any objection to the proposal. The comments received indicate that foul flows would be disposed of via the public sewerage system, which is considered to be acceptable.

Welsh Water have also advised that the water supply system has insufficient capacity to serve the development without causing detriment to existing customers' supply. They advise that a hydraulic modelling assessment is required to establish the scope of any reinforcement works to be completed prior to the making of a new connection as part of a formal application for a new water connection under Section 45 of the WIA (1991). A condition is recommended in this regard however, it is considered that this would be dealt with under separate legislation and it is not considered appropriate to add the condition to the consent.

It is further advised that the application site is crossed by a trunk/distribution watermain with the accompanying plan showing this to be located at the south-eastern corner, roughly between units 1 and 2, as shown on the indicative site layout plan. Conditions are recommended in relation to Development near a Watermain however it is also advised that the watermain could be diverted under Section 185 of the Water Industry Act 1991. Notes to this effect can be added as advisory notes to the applicant.

Ecology

The proposal has been assessed by the Council's Ecologist who considers that there is negligible ecological interest at the site. Therefore, no ecological assessments are required however, it is recommended that a condition is added to any grant of planning consent for details of biodiversity enhancement (bird box provision).

Land Contamination

The Council's Public Health and Protection team have indicated that the site has a potentially contaminating former use as an industrial area and is within 250m of a former landfill site.

The application is accompanied by a Geo-Environmental and Geo-Technical Desk Study Report which has been assessed by both Public Health and Natural Resources Wales. The comments received from Public Health indicate that the site area covered within the report is much larger than the current site boundary indicated in the plans and they have raised concern that the report does not include all relevant land. A number of contaminated land conditions have therefore been recommended, should permission be granted.

Natural Resources Wales also raise concern with regards to the application however, the response received indicates that the concerns could be overcome by attaching conditions to any grant of planning consent. The comments indicate that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details are required in order to ensure that risks are appropriately addressed prior to development commencing. It is noted that the Desk Study concludes that site investigations are required and NRW concur with this conclusion, adding that appropriate conditions will need to be added to any grant of planning consent to ensure that risk to controlled waters is assessed and appropriately managed.

Other Issues raised by objector

It is noted that one letter has been received from a member of the public who claims to have ownership of a parcel of land which is located immediately adjacent to the northern boundary of the application site. The plans originally submitted with the application appeared to include the fence and gate which enclosed the adjacent land, along with a narrow strip of land on the other side of the fence, within the blue line boundary (i.e. indicating that it was in the applicant's ownership and control). This was queried with the applicant upon receipt of the objection and it was subsequently confirmed that this was an error and amended drawings were submitted to remove this section. The plans now show that the applicant's ownership extends up to the fence and gate (blue line) however, the red line boundary (i.e. the application site) is set some 3 metres in from the fence and gate to ensure that the gate can still be accessed.

Further consultation was undertaken upon receipt of the amended plans and the adjoining landowner was directly notified of the change to the ownership boundaries. No further issue was raised in terms of landownership however, concern was raised that the development would continue to block the access to the adjoining site and cause access problems for the HGVs that regularly require access to the adjoining site. It is noted that Unit 1, as shown in the indicative site layout plan, would be set in from the fence which would ensure that access could still be obtained; however, the concerns raised by the adjoining landowner in relation to HGVs

accessing the site are noted and were previously brought to the attention of the applicant. No further amendments have been made to the scheme and the application must therefore be considered as currently submitted.

It must be noted that the application is made in outline with the matter of the site layout being reserved for future consideration. As such, the indicative site layout plan submitted with the application is for illustrative purposes only and the exact siting of unit 1 may therefore change at reserved matters stage. Indeed, the unit would not be sited any closer to the fence/gate than what is shown in the plans and it is noted that there is sufficient space to set unit 1 further in from the boundary.

In terms of ownership, both the applicant and adjoining landowner have attempted to demonstrate their ownership of their respective parcels of land however, neither have been able to successfully demonstrate this as Land Registry have not yet updated their records following the purchase of the respective areas of land. The adjoining landowner considers that the application should be put on hold until the details have been updated by Land Registry however, from the documents submitted by the adjoining landowners (Deeds of Transfer), the area outlined as being purchased by them does not extend into the area outlined by the applicant in the site location plans. Furthermore, the applicant has adequately advertised the application in a local newspaper prior to submitting the application and completed Certificate D of the landownership certificates, which is considered to be appropriate in such circumstances and it is therefore not considered that the adjoining landowner has been prejudiced in any way. The adjoining landowner would appear to have a right of access over the applicant's land (although it is noted that there is another entrance to the adjoining site which would not be affected by the development) however, a right of access would be a private legal matter in which the Council would not get involved.

The application details and the evidence provided by the applicant/adjoining landowner have been reviewed by the Council's Legal Officer and it has subsequently been confirmed that there is no reason to prevent the Council from determining this application.

It is also noted that a property on Tower Road currently has a vehicular access off the Industrial Estate however, this would again appear to be a right of access rather than the occupier owning the land. Similarly, this would be a private legal matter between the respective parties.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The application site is located within the defined settlement boundary and within an established industrial estate. The principle of developing the site for additional industrial units would therefore be acceptable. Furthermore, whilst the application is made in outline with all matters except access being reserved for future consideration, it is considered that the site could be developed in such a way that it would have a limited impact upon the character and appearance of the application site and surrounding area, and upon the amenity and privacy of surrounding residential properties. Furthermore, the development would be accessed via the existing access to the industrial estate, off Meadow Lane to the north, which is also considered to be acceptable.

RECOMMENDATION: Approve

1. (a) Details of the layout, scale, appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

(b) Any applications for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

(c) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Sections 92 and 93 of the Town and Country Planning Act 1990.

2. Any unit developed immediately adjacent to any residential property on Tower Road shall be restricted to Use Class B1, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To adequately define the extent of the consent hereby granted.

3. Access, parking and turning facilities shall be in accordance with the submitted layout plan, Drawing No. 1101, and constructed in permanent materials, details of which to be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation. The parking and turning areas shall not thereafter be used for any purpose other than the parking and turning of vehicles.

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

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

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

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

5. Prior to the construction of the industrial units hereby approved details of the materials to be used in the construction of the external surfaces of the units shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

6. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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

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

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

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

1. A preliminary risk assessment which has identified:
 - i. All previous uses
 - ii. Potential contaminants associated with those uses
 - iii. A conceptual model of the siting indicating sources, pathways and receptors
 - iv. Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of developments as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long term monitoring are implemented to prevent unacceptable risks from contamination, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Prior to the occupation of the development or phase of development, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

10. Prior to the occupation or operation of the development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:
1. Details of the methods and triggers for action to be undertaken.
 2. Timescales for the long-term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required;
 3. Timescales for submission of monitoring reports to the LPA e.g. Annually.
 4. Details of any necessary contingency and remedial actions and timescales for actions.
 5. Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Reasons: To minimise the risk to both future users of the land and neighbouring land and to ensure that the development can be carried out safely without unacceptable risks, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution to the water environment, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

PLANNING & DEVELOPMENT COMMITTEE

20 OCTOBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0600/08 (CHJ)
APPLICANT: Service Director - Highways and Engineering
DEVELOPMENT: Relocation of colliery material from the Llanwonno Upper Tip to a site adjacent to Tylorstown Tip, involving the formation of a new landform and reprofiling/stabilisation of the upper tip site, plus new drainage, formation/improvement of access tracks/paths, vegetation regeneration and associated ancillary works.
LOCATION: LAND AT LLANWONNO UPPER TIP AND LAND TO THE REAR OF TYLORSTOWN TIP, TYLORSTOWN, CF43 4UF
DATE REGISTERED: 01/06/2022
ELECTORAL DIVISION: Tylorstown and Ynyshir

RECOMMENDATION: Approve

REASON: The removal of the tip will significantly reduce the likelihood of a landslide that could have a devastating effect on the surrounding area. The resulting landform, while impacting on a local landmark, is acceptable and will not have any significant impact on the landscape quality or amenity of the area.

REASON APPLICATION REPORTED TO COMMITTEE:

The Council is the applicant, and the scale and nature of the proposed development is such that Committee determination is considered necessary.

BACKGROUND INFORMATION

In February 2020, Storm Dennis caused the Llanwonno Upper Tip to fail near the village of Tylorstown. This resulted in a large landslide, followed by a smaller, secondary event.

The landslide resulted in approximately 60,000 cubic metres of colliery tip material sliding down the hillside of which, about half, filled the valley floor from the toe of the slope outwards in an extremely low angled and widely distributed envelope, filling the Afon Rhondda Fach channel and diverting its course to the western side of the valley floor. The diverted river began eroding the western bank creating a 5-metre-high

unstable face which threatened to undermine the Rhondda Fach Leisure Centre overflow car park adjacent to the top of the bank.

The slipped material also damaged and breached a main sewer beneath the leisure centre, downstream of the landslide toe, felled numerous trees in its wake and covered a water main below the former railway line used as a “leisure route”.

Emergency works were undertaken to address the threats and damage from the landslip and Committee may recall determining (approving) two Planning applications (Phases 1, 2 & 3) for the temporary storage of the slipped material. A further application will be submitted shortly which will propose the final contouring, landscaping and after-use of that site.

APPLICATION DETAILS

This is a detailed application for further land reprofiling / tip removal in Tylorstown (Phase 4). The site area covers an area of approximately 30 hectares (74 acres)

The proposal involves:

- The removal of circa 195,000 cubic metres of material that remains within the Llanwonno Upper Tip, involving amended drainage and landscaping works.
- The re-profiling of the upper tip with approximately 35,000 cubic metres being re-used to “smooth-out” the current landscape “bowl” and providing associated drainage and landscaping works.
- The transportation of approximately 160,000 cubic metres of material along the disused tramway to be deposited on the nearby receptor site.
- Widening of the existing tramway in order to allow access for trucks and plant between the donor site and the receptor site and,
- Re-profiling, drainage and landscaping of the receptor site.

The application is subject to Environmental Impact Assessment (EIA) and has been submitted with an Environmental Statement (ES). The ES covers the following chapters / subject areas:

- Air Quality
- Cultural Heritage & Archaeology
- Landscape & Visual Effects
- Biodiversity & Nature Conservation
- Geology, Soils & Waste
- Noise
- Water Environment & Flood Risk
- Major Accidents & Disasters

- Pedestrians, Cyclists and Equestrians, and
- Cumulative Effects.

The nature and scale of the application means that a Pre-Application Consultation (PAC) has taken place and the application has been accompanied by a (statutory) PAC Report.

It is anticipated that the project, from start to finish, will take approximately 6 months to complete (from Spring to Autumn 2023).

The proposed “finished” land profile will be one of a flattened hillslope. It will require dealing with 195,000 cubic metres of deposited soil. Of this, 35,000 cubic metres will be used to infill features as the slip scar. The remainder material (160,000 cubic metres) will be deposited at the receptor site located to the east of Old Smokey. The donor site to be excavated covers the majority of the Llanwonno Upper Tip which will be reprofiled to match the surrounding terrain. It will have a maximum height of 7.8 metres. The sides will be engineered to provide a maximum slope of a 1 in 3 gradient. A small proportion of the Upper Tip beyond the northwest will be left in-situ as it falls outside the ownership of the Council. The applicant has advised that it is considered safe to leave this section as, in isolation, it will not pose a landslide threat.

The land area is irregularly shaped measuring approximately 500 metres long and between 70 metres and 130 metres wide.

Following completion of the deposition of the material, the scheme will rely on a natural regeneration process which is being trialled as part of this scheme, offering the potential to promote and conserve important and iconic Valley’s habitats in a way that will maximise ecological and social benefits.

Additional permanent drainage works will be required to ensure that the reformed hillside will remain stable. These will involve works to existing drainage features plus additional drainage mainly consisting of shallow ditches formed within the reprofiled embankment to convey run-off to existing drainage ditches, streams and runnels.

The majority of staff and smaller delivery vehicles will arrive from the west having travelled on the A4233. All vehicles will pass through the centre of Ferndale. Access to the site by larger vehicles, such as the low loaders delivering the vehicles to move the colliery material within the site, will be through the forestry road linking to the A4223 to the north of the site. The applicant has advised that, if required, a lead vehicle will be provided for the low loaders along with stop and go provision as they access the site from the haul road.

Minor alterations to the kerb line at the Blaenllechau Road junction will be required and the existing access to the site will be widened and improved. The scheme as been designed that allows the recovery of all materials to be undertaken without having to access the public road network. The haulage route used between the site will be along the disused tramway. The use of this route is estimated to save around 15,000 HGV road journeys on the local road network.

It is estimated that there will be an average of 135-140 HGV movements per day.

To facilitate the works, the tramway will be widened to approximately 5 metres at its widest (and dependent on vehicle size) with an overall length of 550 metres. It will be surfaced in crushed stone.

There is a construction compound proposed covering an area of approximately 0.57 hectares (1.4 acres) to the east of the haulage route, north-west of the receptor site. The compound will be floodlit purely for reasons of safety and security. Lighting will be “hooded” such that it is directed within the compound and not to surrounding areas. No other lighting is proposed to the remainder of the application site.

It has been estimated that there will be an average of 20 workers present on site over the 16-week duration. Site hours are anticipated to be 0800 to 1800 hours (8-6) from Monday to Friday and (potentially) 0800 hours to 1300 hours (8-1) on Saturdays.

SITE APPRAISAL

The proposal is located to the north of the settlement of Tylorstown, in the Afon Rhondda Fach valley. This is a steep sided valley. The lower valley sides are generally covered by woodland with open moorland typical at higher elevations. The area has historically been used in the extraction of coal and was previously occupied by numerous colliery sites. The area is, therefore, characterised by remnants of this past industry, most significantly, by the many landforms of deposited colliery material.

The site itself is relatively isolated with only a few properties in the immediate vicinity. There is significant built development to the west, north-west and south-west of the application site and its elevated position means that the site is highly visible from the densely populated opposite side of the valley.

The application site and its environs include several designations including the Old Smokey Slopes Site for Importance of Nature Conservation (SINC), St. Gwynno Forest SINC, Taff & Rhondda Rivers SINC and Blaenllechau Woodland SINC.

A number of protected species, including bats, reptiles, Great Crested Newts and breeding and wintering birds are also present within and around the site area.

There are 7 routes and areas of public access identified within and in the vicinity of the development site. They consist of a network of informal footpaths, 2 Public Rights of Way (which crosses through the development site), areas of open access land and public forest. There are also 2 cycle paths.

PLANNING HISTORY

There is no relevant Planning History **within** the application site that is considered material to the consideration / determination of this application. However, the following are considered to be of significance (and referred to within the report):

20/1312/08 - STATION ROAD, FERNDALE

Temporary deposit and storage of approximately 8,000m³ of material from Tylorstown landslip consisting of the formation of stockpiles, material consolidation, drainage, habitat/ecological mitigation measures and associated works.

Granted 11/02/2021

20/1313/08 - LAND ACROSS FROM OAKLANDS BUSINESS PARK, FERNDALE

Temporary deposit and storage of approximately 22,000m³ of material from Tylorstown landslip consisting of the formation of stockpiles, material consolidation, drainage, habitat/ecological mitigation measures and associated works.

Granted 11/02/2021

PUBLICITY

As part of the application process, the application was publicised by way of notices being placed in the vicinity of the site and a Notice in the local Press. A number of isolated properties were also notified by letter.

As a result of this exercise, **no correspondence** (objection or support) has been received.

CONSULTATION

As part of the application process, the following were also consulted in respect of the proposal. A brief precis of responses have been included for Committee's information:

NRW – no objection subject to condition

The Coal Authority – no objection

Fire Safety Officer – no response received.

Cadw (Welsh Historic Monuments) – no objection.

Glamorgan Gwent Archaeological Trust (GGAT) – no objection

Western Power Distribution – advises on the location of apparatus.

Dwr Cymru / Welsh Water (DC/WW) – no objection subject to condition

RCT Countryside (Ecology) – no objection subject to condition

RCT Public Health & Protection – no objection

RCT Public Rights of Way – PROW affected

RCT Highways & Transportation – no objection

RCT Flood Water and Tip Risk Management – no objection subject to condition.

POLICY CONTEXT

Shortly after the landslip at Tylorstown, the First Minister of Wales and the UK Government's Secretary of State for Wales met and agreed to establish a joint taskforce to assess, as a matter of priority and urgency, the status of coal tips in Wales and review the existing policy and legislative framework relating to disused coal tip management. Subsequently, the Coal Tip Safety Taskforce (CTST) was set up to undertake this work in co-operation with key partners such as the Coal Authority, Local Authorities, the Welsh Local Government Association (WLGA) and Natural Resources Wales.

National Planning Policy

Planning policy at a national level consists of the following documents which are material considerations that must be taken into account where they are relevant to the planning application:

- Planning Policy Wales - Edition 11 (Welsh Government, February 2021)
- Future Wales: The National Plan 2040;
- Technical Advice Note 5: Nature Conservation and Planning (Welsh Government, 2009);
- Technical Advice Note 11: Noise Planning (Welsh Government, 1997);
- Technical Advice Note 15: Development and Flood Risk (Welsh Government, 2004);
- Technical Advice Note 21: Waste (Welsh Government, 2014);
- Technical Advice Note 24: The Historic Environment (Welsh Government, 2017).

Future Wales: The National Plan 2040

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

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

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

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

Planning Policy Wales (PPW)

PPW provides the overarching land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs) and Welsh Government Circulars. Together these documents provide the framework for the development and operation of local planning policy and development management discussed further in this section.

It states that the PPW objective is to “*ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales*” (para. 1.2).

The principle of sustainable development runs throughout the document, and it emphasises that there should be a “*presumption in favour of sustainable development*” (para. 1.18) when making decisions and accepts that they will be a balance of social, economic, environmental and cultural sustainability issues.

The PPW recognises that “*The health and well-being of people and places and the need to address climate change and its consequences provide added impetus for proactive action through the planning system*” (para. 3.37).

Walking and Cycling

PPW encourages both walking and cycling as sustainable modes of transport, leisure activities and also recognises their contribution towards healthier lifestyles.

Nature Conservation and Trees

The protection of species and habitats and the promotion of nature conservation interests generally are key themes of PPW. This is reinforced by additional guidance provided within TAN.5.

PPW recognises that “*Differentiation should be given to the relative significance of the designation within the hierarchy, when considering the weight to be attached to nature conservation interests*” (para. 6.4.13).

The effect on trees is an important consideration in any planning application and it is highlighted in PPW which states that the “*Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.*” (para. 6.4.25).

Air Quality and Noise

The PPW requires developers to “*minimise population exposure to air and noise pollution...where it is practical and feasible to do so.*” (para. 6.7.4) and specifically in connection with temporary construction activities “*Where appropriate...require a construction management plan, covering pollution prevention, noisy plant, hours of operation, dust mitigation and details for keeping residents informed about temporary risks.*” (para. 6.7.26).

Historic Environment and Landscape

PPW states that “*decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to*

the character of place.” (para. 6.1.9). This approach is supported by detailed guidance contained in TAN.24: The Historic Environment.

PPW encourages the consideration of landscape impacts as an integral part of the development planning process in order to preserve and enhance their qualities, it states *“All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.”* (para. 6.3.3).

Minerals and Waste Minimisation

Sections 5.12-14 of PPW describe the short and long-term goals for planning policy relating to waste and minerals in Wales and are supported in TAN.21. Minimising waste generated from development activity and minimising future mineral extraction to essential need only are key planks of the policy document. Further advice, specifically relating to coal deposits, is provided in paragraph 5.10.17 which states *“The safeguarding of primary coal resources is not required.”*

Local Planning Policy (the LDP)

The RCT development plan consists of the Rhondda Cynon Taf Local Development Plan up to 2021 (LDP). The LDP was adopted in March 2011 and currently forms the basis for taking development management decisions in the County Borough.

The LDP is still in effect, however, a review has concluded that a replacement plan is required, and the authority have set out a timetable for its preparation.

Given that the LDP was adopted in 2011, it is likely to contain policies and allocations that have been overtaken by events and/or desired changes in emphasis. Where they exist these instances should be recognised, however, as the new plan preparation is at the early stages it is considered that, with the above proviso, the adopted plan should retain its full weight in the determination of the application.

The Council has also produced Supplementary Planning Guidance – **Nature Conservation** (adopted 2011) which is also considered to be a material consideration in the determination of the application.

The most relevant text and policies contained in the LDP are listed and considered below.

LDP Objectives

Included in the LDP list of objectives is that seeking to deliver a better quality of life by encouraging *“a healthy and safe lifestyle and promotes well-being through improvement in access to green space in the north, ...and the protection of recreational space throughout the County Borough.”* (LDP Objective 5).

Core Policies:

Policy CS 1 – Development in the North

Sets out criteria for development in the Northern Strategy Area.

Area Wide Policies:

Policy AW 5 - New Development & Policy

Sets out criteria for development in relation to amenity and accessibility.

Policy AW 6 - Design and Placemaking

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

Policy AW 8 - Protection and Enhancement of the Natural Environment

This policy seeks to protect the natural environment from non-sustainable development. It set out a number of tests against which development proposals will be judged. These will be acceptable where the proposal:

“...would not cause harm to the features of a Site of Importance for Nature Conservation (SINC) ...unless it can be demonstrated that:-

(a)The proposal is directly necessary for the positive management of the site; or

(b)The proposal would not unacceptably impact on the features of the site for which it has been designated; or

(c)The development could not reasonably be located elsewhere, and the benefits of the proposed development clearly outweigh the nature conservation value of the site.

There would be no unacceptable impact upon features of importance to landscape or nature conservation, including ecological networks, the quality of natural resources such as air, water and soil, and the natural drainage of surface water”

The policy further requires that:

“All development proposals...that may affect protected and priority species will be required to demonstrate what measures are proposed for the protection and management of the species and the mitigation and compensation of potential impacts. Development proposals must be accompanied by appropriate ecological surveys and appraisals”

Sets out criteria for the protection and enhancement of the natural environment.

Policy AW 10 - Environmental Protection and Public Health

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

Policy AW 14 – Safeguarding of Minerals

Safeguards minerals from developments that would sterilise them or hinder their extraction.

Strategy Area Policies:

Policy NSA 23 - Cycle Network Improvements

Promotes the extension, improvement and enhancement of the existing network of cycle paths. It specifically highlights the route from Pontygwaith to Maerdy.

Policy NSA 27 - Land Reclamation Schemes

Promotes a series of potential land reclamation schemes, one of which is identified as "*Tylorstown and Llanwonno land reclamation scheme*".

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.

Committee is advised that the application is relatively simple in what it seeks to achieve. There is a tip which has previously demonstrated that it has the potential to be unstable and result in a landslide. This was evidenced during Storm Dennis when an event caused significant disruption and resulted in the river being blocked and a sewer being damaged. The proposal seeks to remove the unstable elements of the remaining tip and store and redistribute the colliery material such that it removes the likelihood of any further landslips.

While it may be technically challenging (and expensive) to undertake this operation, there is no Planning policy that seeks to prevent developments of this type subject to the proposal not causing any significant harm to acknowledged areas of importance such as the water environment, highway safety considerations, noise, air quality, etc. expressed through policies at either a local or national level.

The principal issues in the consideration of this application are considered to be visual amenity (including landscape), the designation of the historic landscape, surface water drainage and ecology. There are issues such as highway safety, public access, noise and air quality, etc. that are also relevant.

Ecology (RCT)

The site has benefited from ecological assessments set out in Chapter 9 of the EIA, the Phase I habitat survey work of the PEA and a suit of additional surveys.

Habitat: The redline boundary of the site is contained within the Old Smokey Slopes SINC (Number 65), and the detailed Phase I habitat survey and the ES very accurately records and assesses the mosaic of fridd, heath, acid grassland, marshy grassland,

colliery spoil, flush and woodland/scrub within the SINC area affected (amounting to 8 Priority habitats and 27 different Phase I habitat types). The Priority Habitats identified being: Upland Oakwood River, Open Mosaic Habitat, Rock and Scree, Acid Grassland, Dwarf Shrub Heath, Purple Moor-grass and Rush Pasture and Fen and Swamp.

The habitat surveys have correctly identified areas of habitat in better condition within the SINC as including heathland and flush/raised bog habitat and areas of fringing woodland, and other areas of priority important habitat which are in poorer management condition but are still key habitat components of the SINC (and which crucially can be enhanced through better ecological management).

A significant area of SINC habitat affected by this application has already been disturbed and partially lost through the land slip. Works to remedy the land slip involve the removal and remodelling of the slipped area (with the need for some additional habitat impacts on adjacent SINC areas), the widening/forming of a haul route, the deposition of material into the receptor area and temporary areas set aside for construction works. The ES sets out there are impacts on areas of all 8 priority habitat types, this includes direct habitat losses, indirect impacts and, in the cases of wetland areas, hydrological impacts. The ES correctly identifies that without effective mitigation, there would be significant ecological implications. However, there is significant potential to minimise impacts during construction, and implement biodiversity mitigation and enhancement through careful design, site restoration and aftercare management. As a result, there has been considerable dialogue and design iteration related to drainage provisions, incorporation of biodiversity features within drainage features, the micro-topography of the receptor area, and restoration measures that maximise natural regeneration of habitats.

Of key importance in the delivery of ecological mitigation and enhancement is the commitment to a 25-year habitat management plan to run from the completion of the 5-year aftercare condition requirement of the Biodiversity Management Strategy and Ecological Method Statement). This long-term habitat management and monitoring area is on RCT-owned land which encompasses a large area that includes the red-line boundary of the application. The proposal is for that area to become a Colliery Spoil and Ffridd Nature Reserve. There is significant potential to therefore deliver effective long term ecological mitigation for restored ground and the receptor area, and a large-scale biodiversity enhancement through the better conservation management of the hillside SINC immediately adjacent to and adjoining the redline boundary.

With a 25-year HMP provision, the mitigation measures (as set out in Table 9.10 and 11), and enhancement opportunities (Table 9.12) are very deliverable. As such, the applicant's conclusion that there will be a *moderately beneficial* biodiversity outcome is a justified one

Breeding Bird Survey: 54 species are recorded with 59 individually confirmed breeding bird territories comprising 13 confirmed breeding species and 10 probable or possible breeding species. 11 are species of high conservation concern. Key to the ffridd/colliery spoil/marshy grassland (which are the main habitats affected by the

application) the survey recorded a suit of typical ffridd indicator species, these were skylark (7 territories), meadow pipit (6), tree pipit (2), stomechat (3) and whitethroat (5), in addition two territories of reed bunting (a species of marshy grassland) were also recorded, and grey wagtails were recorded nesting in riverbank debris. The site is assessed as being of 'local nature conservation value' for its breeding birds, which accords with the SINC designation which identifies breeding birds are a contributory designation feature (as opposed to a primary designation feature). Section 7 of the report identifies a series of precautionary nesting bird measures relating to sensitive site clearance works, and mitigation and enhancement in the form of nest boxes and long-term site management and aftercare. Through the long-term habitat management plan requirement for a colliery spoil/ffridd nature reserve there is significant potential to successfully mitigate nesting bird impacts and to deliver long-term enhanced nesting bird habitat through improved site management and habitat restoration.

Winter Bird Survey: 38 bird species were recorded, 3 being 'Schedule 1 Species' and 10 classed as species of 'principal importance in Wales'. 5 birds of prey were recorded, of which (in the context of the site) Kestrel was the most important. Bird box provision for kestrel is identified as a mitigation/enhancement measure and can be secured through the Biodiversity Mitigation Strategy planning condition. A number of the ffridd specialist species that nest at the site were also recorded. There are no overriding winter bird constraints, but the report recommends the same precautionary measures of the CEMP requirement and the long-term enhancement opportunity of the HMP/Nature Reserve.

Great Crested Newt Survey: Two ponds identified as being 500 metres from the active site works were surveyed for great crested newt evidence. Both ponds were found to have average habitat suitability for great crested newts, and DNA assessment recorded evidence of Great Crested Newt in one of the ponds. The assessments concludes that the ponds are sufficiently far from the active site works that no further action/or licencing for Great Crested Newt is required. It is understood that NRW have not required Species Licencing and no specific mitigation or enhancement measures are required. The long-term habitat management proposals for the wider mitigation and enhancement proposal are likely to be beneficial for the great crested newt colony present in the pond, creating better structured terrestrial foraging habitat in enhancement areas closest to the pond.

Lower Plant Survey: The detailed lower plant survey recorded a range of semi-natural lower plant habitats, and a diversity of lichens and bryophytes (mosses and liverworts). However, the report identifies both the receptor site and the trackway/haul road as generally poor for lichens and bryophytes. The survey recorded the nationally rare lichen *Lecidea promixta* on stones in an area north of the slip and the nationally scarce liverwort *Scapania lingulate* (a possible first record for Glamorgan) a pioneer species dependant on disturbed habitats, which probably explains its present at this site. The survey also found assemblages of Cladonia lichens which in my experience are good indicator of colliery spoil and open heath, and in areas of peat bog an assemblage of Sphagnums including the peat forming *Sphagnum papillosum*. This area of bog has been retained in the detailed design lying adjacent to, but outside the receptor area.

The report identifies a number of mitigation/enhancement management requirements. These are.

- The retention of creation of lower plant habitats.
- The specific recreation of disturbed/pioneer habitat for *Scapania lingulate*
- In the Receptor area to creation of microtopography to encourage a diversity of lower plant habitat opportunities.
- No wide scale fertilizer or herbicide application.
- The implementation of conservation grazing to prevent tree colonisation of lower plant habitats and to maintain and enhance the diverse lower plant communities of the site.

All of the above measure will need to be integrated into the long-term Habitat Management requirements of the nature reserve. With the successful delivery of these measures, mitigation for lower plant impacts should be successfully achieve, and there is a realistic potential through the site management plan commitment for long term enhancement for at least some components of the current lower plant interest, and opportunities for new species colonisation.

Badger: No evidence of badger setts were found; however, badger can occasionally turn up on sites, and as part of sensitive site works precautionary badger measures as identified in the Biodiversity Mitigation Strategy need to be incorporated into the CEMP condition provision.

Bats: The PEA identified the potential need for bat roost survey if mature trees were affected by works. It appears that a few potentially suitable trees were assessed, and no bat roosts found. It is understood that NRW have not identified the need for any further bat work or licence requirement. The long-term habitat management of the nature reserve has the potential to create a more diverse and structured habitat mosaic than current, which may benefit night flying insects, which together with the presence of grazing animals is likely to benefit bat foraging habitat.

Otters: Evidence of otter use (with resting place) of the adjacent section of the Rhondda Fach was recorded, with mitigation delivered through the earlier phases of riverbank restoration. Phase 4 should have very little addition impact on the river. NRW have not identified the need or any specific further otter survey work or mitigation. However, as part of sensitive site works, precautionary otter measures need to be incorporated into the CEMP.

Reptiles: The ES identifies the presence of slow worm, common lizard and grass snake on site and the requirements for precautionary measures to avoid impacts to these species through the CEMP and the opportunities for beneficial site management and enhancement through the 5-year aftercare provision and the 25-year HMP. Given the huge area of potential reptile habitat available and the capacity to manage site works, it is considered that this is a justified approach.

Ecology Conclusion: The detailed habitat and species assessment work has provided a robust assessment of ecological impact. Significant ecological mitigation and enhancement is needed to off-set the ecological impacts of the proposal and

provide for betterment. Within certain engineering constraints, the new landform, drainage and receptor area design have been subject to ecological design, with measures to incorporate a degree of micro-topography, ecological sensitive drainage, and restoration that maximises the opportunity for natural regeneration of priority habitats. Coupled with the implementation of a CEMP, a 5-year aftercare restoration and the subsequent delivery/provision of a 25-year Habitat Management Plan, as part of a nature reserve development, there is a significant capacity to effectively manage ecological impacts, restore ecological interest and deliver long term biodiversity enhancement.

In addition to the CEMP (see later section) the following condition is considered necessary to secure the ecological mitigation being proposed as part of the application: to the commencement of any works, details to secure the provision of a 5 year after-care programme and a long term (25-year) Habitat Management Plan.

Prior to the commencement of any works, details to secure the provision of a 5 year after-care programme and a long term (25-year) Habitat Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with any approval.

Reason: In the interests of the ecological importance of the area and to accord with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

and also:

No works on site shall commence until a Landscape Ecological Management Plan (LEMP) for the long-term mitigation, and enhancement management plan has been submitted to, and approved in writing, by the Local Planning Authority. The LEMP must include:

- *Details of key species and habitats.*
- *Details of the desired condition of key habitats required to deliver effective species and habitat mitigation and enhancement.*
- *Details of the scheduling and timings of after-care, mitigation and enhancement measures.*
- *Details of management and monitoring requirement for the short term, as defined by the initial 5-year aftercare period.*
- *Details of how the plan will reviewed after the initial 5 years of contractor aftercare is completed, and how the long-term management and monitoring plan will be developed and taken forward as a ffridd/colliery spoil nature reserve.*
- *Details of management responsibilities and delivery mechanisms for short and long-term delivery.*
- *Details of the periodic review and iteration process for the plan, including the role ecological monitoring and other appropriate feedback.*
- *Details of a costed programme of works.*

Reason: To ensure that necessary management measures are agreed and implemented for the protection of the environment during and following construction

and to comply with Section 6 of PPW 11 and Policy AW8 of the Rhondda Cynon Taff Local Development Plan.

Surface Water Drainage: Clearly, surface water and how it manoeuvres throughout a site comprising colliery spoil, is a fundamental consideration as part of this process.

The scale and nature of the development is such that the proposal will be the subject of a SAB/SuDS application. The applicant has provided a description of how surface water will be managed and disposed of through the site which, in principle, is considered acceptable.

As part of the application, consultation was undertaken with colleagues in the Council's Flood Water and Tip Risk Management Section. While this will be the subject of a separate consenting regime, no objections have been received subject to the inclusion of a condition that seeks to ensure that surface water created as part of the development does not cause any unacceptable risk to those properties downstream from the development. A condition to this effect has been included for Committee's consideration.

No development shall commence until such time as the applicant evidence how the development is compliant with the requirements of Section 8.3 of Technical Advice Note 15 (Development & Flood Risk).

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 AW5 of the Rhondda Cynon Taf Local Development Plan.*

Consultation was also carried out with Dwr Cymru / Welsh Water. Similarly, no objection was received subject to the imposition of a condition requiring that no surface water or land drainage is allowed to connect to the public sewerage network. The consultation response also confirmed that the application site and its environs is crossed by a trunk distribution water main. A condition is proposed below.

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: *To prevent hydraulic overload of the public sewerage system to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan*

Subject to the inclusion of these conditions, it is considered that the surface water regime proposed as part of this application is acceptable and would not have any adverse impacts outside of the application site.

Ecology & the Water Environment (NRW).

Committee is advised that Natural Resources Wales were consulted as part of this application. NRW was also consulted (by the applicant) as part of the PAC process and that additional information was provided following PAC as part of the application which has eased some of NRW's concerns. NRW, while continuing to "have concerns" over the application as submitted, are satisfied that the inclusion of an appropriate condition regarding the submission of a Construction Environmental Management Plan (CEMP) would address any outstanding concerns.

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

- **Construction methods:** detail of materials, how waste generated will be managed
- **General site management:** details of the construction programme including timetable, details of site clearance, details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas, etc.) and any watercourse surface drain.
- **Soil management:** details of topsoil strip, storage and amelioration for re-use.
- **CEMP Masterplan:** details of the extent and phasing of development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation measures.
- **Resource management:** details of fuel and chemical storage and containment, details of waste generation and its management, details of water consumption, wastewater and energy use.
- **Ecological Mitigation Delivery;** details of all species and habitat mitigation measures as identified for the construction phase of development within Chapter 9 Biodiversity of the Environmental Statement, and the associated supporting species and habitat assessment reports submitted as part of the planning application. To include details of how during the construction period, progress and issues related to the on-going delivery of ecological mitigation will be regularly reported to the LPA and how liaison between the Ecological Clerk of Works and the LPA will be managed.
- **Traffic management:** plant on site, wheel wash facilities.
- **Pollution prevention:** demonstrate how relevant guidelines for pollution prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- **Landscape/Ecological Clerk of Works** to ensure construction compliance with approved plans and environmental regulations.

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

Reason: To ensure that necessary management measures are agreed and implemented for the protection of the environment during construction and to comply with Section 6 of PPW 11 and Policy AW8 of the Rhondda Cynon Taff Local Development Plan.

Flood Risk

A very small area within the application site is located within Zone C2 of the Development Advice Map (DAM) as contained in TAN15 identifies the site as being at risk of flooding. It is considered that there is a limited risk of flooding at the site and the applicant is proposing development in the “less vulnerable” category. It is not considered that a Flood Consequence Assessment is required. NRW has simply advised that the applicant be made aware of this fact.

Landscape Impact & Historic Environment

The proposed works are located inside the registered Y Rhondda landscape of special historic interest and specifically inside historic landscape character areas (HCLA) **23 Rhondda Fach Eastern Enclosed Valley Sides** and **30 Rhondda Uplands**. The impact of the development on these HCLAs has been produced using the ASIDOHL assessment process. This concluded that the impact on HCLA 23 will be “fairly severe” whilst on HCLA it will be “moderate”. An ASIDOHL result of “fairly severe” is normally determined to constitute that the proposed development will have a “significant” effect on the registered historic landscape. However, the ASIDOHL process is a relatively mechanical one and does not take into account damage that has occurred to the HCLA since the original characterisation was completed. In this case, the landslide that was caused by Storm Dennis has caused considerable damage to the Llanwonno Upper Tip resulting in over 20% of the tip having already been damaged.

This, along with the proposed mitigation measures outlined in the Environmental Statement reduces the impact of the proposed works on the HCLA to a level which Cadw DOES NOT constitute a significant effect on the Y Rhondda landscape of special historic interest.

NRW, who are the Welsh Government’s advisors on the landscape of Wales have not offered any comments or objections.

While there will be some considerable impact to the landscape in the short term it is considered that when the area naturally regenerates (following completion of the development) any impact will be minimised. It is also considered that, in landscape terms, the controlled removal and redistribution of the tip is infinitely better than an uncontrolled landslide and subsequent emergency remediation.

Accordingly, it is considered that the impact on the landscape is acceptable.

Highway Safety & Access (including Public Accessibility)

The Council's Highway & Transportation Section have not offered any objection to the development nor offered any recommendations for conditions. There is limited interaction with the public highway network and the numbers of staff present on site at any one time (estimated to be around 20) is unlikely to have any significant impact.

It is not possible to have designed-out all impacts on the local public access network. The main adverse effects on the development will be on those assets within the development site (the PRow that currently runs through the development site adjacent to Old Smokey (Footpath TYL/9/1), the informal footpaths, the open country public access land and public forest. Access to these will be directly impacted by the scheme through severance of the routes or removal of access to the land. In mitigation, appropriate temporary diversions and signage for footpaths and open access land closed during construction will be installed and there are alternative routes and areas that local amenity users can readily access.

The line of the PRow runs through some of the proposed drainage elements for the receptor site and therefore a permanent as well as a temporary diversion of approximately 80 metres will be required. The final alignment of the diversion will be agreed prior to the formal application to divert being made.

There is an informal vehicular access to the site via an existing track to the north of Old Smokey which connects to the Blaenllechau Road and is used to access informal parking at the receptor site. However, it is one of the points of entry for people using motor vehicles including "scrambler" motor bikes and 4x4s which cause considerable nuisance to residents and businesses in the area as well as users of the PRow within and adjoining the application site. In addition to causing noise disturbance and safety issues it also causes scarring of the landscape and damage to the integrity of the land's surface creating bare areas and extensive rutting from erosion caused by vehicle wheels. Within the application site there are large areas, particularly north of Old Smokey that have been subject to such damage. Old Smokey itself has extensive rutting and erosion to all of its slopes and summit caused by these vehicles. Continued use of this area would also put in jeopardy the successful establishment of the proposed natural regeneration of both the donor and receptor sites and the implementation of the Biodiversity Management Plan. The applicant is therefore proposing to implement physical measures to prevent unauthorised vehicular access to the receptor site which is considered to be the most vulnerable part of the proposal. There is unlikely to be one single solution that can prevent unauthorised access and it is intended to form part of a wider discussion, outside the scope of the current application however a condition is proposed to help secure this provision.

Within 6 months of the date of permission, a scheme to prevent unauthorised vehicular access to the application site shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed in accordance with the approval prior to the completion of works on site and retained thereafter. Should the scheme fail to prevent unauthorised vehicular

access, further measures shall be submitted and implemented in accordance with a timescale to be agreed.

Reason: *To prevent unauthorised vehicular access in the interests of the amenities of the area and to prevent the erosion of the landscape and biodiversity measures provided as part of the proposal in accordance with Policies AW5 of the Rhondda Cynon Taff Local Development Plan.*

PPW recognises that “*The health and well-being of people and places and the need to address climate change and its consequences provide added impetus for proactive action through the planning system*” (para. 3.37).

The consequences of climate change and the need to deal with the aftermath of the Storm Dennis and the resulting landslip are at the heart of this application. This application will deal with the threat posed by the remaining material on the tip site and remove the danger of this material on the top of the hillside slipping down the valley slope.

Air Quality and Noise

The PPW requires developers to “*minimise population exposure to air and noise pollution...where it is practical and feasible to do so.*” (para. 6.7.4) and specifically in connection with temporary construction activities “*Where appropriate...require a construction management plan, covering pollution prevention, noisy plant, hours of operation, dust mitigation and details for keeping residents informed about temporary risks.*” (para. 6.7.26). Both noise and air quality are considered in detail within the ES in separate chapters which fulfils the requirements of PPW and those of TAN.11: Noise. The previous section summarised the design approach adopted, and the mitigation measures proposed to address both issues including the preparation and implementation of a CEMP. Neither issue, with appropriate mitigation, is considered a potential impediment to development.

Other Policy Considerations

Walking and Cycling: PPW encourages both walking and cycling as sustainable modes of transport, leisure activities and also recognises their contribution towards healthier lifestyles. Removing the majority of the remaining tip material to the receptor site will allow the previously well-used cycleway and informal footpath in the valley bottom to be reopened to the public.

Nature Conservation and Trees: The protection of species and habitats and the promotion of nature conservation interests generally are key themes of PPW. This is reinforced by additional guidance provided within TAN.5. The application sets out in detail how these interests have been protected through the development and implementation of an ecological methodology and other protection strategies within the ES. Part of the application site lies within a (non-statutory) SINC and the PPW recognises that “*Differentiation should be given to the relative significance of the*

designation within the hierarchy, when considering the weight to be attached to nature conservation interests” (para. 6.4.13).

The effect on trees is an important consideration in any planning application and it is highlighted in PPW which states that the “*Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.*” (para. 6.4.25). A strategy to promote the most ecologically beneficial restoration of the two sites has been prepared and agreed with relevant stakeholders and this does not include the replacement of the low ecological value, self-seeded conifer trees to be lost as part of the proposed development.

A group of small deciduous native species trees and a large birch to be removed from the donor site will, however, be replaced. The main focus of the site’s restoration will be on natural regeneration and therefore, the area of replacement planting is likely to be limited to that which will be lost plus an additional compensatory area to the west. In terms of policy compliance, PPW does not place an absolute requirement on applicants to replace lost trees and the decision, in part, not to so, is considered to be fully justified.

Minerals and Waste Minimisation: Sections 5.12-14 of PPW describe the short and long-term goals for planning policy relating to waste and minerals in Wales and are supported in TAN.21. Minimising waste generated from development activity and minimising future mineral extraction to essential need only are key planks of the policy document. Further advice, specifically relating to coal deposits, is provided in paragraph 5.10.17 which states “*The safeguarding of primary coal resources is not required.*” The application will meet the requirement of national policy in this area by minimising waste generation through construction best practice following the guidance to be provided in the CEMP. Any remaining coal deposits whilst not completely prejudiced will not be ‘safeguarded’ or provided protection as part of the scheme in line with national policy.

Summary and Conclusion

The applicant proposes Phase 4 of the Llanwonno Upper Tip removal / remediation. Phases 1, 2 & 3 were largely a *fait accompli* due to the landslip in 2020. This application seeks to eliminate the possibility of a similar landslip occurring at this site and its environs. Clearly, public safety is a paramount consideration and the “fear” that a further landslip could occur is a material consideration.

The works involved are relatively short term in respect of any noise and nuisance that the works may cause and the natural regeneration of the landscape would not take long to hide the impact to the landscape that the earthworks would entail.

There are no objections received as part of the application and the responses from consultees were largely positive, and, where concern still exists, the inclusion of a condition would alleviate such concern.

In light of the above comments, it is considered that the proposal is in accord with policies both at a local and national level and the following RECOMMENDATION is made:

RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:

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

Reason: To comply with Section 91 & 93 of the Town & Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans and documents listed in the letter (e-mail) from Neil Griffiths of WSP dated 27th September 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. Within 6 months of the date of permission, a scheme to prevent unauthorised vehicular access to the application site shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed in accordance with the approval prior to the completion of works on site and retained thereafter. Should the scheme fail to prevent unauthorised vehicular access, further measures shall be submitted and implemented in accordance with a timescale to be agreed.

Reason: To prevent unauthorised vehicular access in the interests of the amenities of the area and to prevent the erosion of the landscape and biodiversity measures provided as part of the proposal in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.

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

- **Construction methods:** detail of materials, how waste generated will be managed
- **General site management:** details of the construction programme including timetable, details of site clearance, details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas, etc.) and any watercourse surface drain.

- **Soil management:** details of topsoil strip, storage and amelioration for re-use.
- **CEMP Masterplan:** details of the extent and phasing of development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation measures.
- **Resource management:** details of fuel and chemical storage and containment, details of waste generation and its management, details of water consumption, wastewater and energy use.
- **Ecological Mitigation Delivery:** details of all species and habitat mitigation measures as identified for the construction phase of development within Chapter 9 Biodiversity of the Environmental Statement, and the associated supporting species and habitat assessment reports submitted as part of the planning application. To include details of how during the construction period, progress and issues related to the on-going delivery of ecological mitigation will be regularly reported to the LPA and how liaison between the Ecological Clerk of Works and the LPA will be managed.
- **Traffic management:** plant on site, wheel wash facilities.
- **Pollution prevention:** demonstrate how relevant guidelines for pollution prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Landscape/Ecological Clerk of Works to ensure construction compliance with approved plans and environmental regulations.

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

Reason: To ensure that necessary management measures are agreed and implemented for the protection of the environment during construction and to comply with Section 6 of PPW 11 and Policy AW8 of the Rhondda Cynon Taff Local Development Plan.

5. No development shall commence until such time as the applicant evidence how the development is compliant with the requirements of Section 8.3 of Technical Advice Note 15 (Development & Flood Risk).

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 AW5 of the Rhondda Cynon Taf Local Development Plan.

6. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overload of the public sewerage system to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. No works on site shall commence until a Landscape Ecological Management Plan (LEMP) for the long-term mitigation, and enhancement management plan has been submitted to, and approved in writing, by the Local Planning Authority. The LEMP must include:

- Details of key species and habitats.
- Details of the desired condition of key habitats required to deliver effective species and habitat mitigation and enhancement.
- Details of the scheduling and timings of after-care, mitigation and enhancement measures.
- Details of management and monitoring requirement for the short term, as defined by the initial 5-year aftercare period.
- Details of how the plan will reviewed after the initial 5 years of contractor aftercare is completed, and how the long-term management and monitoring plan will be developed and taken forward as a ffridd/colliery spoil nature reserve.
- Details of management responsibilities and delivery mechanisms for short and long-term delivery.
- Details of the periodic review and iteration process for the plan, including the role ecological monitoring and other appropriate feedback.
- Details of a costed programme of works.

Reason: To ensure that necessary management measures are agreed and implemented for the protection of the environment during and following construction and to comply with Section 6 of PPW 11 and Policy AW8 of the Rhondda Cynon Taff Local Development Plan.

tudalen wag

PLANNING & DEVELOPMENT COMMITTEE

20 OCTOBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0810/10 (GRD)
APPLICANT: Mr G Pugh
DEVELOPMENT: 6 bedroom dwelling, attached garage, additional car parking.
LOCATION: HEULWEN DEG, ROCK COTTAGES, GRAIG-WEN, PONTYPRIDD, CF37 2EF
DATE REGISTERED: 19/07/2022
ELECTORAL DIVISION: Graig and Pontypridd West

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS.

REASON: The application proposes the development of one residential unit in a sustainable location within the defined settlement boundary of Pontypridd, which is considered acceptable.

The proposal is also considered acceptable in terms its impact upon the character and appearance of the surrounding area and in terms of its impact upon the amenity and privacy of surrounding neighbouring properties. Furthermore, sufficient parking spaces is provided at the site, and the proposal is considered acceptable in terms of highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS:

Full planning permission is sought for the construction of a detached dwelling on a parcel of land at the end of a residential cul-de-sac in Graig Wen, Pontypridd.

The application redline boundary also includes the access road (private drive) that would serve the dwelling. That access road would also serve another proposed dwelling which has since been granted planning consent (ref:21/1449/15).

The proposed dwelling would be two-storey, measuring a depth of approx. 9.2m and a maximum width of approx. 12.5m. The dwelling would measure approx. 5.2m in

height to the eaves and approx. 9.4m to ridge. The dwelling would have a duo-pitch gable-end roof. The dwelling would have an integral garage to the side and a two-storey porch to the principal elevation, protruding approx. 1.6m from the front of the dwelling. New openings would face the front and rear of the dwelling, with two first floor side facing windows also proposed and three rooflights to the rear roof plane.

Externally, the house would be finished in render, with the porch walls being finished in stone. The roof would be covered in fibre cement slates. Internally, the dwelling would provide an open plan living area and garage to ground floor, with four bedrooms and a bathroom to first floor and a further two-bedrooms and a bathroom to the second floor, contained within the dwelling's roof space.

Whilst the application is a full planning application for the construction of one dwelling, the proposal largely represents an amended design for a dwelling approved at the site under planning reference: 21/1449/15. Planning Application ref: 21/1449/15 was for the variation of Conditions for planning application 17/0246/10 and proposed two detached dwellings at the wider site, which was approved at Committee on 24/01/2022.

It is noted that the description of the development was initially described as '5-bedroom dwelling, attached garage, additional car parking'; however, the submitted plans show 6 proposed bedrooms at the dwelling. The description has therefore since been amended to '6-bedroom dwelling, attached garage, additional car parking', so that the description accurately describes what is being proposed at the site. Notwithstanding, it is not considered that there are material planning differences between the provision of a 5 bedroom or 6-bedroom dwelling at the site and the assessment and recommendation made for the development is consistent with what is proposed at the site.

SITE APPRAISAL:

The application site relates to an irregular shaped parcel of land, measuring approx. 430m² in area located toward the end of a cul-de-sac in Graigwen, Pontypridd.

Neighbouring properties include Heulwen Deg, positioned to the south of the site and No. 4 Heol y Deri, positioned to the northeast. The site is bounded to the east by the adjacent highway and to the west by a steep bank which falls to an area of land below identified as a Site of Importance for Nature Conservation (SINC). Far reaching cross valley views exist in a westerly aspect from the site.

The site forms part of a wider plot of land, and to the north of the site is an area of overgrown land which has planning consent for a separate detached dwelling (Planning Reference: 21/1449/15).

PLANNING HISTORY:

12/0318/13	LAND ADJOINING HEULWEN DEG, GRAIGWEN ROAD, PONTYPRIDD, CF37 2EF.	Outline planning for 1 dwelling and parking (Amended site location plan and revised access received 19/07/12)	Granted at Committee, 25/09/2012
15/1253/10	LAND ADJOINING HEULWEN DEG, ROCK COTTAGES, GRAIGWEN, PONTYPRIDD, CF37 2E	Construction of a detached dwelling with garage.	Granted at Committee, 11/12/2015
16/0871/39	LAND ADJOINING HEULWEN DEG, ROCK COTTAGES, GRAIGWEN, PONTYPRIDD, CF37 2EF	Non-material amendment - Moving of the windows from the side elevation to the rear and a number of internal alterations.	Granted, 05/10/2016
17/0246/10	Heulwen Deg, Rock Cottages, Graigwen, Pontypridd, CF37 2EF	Proposed construction of two detached dwellings with parking.	Granted, 26/07/2017
21/1449/15	HEULWEN DEG, ROCK COTTAGES, GRAIGWEN, PONTYPRIDD, CF37 2EF	Variation of Conditions - 1 Extend the time limit and 2 Replace the approved plan (hdw/ph/may.2001 Rev - A with plan hdw.ph/may.2001 Rev B) - of approved planning permission 17/0246/10.	Granted at Committee, 24/01/2022

PUBLICITY:

The application has been advertised by direct notification letter to neighbouring properties and by site notice, posted near the application site. Objections were received from five individuals, with points raised summarised as follows:

- Loss of light to neighbouring dwellings;
- Concerns with the access and access road proposed;
- Concerns with possible damage to neighbouring retaining wall during construction works;
- Objections with regards to increased vehicular activity and parking concerns;
- Concerns with highway safety;
- Objections with regards to the dwelling being overbearing, dominating the street, and causing loss of privacy within the street.

Concerns were also raised with regards to a recent planning application at a neighbouring property for a change of use and conversion of an existing garage for business use. The objectors claimed that the Local Highway Authority had been excessive in their requirements for parking provision for that planning application.

CONSULTATION:

Local Highway Authority

No Objections, Subject to condition and advisory notes

Land Drainage

No Objections, Subject to condition and advisory notes

Public Health and Protection

No Objection, Comments received

Wales & West Utilities

No Objection, Advisory Notes suggested

Dwr Cymru/ Welsh Water

No Objection, subject to condition and advisory notes

Ecologist

No Objection, 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 is located within the defined settlement boundary and is unallocated for any specific purpose. The following policies are relevant in the consideration of this application:

Policy CS2 – Development in the South: outlines how the emphasis on building strong, sustainable communities will be achieved in the Southern Strategy Area.

Policy AW1 – Supply of Housing: focuses on the delivery of new housing and includes the development of unallocated land inside the settlement boundary.

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

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

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

Policy AW 8 – Protection and Enhancement of the Natural Environment: outlines how Rhondda Cynon Taf’s distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development

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

Policy SSA13 – Housing Development within Settlement Boundaries– sets out the criteria for the consideration of development proposals within the settlement boundaries.

Supplementary Planning Guidance:
Design and Placemaking
Access Circulation and Parking

National Guidance:

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

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

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

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

Other policy guidance considered:

PPW Technical Advice Note 12 – Design

PPW Technical Advice Note 18 - Transport

REASONS FOR REACHING THE RECOMMENDATION:

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

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

Main Issues:

The application proposes the construction of one residential dwelling, along with vehicular access and drive, on a plot of land within settlement boundary limits.

As such, the key consideration in the determination of the application is whether the principle of development is acceptable. Additionally, it will also be necessary to consider whether the site is capable of accommodating a dwelling, associated means of access, parking and amenity space, without resulting in a detrimental impact upon both the amenity and privacy of neighbouring dwellings and the character and appearance of the area.

Principle of the proposed development:

Full planning permission is sought for the erection of a dwelling on a parcel of land located at the western end of Heol y Deri. The site is unallocated, situated within the defined settlement boundary limits of Pontypridd and within an established residential area. As such, it is considered that the principle of development and development of the site for residential purposes would be acceptable and compatible with surrounding land uses.

The principle of developing the site for residential dwellings has also been well established by the most recent approval at the site, Ref: 21/1449/15 and in the approval of previous applications for residential development at the site (refs.

12/0318/13, 15/1253/10 and 17/0246/10). Furthermore, application ref: 21/1449/15 is currently extant, and the fall-back position is that development could commence and be constructed in accordance with the approved plans up until 24/01/2027.

The principle of developing the land for residential purposes is considered acceptable. However, proposals for residential development may only be considered acceptable, providing no adverse impacts result in terms of amenity, character, and highway safety. These matters will be considered in detail in the following sections.

Impact on the character and appearance of the area:

The application site is located to the north of Heulwen Deg. As noted within the report, the application site has extant planning approval for a dwelling, and it is considered that developing the plot would appear to close the cul-de-sac visually by developing a vacant space between two existing properties.

Properties along Heol-y-Deri consist primarily of semi-detached two storey dwellings. It would not be considered that the street benefits from a distinct or notable architectural character or style and the site is not located within a Conservation Area. Whilst the design of the proposed dwelling would differ from the design of other dwellings within the street, it would nonetheless be considered acceptable. The relatively contemporary design would not be considered to detriment the character or visual amenities of the street and is considered of an acceptable and appropriate design.

The bulk and scale of the two-storey dwelling would also be considered acceptable at this location and would not be considered out of scale in relation to other properties within the street. Whilst the dwelling is relatively large in scale, some outdoor amenity space is provided, and the proposal is not considered overdevelopment of the site.

The proposal largely represents a variation in design for a proposed dwelling approved at the site under Planning Reference: 21/1449/15. Extant planning permission exists at the site for a two-storey detached dwelling which measures approx. 9.6m in depth by 10.2m in width and measuring approx. 5m in height to the eaves and 8.9m in height to ridge.

The increase in scale for the proposed dwelling in relation to what was approved under ref: 21/1449/15 would be minimal, with an increase in width of approx. 2.3m; However, this increase in width also includes the provision of an integral single-storey side garage at the dwelling. Additionally, the maximum height of the dwelling to ridge would only be increased from 8.9m to 9.4m, representing an increase of approx. 0.5m. Consequently, the bulk, scale and siting of the proposed dwellinghouse would remain largely as approved under planning reference 21/1449/15.

Concerns have been raised by third parties with regards to the design of the dwelling and that it would appear overbearing and towering within the street. However, as noted within this report, the dwelling is only minimally larger and more prominent than the proposed dwelling that was approved under ref: 21/1449/15, and whilst the central two-storey porch to the front would appear visible within the street scene, it would nonetheless be an acceptable feature. Notwithstanding, conditions are recommended to ensure the external materials proposed would be acceptable at this location and that the proposed positioning of the dwelling and levels at the site would protect residential and visual amenity.

Overall, the dwelling is considered acceptable in terms of scale and design and would have an acceptable impact upon the character of the street. The design of the dwelling would be considered appropriate to this location.

Impact on residential amenity and privacy:

The outlook gained from the application dwelling would largely overlook the adjacent drive to the front of the property and would overlook undeveloped steep wooded land to the rear. Whilst front facing windows would somewhat overlook the driveway and front garden of no. 4 Heol y Deri, the proposed dwelling would nonetheless be set back from the boundary of the neighbouring property by approx. 10m and any overlooking experienced would not be considered significant. Proposed first floor side facing windows would serve two bathrooms, considered non-habitable rooms, and would not be considered to significantly impact neighbouring amenities through loss of privacy.

The dwelling would be set at a sufficient distance away from neighbouring properties as not to be considered overbearing nor would the design of the dwelling detriment neighbouring occupiers through overshadowing or loss of light.

Additionally, it should be noted that the siting, orientation, and scale of the dwelling would largely be in line with a proposed dwelling approved at the site under planning ref: 21/1449/15. The main alteration would be the design of the dwelling, with minor increases in the dwelling's footprint and height along with the construction of a two-storey porch to the front. It was considered at the time of determining planning ref: 21/1449/15 that the proposed development would be acceptable in terms of its impact on residential amenity and privacy.

Concerns have been raised by third parties with regards to loss of privacy and overshadowing/ loss of light caused by the proposal. However, as noted, the outlook gained from the property would largely overlook the adjacent highway and would not cause direct overlooking of windows at neighbouring properties. Additionally, the two-storey dwelling would be set at a sufficient distance from other properties within the

street and would not be considered to significantly detriment neighbouring dwellings through overshadowing.

It is not considered that the increase in ridge height of approx. 0.5m and a slight increase in terms of depth and width for the dwelling would have such a significant impact in comparison to what could be developed under extant planning permission ref: 21/1449/15.

Whilst objections received have been noted, the proposal is considered acceptable in terms of its impact upon neighbouring residential amenities.

Highway Safety:

Consultation was undertaken with the Local Highway Authority, who have assessed the proposal to determine whether the proposal would have an adverse impact upon highway safety in the vicinity of the site.

Access:

The proposed development would be served off Heol-y-Deri, Graigwen. Heol-y-Deri has a carriageway width of 5.5m with 1.8m footways on both sides. There are no parking restrictions on Heol-y-Deri, which is a cul-de-sac with a sub-standard turning area at its western end. Access to the proposed development would be served off this turning area via a private shared access.

Whilst some concerns are raised that no details of a vehicular access have been submitted, these concerns can be overcome by a suitably worded condition attached to any planning consent. Similarly, there is some concern that the proposed private drive may be surfaced in non-permanent materials; Therefore, a condition has been suggested accordingly to address the concerns.

Objections were received by third parties with regards to highway safety and the proposed access and private drive proposed. However, it should be noted that the access and shared drive proposed represents the same access arrangements as what was approved under planning ref: 21/1449/15. The Local Highway Authority considered at the time that the access and highway arrangements were satisfactory, and in their consideration for this planning application have raised no objection to the access road and shared drive proposed, subject to conditions.

Parking:

The proposal would be for a 6-bedroom dwelling, which has a parking requirement of up to a maximum of 3 off-street parking spaces in accordance with the Council's adopted Supplementary Planning Guidance (SPG): Access, Circulation and Parking Requirements 2011. The proposal would provide the property with three off-street parking spaces, which is considered acceptable.

Objections were received during the application with regards to parking issues within the street, and that the proposed dwelling would exacerbate those issues to the

detriment of highway safety. However, the proposal includes the provision of three parking spaces for the property which is considered acceptable and in accordance with the Council's Access, Circulation and Parking Requirements SPG and no objections were raised by the Local Highway Authority in this respect.

Drainage:

Some concern is raised by the Local Highway Authority that water run-off from the proposed drive may discharge onto the highway. However, this can be overcome by a suitably worded condition attached to the planning consent.

Highways Conclusion:

The Local Highway Authority have raised no objection to the proposal, and consider that on balance, the proposal is not considered to have any detrimental impact upon highway or pedestrian safety and is therefore considered acceptable in this respect. Whilst third party objections in relation to parking and highway safety have been considered, it should be noted that the access and parking arrangements proposed are largely in line with what was approved under application ref: 21/1449/15 and are considered acceptable.

Other Highway Matters:

It is noted that third party objections also refer to a previous application at an existing dwelling on Heol y Deri for the '*change of use from garage to beauty salon*' (ref: 18/0430/10). Objectors claim that the Local Highway Authority had been excessive in their requirements for parking provision for that application. However, having looked at the response given to that application, it was commented that a total requirement of 5 parking spaces was required (2 for the beauty salon business and 3 for the existing dwelling), but given that the salon was used by the resident of the dwelling, 4 off-street car parking spaces was considered acceptable. As with this current planning application, the off-street parking provision was assessed in line with the number of bedrooms contained within the dwelling and the floor area of the proposed beauty salon and not the number of people at the dwelling. Therefore, it is considered that a consistent approach to parking provision was undertaken to both applications. Notwithstanding, it should be noted that each planning application should nonetheless be considered on its own merits.

Ecology:

The land to the west of the application is identified as being a SINC. The proposed works lie outside the identified SINC, and the Council's ecologists have raised no objection to the proposal, subject to a condition ensuring ecological enhancement at the site.

Drainage:

Natural Resources Wales's Surface Water Flood Risk maps have been used to review the site's surface water flood risk, as per Paragraph 8 of Tan 15. The review concluded that the site does not fall within an area of surface water flood risk.

The Council's Flood Risk Management Department offered no objection to the proposal, noting that the under Schedule 3 of the Flood and Water Management Act 2010, the applicant is required to submit an application to the Sustainable Drainage Systems (SuDS) Approval Body (SAB). A condition was also advised to confirm that the details proposed for drainage arrangements is a viable option.

Other Matters:

The Council's Public Health and Protection section have made recommendations in relation to hours of working, along with noise, dust and waste at the site. Informative notes are recommended to any consent outlining the developers' responsibilities with regards to these issues at the site.

Concerns were raised by third parties with regards to possible damage to a neighbouring retaining wall and fence during construction works. However, this would be considered a private matter between neighbouring properties. Notwithstanding, a condition is recommended, ensuring that any retaining walls constructed as part of the development would be acceptable to ensure the stability of the development in the interests of public health and safety. Additionally, an informative will note the developer's responsibility by ways of the Party Walls Act 1996.

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 the Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40/sqm for residential development.

The CIL (including indexation) for this development is expected to be £12,652.72.

Conclusion:

The application proposes the development of one residential unit in a sustainable location within the defined settlement boundary of Pontypridd, which is considered acceptable.

The proposal is considered acceptable in terms its impact upon the character and appearance of the surrounding area and in terms of its impact upon the amenity and privacy of surrounding neighbouring properties. Furthermore, sufficient parking spaces is provided at the site, and the proposal is considered acceptable in terms of highway safety.

RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

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

- Location Plan of CF37 2ED
- Proposed Plans & Elevations 002. Rev A

and documents received by the Local Planning Authority on 01/07/2022 and 27/07/2022, 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. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

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

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

5. Prior to the commencement of development, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to the commencement of development, facilities for wheel washing shall be provided on site in accordance with details submitted to and approved in writing by the Local Planning Authority. Wheel washing shall be in operation during the duration of the development period.

Reason: To prevent debris and mud from being deposited onto the public highway, in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. HGV's deliveries shall take place between used as part of the development shall be restricted to 09:00am and 16:30pm weekdays, 09:00am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

9. The parking area and private driveway shall be constructed in permanent materials and retained for the purposes of parking and access only unless otherwise agreed in writing with the Local Planning Authority.

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

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

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding, in accordance

with Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

11. Notwithstanding the details shown on the submitted plans, development shall not commence until design and details of the vehicular crossover been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use.

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

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

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

13. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

14. Notwithstanding the submitted details, prior to the commencement of development, full details (including external finishes, heights and exact siting) design and structural calculations of any proposed retaining wall structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the stability of the development in the interests of public health and safety, and in the interests of visual amenity in accordance with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

15. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

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

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

tudalen wag

PLANNING & DEVELOPMENT COMMITTEE

20 OCTOBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0910/15 (GH)
APPLICANT: Rhondda Cynon Taff County Borough Council
DEVELOPMENT: Variation of condition 2 (approved plans) of planning consent 22/0028/08 to make minor design amendments to the elevations of the new 6th form building and gym, and to the landscaping scheme.
LOCATION: BRYNCELYNNOG COMPREHENSIVE SCHOOL, PENYCOEDCAE ROAD, BEDDAU, PONTYPRIDD, CF38 2AE
DATE REGISTERED: 26/07/2022
ELECTORAL DIVISION: Beddau and Tyn-y-nant

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS:

The submitted design and landscaping amendments would not be detrimental to the appearance of the new buildings or the character of the site and surrounding area and would not cause harm to neighbour amenity. Furthermore, the variation of condition application would not affect the scope and benefits of the existing approved scheme.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been submitted on behalf of the Council on land within its ownership and where the Council's interest is of more than a minor nature.

APPLICATION DETAILS

At the Planning Committee meeting of 24th March 2022 Members resolved to grant full planning consent for the construction of a new gym, 6th Form building and various other works, at Bryn Celynnog Comprehensive School, Beddau,

However, the Applicant now seeks to make relatively minor alterations to the approved scheme, the process for which is to submit an application under Section 73 of the Town and Country Planning Act 1990 for a variation of condition. In this case condition 2 of planning consent 22/0022/08, which lists the approved plans, is the one to be varied and is included at the end of the report.

The revised plans indicate the following proposed changes:

6th Form building – a reduction in the amount of the proposed blue cladding, particularly to the north and west elevations.

Gym building – most of the blue cladding proposed for all elevations would not now be used, with the external walls principally comprising face brickwork. A ‘feature section’ of cladding would be retained to the south-east corner. In addition, changes are proposed to fenestration on the western gym elevation, with the removal of windows to the ground floor. Many of the building’s windows would be recessed and incorporate extended face caps, of the same colour as the cladding.

Landscaping masterplan – the impact of the overall landscaping scheme is largely unchanged. However, the key feature of the revised plans is to relocate an enlarged SuDs attenuation basin to a position between the sports pitch and running track. Previously the basin would have been to the north-western side of block 3. Furthermore, the masterplan indicates a greater number of rain gardens than was originally proposed.

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

- Revised Design and Access Statement (DAS)

SITE APPRAISAL

The application site comprises the Bryn Celynnog Comprehensive School Campus, which is located at Penycoedcae Road to the north of Beddau.

The main school complex, which includes the cluster of teaching blocks, facilities and hard-surfaced areas, such as the tennis courts, parking and internal routes, occupies around a third of the 8 hectare site, both towards the south-eastern side of the site and parallel with Penycoedcae Road.

A small part of the School extends southwards towards Castellau Road, from where there is an additional vehicular and pedestrian access leading to a car park and detached teaching block. The rest of the school campus can also be accessed from here.

The remainder of the land includes a section of dense woodland and scrub to the west, whilst that across the whole of the northern part of the site, accommodates a running track, sports pitch and playing fields. The northern and western boundaries, which are defined by a combination of fence, tree line and hedge, mark the extent of the settlement boundary.

Neighbouring properties are located all alongside the eastern and southern boundaries of the site, from the Beddau Caravan Site at Penycoedcae Road to Cwrt Castellau at Castellau Road. Most of these are residential but include a few retail and other uses.

It should be noted that the site intersects with land designated by The Coal Authority as High Risk to Development from coal mining legacy. In addition, the oldest part of the School, namely the single storey red brick block 2 opened in 1928, is Grade II listed.

PLANNING HISTORY

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

- 22/0809/38:** Discharge of condition 3 (Ecological mitigation and enhancement measures) of planning consent 22/0028/08. Decision: 09/08/2022, Grant.
- 22/0751/38:** Discharge of condition 4 (Construction Method Statement) of planning permission 22/0028/08. Decision: 09/08/2022, Grant.
- 22/0722/38:** Discharge of condition 5 (Design and construction detail of off-site works) of planning consent 22/0028/08. Decision: TBC.
- 22/0028/08:** Proposed gym and 6th form buildings, demolition of 4 existing buildings, new car park, and associated infrastructure and landscape works. Decision: 04/04/2022, Grant.
- 18/0930/08:** New floodlighting for a proposed artificial turf pitch on land within the grounds of Bryn Celynnog Comprehensive School. Decision: 25/06/2019, Grant.
- 15/1137/08:** The existing canopy at Y Pant Comprehensive School is to be disassembled and removed from site due to re-development of the school. It is proposed to relocate the canopy to Bryncelynnog Comprehensive School. Decision: 28/09/2015, Grant.
- 13/0314/11:** It is proposed (for structural reasons) to remove the later addition of the covered walkway between the Listed teaching block (red brick building) and the Sports block (CLASP building). It is also proposed to

replace all of the flat roof coverings attached to the red brick building.
Decision: 31/05/2013, Grant.

- 13/0313/08:** It is proposed (for structural reasons) to remove the later addition of the covered walkway between the Listed teaching block (red brick building) and the Sports block (CLASP building). It is also proposed to replace all of the flat roof coverings attached to the red brick building.
Decision: 31/05/2013, Grant.
- 05/1838/10:** Erection of a conservatory. Decision: 22/11/2005, Grant.
- 05/0962/08:** Skate Park Facility on existing school sports court including access and fencing. Decision: 31/10/2005, Withdrawn by Applicant.
- 04/0406/10:** Proposed conservatory at rear of school house. Decision: 27/04/2004, Grant.
- 02/1251/10:** New two storey 9 classroom block and library for English study.
Decision: 30/09/2002, Grant.
- 01/2795/08:** Siting of two mobile classrooms. Decision: 03/10/2001, Grant.
- 99/2367/13:** Proposed public facilities to provide external access to existing swimming pool. Decision: 02/07/1999, Grant.
- 96/0112/13:** Performing Arts Centre together with floodlighting and upgrading of existing sports grounds (amended description 30/10/97)(formerly Multi-Purpose Sports Hall). Decision: 23/01/1998, Grant.

PUBLICITY

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

No letters of objection or representation have been received.

CONSULTATION

Highways and Transportation

No highway objection subject to the re-imposition of previous conditions.

Flood Risk Management

No objection.

Public Health and Protection

No comments to add.

Natural Resources Wales

No objection.

Countryside, Landscape and Ecology – Ecologist

Happy that the request to remove certain species from the landscape plan has been agreed.

In addition, it is noted that SAB approval has already been secured, so any concern relating to the attenuation basin design, and cut and collect management, is now irrelevant.

Glamorgan-Gwent Archaeological Trust

The proposal does not deal with any archaeological constraints or conditions and so GGAT has no further comment to make at this time.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy AW5 – Identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the

amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. Furthermore, 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. In addition, proposals must be designed to protect and enhance landscape and biodiversity

Policy AW7 – Proposals that impact upon sites of architectural and/or historical merit and sites of archaeological importance will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

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

Supplementary Planning Guidance

- Design and Place-making
- The Historic Built Environment
- Nature Conservation

National Guidance

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

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

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

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

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

- Policy 3 – Supporting Urban Growth – Council land / placemaking / developers / regeneration / sustainable communities / exemplar developments.

SE Wales Policies

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 16: Sport Recreation and Open Space;
PPW Technical Advice Note 24: The Historic Environment;

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application site is within the settlement boundary of Beddau, and within the curtilage of the existing school site.

Since the scope of the current application is restricted to consideration of matters of external finishes, minor modification to elevations and revisions to landscaping, noting that the use of the land for education purposes is already well-established, the principle of the development is considered to be acceptable.

Impact on the character and appearance of the area

At the time of determination of the extant consent, it was noted that the existing School campus comprises a range of buildings which include the Grade II listed Block 02 at the front of the site to later 20th century buildings of a distinctly different form and appearance.

Given the site context and the variety of styles and external finishes, it was considered that the contemporary style of the new School gym and 6th Form would be appropriate and would reflect the development of the School over time, as it responded to changing pupil needs.

In terms of the site landscaping, the biggest change proposed is that to the location of the large SuDs pond as explained in the Application Details section above. Other small tweaks are proposed, in order to accommodate the SuDs strategy, but most of these are at ground level or of low mass, so they have little wider impact. In addition, it is recognised that the Education Authority benefits from Permitted Development rights, which do not preclude future landscaping changes that would not need the benefit of planning permission.

With regard to the 6th form building, this has some prominence outside of the School curtilage, being constructed close to the western site boundary. Although no concerns were raised with regard to the blue cladding, intended to be applied to large parts of its elevations, the Applicant has decided to reduce the extent of it. So far as views towards the site are concerned, the revisions will probably have only a modest impact, especially since most of the change applies to the inward facing elevations.

The amendments to the gym are a far greater change to the approved plan, in that the majority of the elevations would now be of dark face brickwork and a number of openings revised and repositioned. Some of the blue colour would be retained, primarily with cladding to the south-eastern corner, and via face caps to some external window reveals.

There is a concern that in relying upon a much subtler use of colour to relieve the brickwork, the dark appearance of the building will have a somewhat gloomy demeanour, particularly to the north and rear. However, given the gym's position towards the centre of the site the effect will be a local one and as a matter of taste and the Applicant's preference, no objections are raised.

Therefore, in respect of the impact of the development on the character and appearance of the site, the design amendments are acceptable.

Impact on neighbouring occupiers

No objections or representations have been received from neighbouring occupiers of the site, relating to any aspects of the proposed amendments and third party amenity

Although it is appreciated that the changes to the landscaping and gym building would not be likely to have much outward impact being located further from the boundary with the site, the 6th Form building has some prominence due to its proximity to Penycoedcae Road.

Nevertheless, the changes to the 6th Form building affect the elevations which face away from the public realm and, as the changes are not of significance, are unlikely to be of much concern.

As such, the revisions to the proposed development would not be considered to have a significant additional impact on the amenity and privacy of neighbouring residents over and above the scope of that already approved. Consequently, the application is considered to be acceptable in these terms.

Ecology and Environment

Previously the Council's Ecologist has advised that the Applicant's Preliminary Ecological Appraisal is an appropriate assessment and that an EPS Licence, as confirmed by NRW, would be needed due to the presence of a small (two bat) non maternity bat roost in an existing building.

Only small scale ecology impacts were predicted and Section 5 of the PEA Report identified a number of ecological mitigation/enhancement measures, details of which were approved by the discharge of condition 3 of planning permission 22/0028/08 (ref. 22/0751/38).

Access and highway safety

There are no alterations to the proposed means of access, circulation or parking arrangements. On this basis no concerns have been raised by the Council's Highways and Transportation Section, subject to any outstanding highway related conditions being carried forward to a new permission.

National Sustainable Placemaking Outcomes

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

The Committee report previously presented to Members included an assessment of the merits of the scheme in this regard. The changes proposed by this variation of condition application, which are either largely cosmetic or do not affect the scope of the development, are not considered to be of significance to the placemaking outcomes.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

Taking into account the scale and nature of the proposed changes, and the size and character of the site, it is considered the proposed development would result in an acceptable scheme and one that would have been considered acceptable, had it been presented as such, at the time of determination of the original application.

In the absence of any visual harm or detriment to third parties, ecology or highway safety, the application is therefore considered to comply with Policies AW5, AW6 and AW8 of the Local Development Plan.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

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

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

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

- BRYN-RIO-03-XX-DR-A-90002 P3-Proposed Site Plan
- BRYN-JUB-ZZ-XX-DR-C-0100(P11) - General Arrangement
- BRYN-RIO-01-00-DR-A-01000 P5_6F-GA Ground Floor Plan
- BRYN-RIO-01-01-DR-A-01001 P5_6F-GA First Floor Plan
- BRYN-RIO-01-02-DR-A-01002 P5_6F-GA Second Floor Plan
- BRYN-RIO-02-00-DR-A-01000 P4_GYM-GA Ground Floor Plan
- BRYN-RIO-02-01-DR-A-01001 P4_GYM-GA First Floor Plan
- BRYN-RIO-01-03-DR-A-01003 P4_6F-GA Roof Plan
- BRYN-RIO-02-02-DR-A-01002 P4_GYM-GA Roof Plan
- BRYN-RIO-01-ZZ-DR-A-02000 Rev C01 GA Elevations 1
- BRYN-RIO-01-ZZ-DR-A-02001 Rev C01 GA Elevations 2
- BRYN-RIO-02-ZZ-DR-A-02000 Rev C01 GA Elevations
- BRYN-RIO-01-ZZ-DR-A-03000 P5_6F-GA Sections
- BRYN-RIO-02-ZZ-DR-A-03000 P3-GYM-GA Sections
- BRYN-RIO-03-ZZ-DR-A-90005 P3-GA Site Sections
- BRYN-JUB-ZZ-XX-DR-C-0610(P4) - Proposed Site Sections - Sheet 1 of 2
- BRYN-JUB-ZZ-XX-DR-C-0611(P3) - Proposed Site Sections - Sheet 2 of 2
- BRYN-JUB-ZZ-XX-DR-C-0600(P7) - Proposed Contour Plan

- BRYN-JUB-ZZ-XX-DR-C-0100(P11) - General Arrangement
- BRYN-URB-XX-XX-DR-L-00101 Rev C01 Landscape Masterplan
- BRYN-URB-XX-XX-DR-L-00102 Rev C01 Hard Landscape
- BRYN-URB-XX-XX-DR-L-00103 Rev C03 Soft Landscape
- BRYN-URB-XX-XX-DR-L-00105 Rev C01 Tree Removal & Retention
- 1971-URB-XX-XX-DR-L-00-1004 Boundary Treatment REV C
- BRYN-TBA-XX-XX-DR-E-60001
- BRYN-TBA-XX-XX-DR-E-63001

and details and documents received on 7th January 2022, 25th July 2022 and 29th September 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 development shall be carried out in accordance with the approved Wildlife Protection Plan (Report by Soltys Brewster for ISG, dated 30/06/2022) as approved by discharge of condition application 22/0809/38. The mitigation and enhancement measures shall be implemented, as approved, prior to beneficial use of the new 6th Form and gym buildings.

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.

4. The development shall be carried out in accordance with the approved Construction Method Statement and appendices (Report by ISG, dated 13/06/2022) as approved by discharge of condition application 22/0751/38.

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

5. Within three months of the date of this consent, design and construction details of the proposed off-site works including new access points, swept path analysis, vision splays, pedestrian crossing facilities along with all relevant safety audits, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved details prior to the beneficial use of the new 6th Form and gym buildings.

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

6. Prior to the beneficial use of the new 6th Form and gym buildings, a signed statement or declaration prepared by a suitably competent person, confirming that the site is or has been made safe and stable for the approved development, shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of public safety in accordance with Section 6 of PPW 11 and Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Within six months of the beneficial use of the new 6th Form and gym buildings a Travel Plan, which sets out proposals and targets together with a timescale, to limit or reduce the number of single occupancy journeys to the site and to promote travel by sustainable modes of travel, shall be submitted to and approved in writing by the Local Planning Authority. Annual reports demonstrating progress in promoting sustainable transport measures shall be submitted on each anniversary of the date of the planning consent to the Highway Authority.

Reason: To ensure satisfactory provision for alternative travel modes to and from the site and use of sustainable travel, in accordance with PPW11, Active Travel requirements and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. Surface water run-off from the proposed development shall not discharge onto the public highway or be connected to any highway drainage system.

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

PLANNING & DEVELOPMENT COMMITTEE

20 OCTOBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0991/15 (GH)
APPLICANT: Rhondda Cynon Taf CBC
DEVELOPMENT: Variation of condition 2 of planning consent 21/0005/08, to provide a separate Early Years pedestrian access from existing gate on Bethania Hill, with associated highway improvements
LOCATION: CWM LAI PRIMARY SCHOOL, PENYGARREG ROAD, TONYREFAIL, PORTH, CF39 8AS
DATE REGISTERED: 17/08/2022
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS:

The proposed new pedestrian access would create a convenient and safe route to the on-site Early Years provision at Cwmlai School, together with improvements to the adjoining highway. The works would have minimal visual impact and would not be considered to affect the amenity of the closest neighbouring residents to an unacceptable degree.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been submitted by the Council, on land within its ownership, and where the Council's interest is of more than a minor nature.

APPLICATION DETAILS

Cwmlai Primary School benefits from an extant planning permission for a three classroom extension with additional toilet facilities, associated storage areas, cleaner's cupboards and circulation space. The application for this development, ref: 21/0005/08, was approved by the Council's Planning Committee on 25th February 2021.

The development, which has since been constructed, includes external playground areas with separate access for childcare providers and the school. The scale, style and form of the development replicates that part of the school from which it extends.

However, the Applicant now seeks to make relatively minor alterations to the approved scheme, the process for which is to submit an application under Section 73 of the Town and Country Planning Act 1990 for a variation of condition. In this case condition 2 of planning consent 21/0005/08, which lists the approved plans, is the one to be varied.

The variation relates to the provision of a separate alternative access for the parents with children using the Early Years Group and After School Club. It relates solely to a new 2m wide footway to be installed along Bethania Hill, at the point of an existing grounds maintenance access, to allow a safe pedestrian route to the newly built Early Learning Years teaching facility, together with an upgraded turning head and highway.

The proposed revised condition, with changes in italics, is as follows:

Condition 2

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

- 5156-3594-B11
- 5159-3336-B12
- 5156-3594-B16
- 5156-3594-B21A
- 5156-3594-B40
- (60)001
- (60)002 P02
- (60)003 P03
- *Meithryn Footway Link Drawing number 6695-BHP-VE-XX-DR-C—(60)005 Rev P01*
- *Early Years Access Footway Plan Drawing number 6746-BHP-VE-XX-DR-C-(60)002 Rev P02*
- *Planning for Comparison Plan Drawing Number 6746-BHP-VE-XX-DR-C-(60)001 Rev P01*

and details and documents received on 4th January 2021 and 15th August 2022.

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

During the case officer's site visit it was noted that the line of the path from the boundary gate to the School entrance had already been laid out.

SITE APPRAISAL

The application property, Cwmlai Primary School, is located to the south of Tonyrefail between the areas known as Coedely and Thomastown.

The School occupies a wedge-shaped site and is bounded by Penygarreg Road to the north and Francis Street to the south. A further lane, Bethania Hill, forms the western boundary to the site. Most of the existing development surrounding the site is residential in nature.

The school consists of two buildings linked via a large circulation space with external access. The original two-storey Victorian part of the School was constructed in 1911 whilst the more recent single-storey extension was provided in 2006. The newer part has a low pitched roof above elevations of face brickwork and render.

The main vehicular and pedestrian entrance is on the southern side, and access is also provided to the School's car park, although there is a pedestrian gate within the northern boundary wall. The School benefits from hard-surfaced play areas with a larger grassed playing field to the west.

PLANNING HISTORY

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

- 21/0005/08:** Construction of traditional single storey three classroom extension, including toilet areas, plant room, storage areas, circulation and associated external works including new MUGA and four additional parking spaces onto existing school building. Decision: 25/02/2021, Grant
- 05/1504/10:** Single storey pitched roof classroom block extension & new car park with external play area. Decision: 27/09/2005, Grant
- 05/0191/08:** Erection of Demountable Classroom Units (Double Unit). Decision: 11/05/2005, Grant

PUBLICITY

The application has been advertised by direct notification to forty-one neighbouring properties and notices were erected on site.

No letters of objection or representation have been received.

CONSULTATION

Highways and Transportation

No objection, subject to conditions in respect of traffic management and engineering design and details.

Public Health and Protection

Conditions are recommended in respect of demolition, hours of operation, noise dust and waste. However, since these matters are controlled by existing environmental health legislation, it is considered that an informative note would be appropriate in this regard.

Western Power Distribution

Any new connection of service diversion will require consent from WPD.

Countryside, Landscape and Ecology – Ecologist

For the 21/0005 application there was quite a lot of ecological mitigation needed. However, the path is already laid but doesn't look like it went anywhere eco-sensitive, so there are no specific ecology comments or requirements for this part of the development.

Natural Resources Wales

NRW has reviewed the planning application and from the information provided does not consider that the proposed development affects a matter listed on their list of consultation topics.

Dwr Cymru Welsh Water

DCWW has no objection to the variation of condition and asks that any drainage related conditions on the original consent are brought forward to a new consent.

Flood Risk Management

From a flood risk perspective, FRM has no comment with regard the variation of condition 2.

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

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 lies within the settlement boundary for Tonyrefail

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

Policy AW10 - supports development proposals which are not detrimental to public health or the environment

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements

National Guidance

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

Planning Policy Wales Edition 11 (PPW) was issued on 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 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.

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 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.

Main Issues:

Principle of the proposed development

Cwmlai School lies within settlement limits and the proposed development lies within and adjacent to the curtilage of the school site, where the established land use includes primary and nursery education provision. Consequently, it is considered that in principle the proposal is acceptable, subject to consideration of the material matters below.

Impact on the character and appearance of the area

The construction of the path between the School boundary and entrance, as demonstrated by the photographs within the Committee presentation, has not resulted in the construction of any above-ground structures and has little impact on the character of the site and no impact on the surrounding area.

With regard to the highway works, it is considered that the provision of a footway, crossing points and turning head will benefit both pupils and residents, and will improve the appearance of the street scene at Bethania Hill. Therefore, the development would be acceptable in this regard.

Impact on neighbouring occupiers

Members will have recognised that the application before them seeks approval for minor matters, compared with the scope of the extant and implemented planning permission 21/0005/08, and that normally such matters might be addressed by the submission of a Non-Material Amendment (NMA) application.

However, advice to the Applicant prior to submission noted that if there weren't any residential properties on the other side of Bethania Hill or around the junction with Penygarreg Road to the north-west, then an NMA would probably have been sufficient.

Nevertheless, since it is certain that the new entrance would result in vehicle movements on Bethania Hill at the start and end of the School day, particularly the latter when parents or others often turn up early and wait, it was considered that this would represent a material change to the extant planning permission.

Therefore, it was suggested to the Applicant that would be prudent to submit a Section 73 application to vary condition 2 of planning permission 21/0005/08, which would enable a formal consultation.

In addition, the extant permission was subject to consultation with all neighbouring residents around the site, including Penygarreg Road and Bethania Hill, and although many residents may not have viewed the plans for the School extension, those that did would have seen that the extension was proposed to be served from existing pedestrian entrances and the vehicular access from Francis Street to the south.

Notwithstanding those concerns, this application was advertised directly to forty-one dwellings and site notices, and no representations of any kind have been received. Therefore, whilst the use of the new access will result in a transfer of vehicle and pedestrian movements from other parts of the School site, it is considered that the amenity of residents would not be affected to an unacceptable degree.

Highways and accessibility

Access

The proposal provides for a new 2m wide footway on the development side of the school to be accommodated within the highway verge and a larger compliant turning facility provided on Bethania Hill, for use of all including residents and service delivery vehicles to the existing street.

The footway provision will give pupils walking from the west the opportunity to access the school grounds via a safe segregated footway facility.

There is concern that by providing the safe segregated footway facility and access to the early learning facility that parents dropping off their children will now do so using Bethania Hill. However, taking into account the existing road width of 6m is acceptable for safe two-way traffic, the double yellow lines at the junction protect access and

sight lines, the enhanced turning facilities to be provided and the limited on-street car parking that currently takes place, the development is, on balance, considered acceptable.

Construction Details / Drainage Details

It is noted that the proposed drainage details indicate surface water drainage via a filter drain and then connecting to a Welsh Water combined surface water drain. No confirmation of the connection having been approved has been provided, which if not approved would result in a full re-design of the proposal. Therefore, conditions have been suggested for the submission of full engineering design and details of the proposed footway and drainage to be submitted.

Ecology

In respect of the path and highway works, the consultation response from the Council's Ecologist highlights that there would be no ecological concerns and therefore no requirement to provide mitigation and enhancement measures.

However, although this application seeks approval for a variation of condition, ostensibly for the new access, should Members decide to approve the application it will result in a new planning permission for the whole of the previous development for the early years extension and associated works.

The previous Committee report for application 21/0005/08, determined by Members on 25th February 2021, included the following paragraphs:

In terms of bats, the Bat Activity Survey Report identified a bat roost of common pipistrelles in Building 2, but no bat roost in Building 1. The report concludes that providing bat mitigation and enhancement measures as set out in Section 5 of the Report are enacted, the bat impact will be negligible.

With regard to other ecology issues the Preliminary Ecological Appraisal identifies a number of ecological features within the wider school grounds, and its recommendations also led specifically to a standalone Reptile, Amphibian and Hedgehog Method Statement, with a number of ecological mitigation and enhancement proposals.

The site has therefore had a detailed ecological assessment, the development is primarily affecting amenity grass of relatively low ecology value, although the Council's Ecologist notes that the wider school grounds/buildings and context do support a surprisingly rich species assemblage.

However, providing ecological mitigation and enhancement is delivered, the ecology assessment has shown that the development can be sufficiently mitigated and will therefore be acceptable and in accordance with Policy AW8.

Unfortunately, no application was received to discharge the subsequent ecology condition, or a condition requiring a Construction Method Statement. Whilst the latter is no longer relevant and a separate condition is recommended below for the approval of traffic management details relating to the highways works, the ecology mitigation and enhancement measures, required by the former to make the development acceptable in planning terms as per Policy AW8 and PPW11, is still valid.

Hence, the previous ecology condition has been carried forward as condition 5, albeit reworded to reflect that development has already taken place.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The proposed path and highway improvements would not be harmful to the character and appearance of the site, or cause detriment to the amenity of the closest neighbouring properties. The application is therefore considered to comply with Policies AW5, AW6 and AW10 of the Local Development Plan.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

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

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

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

- 5156-3594-B11
- 5159-3336-B12
- 5156-3594-B16
- 5156-3594-B21A
- 5156-3594-B40
- (60)001
- (60)002 P02
- (60)003 P03

- Meithryn Footway Link Drawing number 6695-BHP-VE-XX-DR-C—(60)005 Rev P01
- Early Years Access Footway Plan Drawing number 6746-BHP-VE-XX-DR-C-(60)002 Rev P02
- Planning for Comparison Plan Drawing number 6746-BHP-VE-XX-DR-C-(60)001 Rev P01
- Planning Comparison Plan number 6746-BHP-VE-XX-DR-C-(00)001 Rev P03

and details and documents received on 4th January 2021, 15th August 2022 and 30th August 2022.

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

3. No development shall commence in the public highway until full engineering design and details of the proposed 2.0m footway, larger turning area, uncontrolled pedestrian crossing, including its tie in with Bethania Hill together with sections and surface-water drainage details, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

4. No development shall commence in the public highway until details of traffic management and wheel washing facilities to be provided on site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period.

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

5. Within three months of the date of this consent, details of ecological mitigation and enhancement measures, as set out in the following reports, shall be submitted to the Local Planning Authority for approval:
 - Section 7 of the Preliminary Ecological Impact Assessment Report (produced by TACP and dated June 2020)
 - Section 5 of the Bat Activity Survey Report (produced by TACP and dated August 2020)

- Section 5 of the Reptile, Amphibian and Hedgehog Method Statement (produced by TACP and dated June 2020)

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

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

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

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

tudalen wag

PLANNING & DEVELOPMENT COMMITTEE

20 OCTOBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1041/10 (LJT)
APPLICANT: Mr Ben Atkin
DEVELOPMENT: Flat roof garage with associated works
LOCATION: 109 TY RHIW, TY-RHIW, TAFF'S WELL, CARDIFF, CF15 7RW
DATE REGISTERED: 25/08/2022
ELECTORAL DIVISION: Taff's Well

RECOMMENDATION: APPROVE WITH CONDITIONS:

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.

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 flat roof garage at 109 Ty Rhiw, Taff's Well. The proposed garage will be detached from the property and located at the end of the garden facing Abbey Close.

The proposed garage will measure a width of 5.5 metres and depth of 6 metres. It would have a flat roof design and measuring a height of 2.8 metres and would be finished in a dark grey whilst the walls finished in a white render. The proposed garage includes a garage door measuring 4 metres at the front elevation, which would directly front Abbey Close highway. A personnel door is proposed at the side elevation which would provide access to the garage from the garden.

SITE APPRAISAL

The application property is a semi-detached dwelling located within a residential area of Ty Rhiw, Taff's Well. The property is directly fronted by the highway at Ty Rhiw, to the rear of the dwelling is an enclosed amenity space bounded on the eastern elevation by neighbouring dwelling, and the neighbouring front garden at the western elevation. The nature of the area slopes from southeast to northwest with a moderate drop in levels between properties

The surrounding area is predominately residential in nature and is characterised by mostly traditional semi-detached dwellings of a similar scale and design to the application site.

PLANNING HISTORY

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

19/0185/10: 109 TY RHIW, TAFFS WELL, CF15 7RW

First floor side extension

Decision: 09/04/2019, Approved

16/1279/10: 109 TY RHIW, TY-RHIW, TAFF'S WELL, CARDIFF, CF15 7RW

Permission is sought for the retention of works carried out which includes creation of off road parking, alterations to ground levels using retaining walls together with a timber decking area

Decision: 09/02/2017, Approved

PUBLICITY

The application has been advertised by direct notification to 3 neighbouring properties.

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

- Overbearing impact upon neighbouring properties.
- Potential of utilising as a business premise
- Impacts upon parking
- Overshadow adjoining property.
- Visual amenity.
- Proximity to adjacent boundaries.

CONSULTATION

Highways – The proposal would have no impact on the existing access to the site or the off-street parking provision afforded to the dwelling. As such no highways objections are raised and no conditions are recommended

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

The application site lies within the settlement boundary for 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 construction of a garage to the rear of an existing residential dwelling within the settlement boundary for Taff's Well. As such, the principle of development is therefore acceptable subject to the proposals satisfying the criteria set out below.

Impact on the character and appearance of the area

Although the proposed flat roof garage would be a prominent structure and visible from the highway of Abbey Close to rear of the site, when considering that existing rear garages are established along the highway, it is considered that the garage would not adversely impact upon the immediate areas overall character and appearance. Neighbouring properties No. 111 and 107 Ty Rhiw have existing rear garages that are comparable to the proposed. As such, when viewed in the context

of the street scene, the proposed garage would not be considered to adversely impact upon the character and appearance of the wider area.

The proposed garage is located to the rear of the property, it would not be widely visible in the surrounding area. When considered in conjunction with the existing garages, the development would form a moderate addition to the application property, adding to the existing layout. Therefore, 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 107 and 111 Ty-Rhiw, and rear property of 2 Abbey Close given their proximity to the proposed garage. Given the relationship with these properties, with the rear of no.107 located at a lower level, there is some concern raised with regard to the impact upon the amenity of occupiers. However, when considering that there is an existing garage to directly to the rear of this property at an elevated level, it is not considered to result in extensive over shadowing to warrant a refusal in this regard. It is also noted that no 111 Ty Rhiw is set back to the rear of the application site in comparison to no. 107, and any impact associated with the proposed garage would be similar to that which occurs between these properties and others within the vicinity.

Whilst the objectors raised concerns with regard to overshadowing, it is considered that due to the flat roof design and sloping nature of the area, the proposed garage would not exacerbate the levels of overshadowing to an extent that would warrant a refusal, given that there are existing garages beyond no. 107 and 111 Ty Rhiw.

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

The objectors raised concerns in relation to the proposed garage serving as a business premise, which would increase visitor parking. However, it is conditioned that the garage must solely be utilised for domestic purposes. In addition, consultation from Highways concluded that the proposed garage would have no impact on the existing access to the site or the off-street parking provision afforded to the dwelling.

The right to light was 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. 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 should be carried out therein.

Reason: for the avoidance of doubt as to the extent of this consent and in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan

tudalen wag

PLANNING & DEVELOPMENT COMMITTEE

20 OCTOBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0783/10 (JE)
APPLICANT: Mrs A Pike
DEVELOPMENT: Retention of Existing Rear Garden Alterations (steps and middle decking) Resubmission of 21/0923/10.
LOCATION: 3 PLEASANT HEIGHTS, PORTH, CF39 0LZ
DATE REGISTERED: 01/08/2022
ELECTORAL DIVISION: Porth

RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:

REASONS:

The development as constructed, by virtue of its scale, design and elevated height results in an unneighbourly form of development which directly overlooks and adversely impacts upon the amenity and privacy of neighbouring occupiers. As such, the application is considered contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the Council's Supplementary Planning Guidance 'A Design Guide for Householder Development'.

REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from Councillor Ros Davis so that Members can consider the impact of the development upon the amenities of surrounding residents.

APPLICATION DETAILS

Full planning permission is sought for the retention of works to the rear garden that include a raised decking and associated development at 3 Pleasant Heights, Porth, CF39 0LZ. Full details of the works are set out below:

The area of decking is located towards the centre of the garden and spans the full width of 12 metres by a maximum depth of 4 metres. The decking varies in height above the adjacent ground level, extending to a maximum height of 1.1 metres at its front elevation. The decking is enclosed by a 1 metre timber balustrade, however the plans indicate that this would be replaced with a glass balustrade with timber posts.

No measurement is given in respect to the height of the decking in relation to the ground level of the dwelling, however the decking appears to be located roughly in line with the eaves level of the property given the rise in levels away from the house.

The application is a resubmission following refusal of an earlier application for a similar development at the site (21/0923/10). The previous application included this current area of decking to be retained along with a further, higher area of decking and outbuilding above further up the garden area, towards the rear of the site. The previous application was refused because it was considered the proposal would result in a visually incongruous development that would form an unneighbourly development that directly overlooks and adversely impacts upon the amenity and privacy of neighbouring occupiers.

Members are advised that a subsequent appeal has been lodged with PEDW in respect of the previous application, but is yet to be determined.

SITE APPRAISAL

The application property is a late 20th Century detached dwelling located in a residential area of Porth. The dwelling is set back from the highway to the front by an open amenity space which accommodates a driveway providing off street parking and an area of garden. To the rear of the property is a large, enclosed amenity space bounded on both sides by neighbouring properties and open hillside to the rear. The rear garden rises steeply away from the back of the dwelling resulting in a significant increase in levels between the dwelling and the rear boundary, which is elevated over the ridge level of the dwelling. A raised patio is sited directly to the rear of the dwelling with a steeply sloping embankment beyond where the development subject of this application has been erected. At the time of the Officer's site visit works were nearly complete with only finishing works and the creation of the new access paths yet to be installed.

Neighbouring properties comprise detached and semi-detached dwellings of a similar scale and design. Similar raised deck structures have been erected at the adjacent property, No.2 Pleasant Heights, however they do not benefit from planning permission and are subject of a separate, current Enforcement investigation.

PLANNING HISTORY

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

21/0923/10: 3 PLEASANT HEIGHTS, PORTH, CF39 0LZ

Proposed rear garden alterations.

Decision: 14/04/2022, Refuse

Appeal: CAS-01999-C0Z3Z9, (not yet determined)

PUBLICITY

The application has been advertised by direct notification to 5 neighbouring properties. 3 letters of objection have been received from neighbouring occupiers following consultation. The points raised have been summarised below:

- Overlooking areas of rear garden and windows in the rear elevations of neighbouring properties.
- Overbearing impact of the development.
- No measurements set out on plans.
- Noise and disturbance created by the proposed use.
- Odour from fires lit whilst using deck area prevents opening of windows.
- Can be seen from highway to front of property.

CONSULTATION

No consultation has been undertaken.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

The application site lies within the settlement boundary for Porth 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 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 not considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is not consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles. It is also considered the proposed development is not compliant with FW2040.

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to works within the curtilage of an existing residential dwelling where ordinarily the principle of such development could be considered acceptable. However, in this instance it is considered the works have a significant determinantal impact upon the amenities of surrounding residents.

Impact on residential amenity and privacy

This resubmission has removed the secondary, higher area of decking and outbuilding from the proposal in an attempt to address the concerns previously raised. It is

considered this would result in a betterment over the previously refused scheme, but when considering the impact of the raised decking subject of this application alone, which remains significantly elevated above the level of neighbouring dwellings, it is not considered the current scheme has overcome the previous concerns. As such the development is still considered unacceptable in respect of its impact upon the amenities of the adjacent neighbours.

Whilst it appears that the area where the decking is sited may have historically accommodated a level area, this would have been smaller than that of the current deck and unlikely suitable as a seating area. Given its scale and siting, the decking allows for a number of people to be sat on top for extended periods of time, having direct views towards the rear elevations and amenity spaces of the adjacent dwellings No. 2 and No. 4 due to its elevated height. Consequently, it is considered the siting and elevated position of the decking results in an un-neighbourly form of development that forms a source of nuisance and disturbance, resulting in an unacceptable loss of privacy and amenity to the adjacent neighbouring properties.

Whilst it is noted that the neighbouring property, 2 Pleasant Heights, benefits from an area of raised decking of a similar design and scale, it does not benefit from planning permission and has therefore been given limited weight during the consideration process. These works are also under separate investigation by the Council's Planning Enforcement section.

Taking the above into account, the proposal is considered unacceptable in this regard, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the Council's SPG on householder development.

Impact on the character and appearance of the area

Whilst the area of decking forms a significant addition to the rear of the property and inevitably forms a visible feature from both adjacent properties, it is generally considered to be of an acceptable domestic appearance and scale and is not considered to dominate the overall character and appearance of the site.

In addition, whilst the points raised by the objector around the works being visible from the front of the property are noted, views of the rear garden are limited to the gaps between properties and the works are not widely visible outside of the immediate vicinity. As such, it is considered that the structure does not detract from the character or appearance of the area.

Taking the above into account, the works are considered acceptable in this regard.

Other points raised by the objectors

The objectors raise concerns with regard to noise and disturbance and odour from the use of outdoor fire pits by the occupiers of the application property. Although these

concerns are appreciated, occupiers could use the existing amenity space for such purposes. Therefore it is not considered the decking would result in any additional impact over that which could occur.

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 that the decking as constructed by virtue of its scale, design and elevated height results in an unneighbourly form of development that adversely impacts upon the amenity and privacy of neighbouring occupiers. The application is therefore considered contrary to Policy AW5 of the Local Development Plan and the Council's SPG on householder development.

RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:

- 1. The development as constructed, by virtue of its scale, design and elevated height results in an unneighbourly form of development which directly overlooks and adversely impacts upon the amenity and privacy of neighbouring occupiers. As such, the application is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the Council's Supplementary Planning Guidance 'A Design Guide for Householder Development'.**

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022-2023:

**PLANNING AND
DEVELOPMENT COMMITTEE
20th OCTOBER 2022**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

Agenda Item No.
APPLICATION NO: 21/0942/10 – Garden curtilage extension and creation of hardstanding, erection of wooden access gates and new block boundary walls at Merrivale, Llwydcoed Road, Llwydcoed, Aberdare, CF44 0TW (amended plans and description received 07/08/2022).

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Planning and Development Committee meeting of 16th December 2021 with a recommendation of approval. A copy of the original report is attached as Appendix A.

At that meeting Members resolved to defer the application to allow for further discussions to take place with the applicant to clarify the extent of the proposals.

As a consequence, it was resolved to defer determination of the application to allow the further discussions to take place.

4. PLANNING ASSESSMENT

Members are advised that following the deferral of the application at the 16th December 2021 Planning and Development Committee, the applicant has subsequently submitted amended plans which confirm the following details.

- That the metal gate which is already in situ, as seen on the existing floor and elevation plans and photographs, would be removed and replaced with a set of 1.8 metre high by 3.8 metre wide electronically

operated and inward opening gates at the north-eastern boundary of the application site.

- That the wooden fencing that has been erected upon the boundaries of the existing curtilage of Merrivale, at its western and northern extents, would be removed and replaced with a new 1.8-metre-high block and render wall.
- That the extent of the garden curtilage extension, as originally sought and referred to in the original report (Appendix A) would not alter.

Members should note that, as a result of amended plans being received from the applicant, a re-consultation exercise with the Council's Highways and Transportation Section was conducted and they continue to raise no objection to the proposals. Conversely, the neighbouring residents maintain their objections to the proposed scheme and three further letters of objection were received to the re-consultation exercise with these highlighting similar points as set out in the original report (Appendix A).

If, having considered the extent of the proposed scheme and after further consideration, Members are minded to grant planning permission for the proposed development, it is suggested that the following conditions of consent would be appropriate:

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

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

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

- Site Location Plan (1:1250 Scale)
- Block Plan (1:500 Scale)
- Existing and Proposed Front Elevation Plan (Received 07/08/2022)
- Existing Layout Plan (Received 07/08/2022)
- Proposed Layout Plan (Received 07/08/2022)

and documents received by the Local Planning Authority on 20/10/2021 and 07/08/2022, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

PLANNING & DEVELOPMENT COMMITTEE

16 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

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

RECOMMENDATION: Approve

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

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

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

The area of land proposed to be included within the residential curtilage of Merrivale is located to the north-west of the dwelling and adjacent to the boundary with the

property known as Hazelmere. The land has an approximate surface area of 51sqm and forms part of an unmade lane that provides access to no. 1, 2 and 3 Ty'r Heol in addition to Merrivale itself and the site at Hazelmere.

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

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

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

The application is accompanied by the following:

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

SITE APPRAISAL

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

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

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

PLANNING HISTORY

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

PUBLICITY

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

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

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

CONSULTATION

Highways and Transportation – No objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

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

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

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

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

Supplementary Planning Guidance

Design & Placemaking
Access, Circulation & Parking Requirements

National Guidance

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

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

sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

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

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

Principle of the proposed development

This application seeks consent to change the use of part of a private, un-maintained lane to residential use by incorporating it into the garden of an adjacent house known

as Merrivale in order to provide the dwelling with dedicated off-street parking provision for its occupants.

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

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

Impact on the character and appearance of the area

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

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

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

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

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

Impact on residential amenity and privacy

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

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

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

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

Highway safety

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

Access

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

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

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

In light of the above, the proposal is considered to be acceptable in terms of the impact of the proposal on highway safety and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other issues

Comments received from neighbouring residents

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

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

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

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

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

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

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

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans:
 - Site Location Plan (1:1250 Scale)
 - Block Plan (1:500 Scale)

and documents received by the Local Planning Authority on 30/06/2021 and

20/10/2021, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

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

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

tudalen wag

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022-2023:

**PLANNING AND
DEVELOPMENT COMMITTEE
20th OCTOBER 2022**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

	Agenda Item No.
	APPLICATION NO: 21/1283/10 – Change of use of the ground floor from Use Class A2 (Betting Office) to Use Class A3 (Takeaway) and the installation of extraction flue to the rear elevation of the property to facilitate the new use. (Amended Plans Received 01/11/21)(Noise and Odour Assessment Received 01/02/22) LADBROKES PLC, 45 YNYSHIR ROAD, YNYSHIR, PORTH, CF39 0EL

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That members consider this report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the 21st July 2022 meeting of the Planning and Development Committee with a recommendation of approval. A copy of the original report is attached at **APPENDIX A**. At that meeting Members were minded to defer the determination of the application to a future meeting of the Planning & Development Committee to obtain further information from the Public Health Department in respect of impact to the amenity of properties to the rear of the proposed development.

4. PLANNING ASSESSMENT

The considerations in respect of the potential impact the proposed development works would have upon the residential amenity are set out in the original Committee report, however, a brief summary is set out below:

The proposal will utilise an existing commercial unit that is located within the designated retail centre of Ynyshir. As such, it is not considered the proposal to operate an A3 use in this settling will significantly increase the current level of disturbance with customer comings and goings being similar in

number to that which already exist at the property although timings will change. In addition, with a public house and existing A3 takeaway also in the vicinity of the site there is a general level of activity that is greater than that which would be experienced in solely residential area.

Nevertheless, there are a number of residential properties within the vicinity given the location of the retail centre and there will inevitably be a degree of impact upon the amenity of the occupiers of these properties. As such, the application is supported by Noise and Odour Assessments that were requested following initial consultation with the Council's Public Health and Protection Division. These reports set out that the proposed use would result in a low impact in these regards. Therefore, it is not considered that the proposed change of use would have any adverse impact upon the amenity of the surrounding properties. It is also considered that within retail areas there is a general level of activity that is greater than that in solely residential areas and residents residing in such areas accept that this is a consequence of living in a retail centre.

Following additional consultation, the Council's Public Health and Protection Division reiterated their previous comments that no objection is raised to the Odour Strategy/Survey provided as supporting material. Providing the guidance supplied namely regular cleaning of fine and grease filter and regularly changing the carbon filters with the time frame specified then there should not be a problem for surrounding residents with odours as they are sufficiently far away. It must be noted here that it is impossible to remove 100% of cooking odour no matter what system is used and no matter how much filtration is used. With regard to the Ynyshir Band Practice Hall immediately to the rear of the premises in question, this property has openable windows at the stack discharge height. However, the impact upon this building was not considered previously as Public Health comments were solely relating to the effect of the stack discharge vapours/effluvia on surrounding domestic dwellings.

If the impact upon the band practice hall is to be a consideration the discharge stack would have to be extended above the openable windows of the building. Members are advised that whilst it would be possible to extend the height of the discharge stack to above the height of the windows of the band hall. Such an increase would likely be around 2-3 metres in height above the proposed arrangement. A stack of this scale given its design and siting would result in an incongruous feature that would be out of keeping with the street scene along Ynyshir Road to the detriment of the character and appearance of the locality and would be considered unacceptable in this regard. As such, it is considered unreasonable to request the applicant to revise the height of the stack to address this concern.

Therefore, whilst the application is recommended for approval, if having considered the above advise and after further consideration, should Members wish to take into consideration the impact upon the band hall to the rear then it would be reasonable to recommend refusal of the application. It is suggested that the following reasons would reflect those views:

REASONS:

- 1. The proposed take away use would represent an un-neighbourly form of development that would be detrimental to the amenities of adjacent properties to the rear through the introduction of nuisance odours/waste, contrary to Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.**

PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1283/10 (JE)
APPLICANT: Mr Syed Zain Ummar
DEVELOPMENT: Change of use of the ground floor from Use Class A2 (Betting Office) to Use Class A3 (Takeaway) and the installation of extraction flue to the rear elevation of the property to facilitate the new use.(Amended Plans Received 01/11/21)(Noise and Odour Assessment Received 01/02/22)
LOCATION: LADBROKES PLC, 45 YNYSHIR ROAD, YNYS-HIR, PORTH, CF39 0EL
DATE REGISTERED: 01/02/2022
ELECTORAL DIVISION: Tylorstown and Ynyshir

RECOMMENDATION: APPROVE

REASONS: The principle of the change of use is acceptable and the proposal would bring a vacant unit back into beneficial use. Further, it is not considered the proposed use would have any undue impact upon the amenity, privacy or operation of the neighbouring properties, or upon highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the change of use from a betting office (Use Class A1) to a takeaway (Use Class A3) at Ladbrokes PLC, 45 Ynyshir Road, Ynyshir, Porth, Cf39 0EL.

The proposed change of use would be facilitated largely through internal alterations to the property in order to better assist in the running of the takeaway. Whilst no external changes are proposed to the shopfront, the proposal would see the installation of extraction equipment to the rear of the property in the form of a flue.

The proposed flue would be constructed of galvanized steel and would measure a height of 2.6 metres, protruding 1 metre above the eaves level of the property.

The following opening hours are proposed:

Monday to Friday:	11:00 – 21:00
Saturday:	11:00 – 23:00
Sunday and Bank Holidays:	15:00 – 21:00

The application is accompanied by the following:

- Noise Impact Assessment
- Odour Impact Assessment
- Design and Access Statement

SITE APPRAISAL

The application property is a single storey semi-detached commercial premises located within Ynyshir, Porth. The property directly fronts Ynyshir Road which is the main highway through the village. It is currently vacant however has previously operated as a betting shop. The property benefits from a commercial style frontage, large display windows and has space for associated fascia signage. To the south of the property is Ynyshir Cenotaph and associated enclosed garden which separates the site from Ynyshir Hotel beyond, which is currently vacant. The area to the west of the site is significantly elevated with a large retaining wall located along the western boundary. As such, the hall used by Ynyshir Brass Band located to the west is significantly elevated above the site.

Whilst the area surrounding the site is predominately residential, its location within the retail centre results in a number of other commercial uses being located in the vicinity along Ynyshir Road.

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.

5 No. letters of objection from neighbouring occupiers have been received following consultation. The points raised have been summarised below:

- The extraction flue will vent out over the cenotaph gardens which will destroy the features of this cherished monument.
- The discharge of the flue into the cenotaph is disrespectful.
- A large number of takeaways in the surrounding area.
- Will result in indiscriminate parking along Ynyshir Road due to limited parking in the vicinity of the site.

- Site is in close proximity to a bus stop and zebra crossing and visitors parking outside may impact upon these features creating safety issues and traffic congestion.
- Increase in traffic will likely be detrimental to air quality.
- Use as a takeaway would result in a risk of littering and discarded food.
- Smell created by the use.
- Fumes from flue will impact upon band hall to the rear and result in all windows needing to be closed.

CONSULTATION

Transportation Section: No objection raised or conditions suggested.

Public Health and Protection: No objection subject to conditions.

Flood Risk Management (Drainage): No objection raised or conditions suggested.

Dwr Cymru/Welsh Water: No objection subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

The application site lies within the settlement boundary for Ynyshir and is located within the retail centre of the village which is allocated as a Local and Neighbourhood Centre.

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

Policy NSA18 – sets out the retail hierarchy in the Northern Strategy Area with Ynysir classed as a Local and Neighbourhood Centre.

Supplementary Planning Guidance

- Design and Placemaking;
- Access, Circulation and Parking Requirements.

National Guidance

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

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

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

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

Other national policy guidance considered:

PPW Technical Advice Note 12: Design
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application seeks the change of use of an existing commercial premises from a betting office (Use Class A2) to a takeaway (Use Class A3).

Out of the existing 10 units within the Ynyshir retail centre 1 is A3. The proposal would see this increase to 2 with a percentage of 20%. As such, whilst the objectors have commented that the use would result in a high number of takeaways in the area, it is not considered the proposed change of use would lead to an overconcentration of A3 uses in the village, and it would in fact make a valuable contribution to the local area, complying with the objectives of Policy CS1 which seeks to promote sustainable growth within the Northern Strategy Area.

Policy NSA18 recognises that A2 and A3 uses add to the vitality of a retail centre by attracting customers and increasing footfall. It does however aim to avoid an over-concentration of such uses as they inevitably detract from the established retail character of the area. The policy seeks to create a sufficient day and evening economy but states that A3 uses, such as hot food takeaways (which are generally closed during the day), make a rather limited contribution to the centre and create areas of day-time inactivity in the retail frontage. In this instance the applicant seeks opening hours of 11:00 – 21:00 Monday to Friday, 11:00 to 23:00pm Saturdays and 15:00 – 21:00 on Sundays, therefore it is considered that this proposal complies with the requirements of Policy NSA18 in adding to a vibrant day and evening economy and is consequently acceptable in principle.

Further, the site is in a highly sustainable location, within the defined retail centre of Ynyshir, and in close proximity to a number of bus stops and within walking distance from a large residential area. The proposal would also be compatible with surrounding uses and can attract footfall to the centre. The proposal therefore complies with Policy AW2.

It is therefore considered that the change of use would be compliant with the relevant policies set out in both the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales and the development is acceptable, in principle.

Impact on the character and appearance of the area

In terms of the extraction equipment, given its location to the rear of the property, it is not considered the flue would form a significant addition to the street scene at Ynyshir Road. Whilst some views of the flue would be possible,

given its relatively minor scale, it would not create an addition that would dominate the overall appearance of the property.

Furthermore, the proposal simply seeks renovation and improvement works to the existing property and does not propose any increase to the footprint of the building or any external works to the shopfront. Consequently, it is not considered that the proposed change of use would result in any undue impact upon the character and appearance of the property or the wider surrounding area. The application is therefore considered acceptable in this regard.

Impact on residential amenity and privacy

Whilst the objectors concerns regarding the impact upon residential amenity through increased noise and disturbance are acknowledged, the proposal will utilise an existing commercial unit that is located within the designated retail centre of Ynyshir, where a degree of noise and disturbance would be expected and the general level of activity would be greater than that in solely residential area. As such residents residing in such areas must accept that this is a consequence of living in a retail centre.

Nevertheless, there are a number of residential properties within the vicinity and there will inevitably be a degree of impact upon the amenity of the occupiers of these properties. As such, the application is supported by Noise and Odour Assessments that were requested following initial consultation with the Council's Public Health and Protection Division. The reports set out that the proposed use would result in a low impact in these regards, and this claim was not disputed following a review by the Council's Public Health and Protection Division who raised no objection to the proposal.

Therefore, it is not considered that the proposed change of use would result in a degree of impact upon the amenity of the surrounding properties significant enough to warrant refusal of the application. It is also noted that there is a public house and an existing A3 takeaway in the vicinity of the site, and it is not considered the proposal to operate an A3 use at this property will significantly increase the current levels of disturbance with customer comings and goings being similar in number to the nearby uses.

Consequently, whilst it is acknowledged that there will inevitably be a degree of impact from the A3 use, on balance, it is not considered that the proposed operation of the unit under Use Class A3 would result in the amenity of the occupiers of the surrounding properties being materially affected to a degree that would warrant refusal of the application. It is, however considered a condition should be added to any consent to restrict the opening hours in this case to ensure any impact is minimised. The application is therefore considered acceptable in this regard, subject to the condition detailed below.

Impact on highway safety

Whilst the objector's comments with regard to the impact upon parking and highway safety are acknowledged, no objections were raised following

consultation with the Council's Transportation Section. In their consideration of the scheme the Transportation Section gave the following response:

The property is served off Ynyshir Road, which has a carriageway width of 7.3m with 1.8m footways which is acceptable to serve the proposed use. There is a TRO on the opposite side preventing on street car parking with limited on-street car parking available on the development side. There is a zebra crossing to the north with zig zag line traffic regulations to prevent on-street car parking maintaining sight lines to the crossing point.

In accordance with the Council's SPG Access, Circulation & Parking 2011 there is a requirement that service and customer vehicles can park in the vicinity without affecting highway safety and free flow of traffic. There are traffic regulations in place on the opposite side preventing on-street car parking with limited parking only on the development side due to existing demand. Taking into account the width of carriageway which can accommodate parking on one carriageway lane without impacting on the free flow of traffic, on-balance the proposed is acceptable. The existing use as a betting shop would have also generated a number of trips to and from the proposed by both vehicle and on foot.

There is some concern that takeaways by their nature encourage indiscriminate on-street car parking. However, taking into account the existing road width 7.3m with restrictions preventing on-street car parking on the opposite side to maintain free flow of traffic, on-balance the proposed is acceptable and no highway objection is raised.

Other points raised by the objectors

A number of the objectors raised concerns that the original proposal would see the flue directly discharge into the adjacent war memorial garden. Members should note that given the objectors concerns the flue was subsequently relocated to the rear of the property with amended plans being received on the 01/11/21. As such, further consultation was undertaken with the neighbouring residents, but the objectors did not remove their comments regarding this issue.

Public Health & Protection

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

In addition, it was also noted that there is a potential for issues to arise in respect of food waste entering the drainage system. Nevertheless, it is advised that this issue can be overcome through the installation of specialist equipment and therefore no objections have been raised subject to conditions being added to any consent in this respect.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The principle of development is supported, and the change of use is deemed to have an acceptable impact upon the character and appearance of the area, the amenities of nearby properties and highway safety within the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan as highlighted above.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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

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

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

- YR02 (A) Rev A – 01/11/2021

unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The public opening hours for the business hereby approved shall be as follows:

Monday to Friday:	11:00 – 21:00
Saturday:	11:00 – 23:00
Sunday and Bank Holidays:	15:00 – 21:00

Reason: To define the scope of the permitted use and in the interests of the amenity of neighbouring occupiers in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to commencement of any development on site, details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial operation of the business and shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the integrity of the foul drainage system in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022-2023:

**PLANNING AND
DEVELOPMENT COMMITTEE
20th OCTOBER 2022**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

	Agenda Item No.
APPLICATION NO: 22/0492/10 – Hard standing (retrospective) and dropped down kerb access over public footpath at 36 Aber-Rhondda Road, Porth, CF39 0BB	

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of 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 21st July 2022 meeting of the Planning and Development Committee with a recommendation of approval. A copy of the original report is attached at **APPENDIX A**.

In accordance with Minute No 22 (Planning and Development Committee – 21st July 2022), Members were minded to defer determination of the application for a site inspection, which was undertaken on 9th August 2022, to consider the potential impact the proposed development would have upon pedestrian and highway safety in the vicinity of the site. A copy of the site inspection report is attached at **APPENDIX B**.

The application was reported back to the next available meeting of the Planning and Development Committee, 8th September 2022, where Members were minded to refuse the application as they considered it would result in an unacceptable impact on highway and pedestrian safety in the vicinity of the site.

4. PLANNING ASSESSMENT

The considerations in respect of the impact the hardstanding and dropped kerb would have upon highway and pedestrian safety are set out in the original Committee report, however, a brief summary is set out below:

There is concern with regard the lack of on-street parking availability for residents within the street and this proposal would exacerbate this issue further by removing 1/2 spaces. In addition, there is also some concern with the visibility out of the site and the impact it would have upon pedestrians utilising the pavement when vehicles manoeuvre across the vehicular crossover, especially as there are two nearby S-bends on Aber-Rhondda Road and the regular incidence of vehicles travelling beyond the speed limit of 30mph here. However, given there are several examples of similar vehicular crossovers along this section of highway, on balance, the Highways and Transportation raised no objection to the application.

Notwithstanding the lack of a highway objection, the above clearly demonstrates that the development would result in an impact to pedestrian and highway safety in the immediate vicinity, as well as a loss of parking for surrounding neighbours, impacts which raise concern and could be considered significant enough to warrant refusal of the application.

Consequently, the proposed development could therefore be considered unacceptable in respect of its potential impact upon highway and pedestrian safety.

5. CONCLUSION

Whilst the application is recommended for approval, subject to the conditions set out in the original report, if, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reason for refusal would reflect those views:

- 1. The hard standing and dropped down kerb access over the public footpath would result in the reduction of on-street parking spaces in the vicinity, where there is already little provision and high demand, and the creation of traffic hazards due to a lack of visibility out of the site, to the detriment of pedestrian and highway safety and the free flow of traffic. The proposal is therefore contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.**

PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0492/10 (AM)
APPLICANT: Miss R Green
DEVELOPMENT: Hard standing (retrospective) and dropped down kerb access over public footpath.
LOCATION: 36 ABER-RHONDDA ROAD, PORTH, CF39 0BB
DATE REGISTERED: 22/04/2022
ELECTORAL DIVISION: Porth

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

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

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the retention of a hardstanding and the construction of an associated dropped kerb access over the public footpath at 36 Aber-Rhondda Road, Porth.

The vehicle hardstand is located to the front of 36 Aber-Rhondda Road and has been surfaced in permanent materials and enclosed with a timber fence. It is proposed an associated vehicular crossover be provided to the front to allow for access.

SITE APPRAISAL

The application property is a two-storey, traditional terraced dwelling situated within a residential area of Porth.

The principal elevation of the property faces east towards the adopted highway, from which it is set back by a linear front amenity area measuring approximately 14 meters in length. An enclosed hardstanding has been created here (the subject of this application).

There are similar examples of hardstandings and dropped kerbs to that proposed within the row at nos. 35 and 40 Aber-Rhondda Road.

PLANNING HISTORY

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

PUBLICITY

The application has been advertised by direct notification to neighbouring properties and a site notice. 11 Letters of objection and 3 letters of support have been received, which raised the following points (summarised):

Objections

- A strain and detrimental effect upon on-street parking and availability. Would remove existing on-street parking provision outside of property.
- Detrimental effect on road safety which would affect children, the elderly and people with mobility and health issues as cars would have to cross the footway.
- Increased probability of road traffic accidents.
- Would increase parking in the lane off Aber-Rhondda Road.
- Would set a precedent for more dropped kerbs in the street exacerbating the parking / accessibility issues.

Supporting

- This would not adversely affect the area or the residents.
- Parking is a problem locally and is not isolated to Aber-Rhondda Road.
- Many households have more than one vehicle and there for off road parking is limited. This would allow for additional off road parking.

CONSULTATION

Highways and Transportation

No objection is raised subject to conditions in respect of the dropped kerb construction and to prevent surface water discharging onto the public highway.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

The application site lies within the settlement boundary for Porth.

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

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

Supplementary Planning Guidance

A Design Guide for Householder Development

Access Circulation and Parking

National Guidance:

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

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

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

Given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in

promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other national policy guidance considered

PPW Technical Advice Note 12 – Design
PPW Technical Advice Note 18 - Transport

REASONS FOR REACHING THE RECOMMENDATION:

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

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

Main Issues

Principle of the proposed development

The application relates to the construction of a vehicle hardstanding and associated dropped kerb at an existing residential dwelling to allow for off-street parking at the property. The principle of development is therefore acceptable subject to the criteria set out below.

Impact on Highway Safety

The application has been subject to consultation with the Council's Highways and Transportation Section with a view to assessing the potential impacts of the proposal on highway safety.

In their assessment of the scheme Highways and Transportation commented that the driveway and dropped kerb are considered to be acceptable in principle. The retrospective hardstand has been surfaced in permanent materials which is considered acceptable, and they would provide additional off-street parking which reduces on-street parking demand, in the interests of highway and pedestrian safety. It is suggested however that a condition be attached to any consent to ensure the dropped kerb is constructed to the relevant Council standards.

Highways and Transportation also noted that there is some concern that surface water runoff from the proposed may discharge onto the highway however it is considered this can be overcome through a suitable condition, suggested below.

Taking the above into account, while the concerns of the objectors are acknowledged, the proposal is considered to be acceptable in terms of the impact it would have on pedestrian and highway safety in the vicinity of the site, and it would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

Impact on the character and appearance of the area

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

The proposed hardstanding and dropped kerb would be accessed off Aber-Rhondda Road, where a number of dwellings featuring front amenity areas. The proposed development would form a minor alteration to the front of the site which would not be too dissimilar to other dropped kerb / driveway developments in the immediate vicinity. The development would therefore have a minimal impact upon the street scene as a whole and it is not considered that it would have an adverse impact on the character and appearance of the area.

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

Impact on residential amenity and privacy

The proposal would result in the kerb to the front of the site being dropped to facilitate off-street car parking on an existing hard standing. The development would therefore not be capable of causing any overshadowing or detriment to outlook, nor would it raise any concerns with regard to privacy. As such, the proposal is considered to be acceptable in terms of the impact it would have on the residential amenity and privacy of neighbouring properties.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

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

properties, or upon highway safety. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s)
 - Site location plan
 - Hardstand plan

unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Notwithstanding the details shown on the submitted plans, no further development shall commence until design and details of the vehicular crossover have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial use.

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

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

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

5. Within a period of four months, the gates in front of the hardstanding, as outlined in the submitted plans, are to be reduced to match the existing brick wall boundary treatment. Thereafter, the scheme shall be carried out in accordance with the approved details.

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

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

PLANNING & DEVELOPMENT COMMITTEE

9th AUGUST 2022

SITE MEETING

APPLICATION NO: 22/0492/10 HARD STANDING (RETROSPECTIVE) AND DROPPED DOWN KERB ACCESS OVER PUBLIC FOOTPATH, 36 ABER-RHONDDA ROAD, PORTH, CF39 0BB

REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION

Author: Kate Spence, Council Business Unit.

1. PURPOSE OF THE REPORT

- 1.1 To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Director, Prosperity & Development, attached at Appendix 1.

2. RECOMMENDATION

It is recommended that Members:

- 2.1 Approve the application in accordance with the recommendation of the Director, Prosperity & Development, subject to conditions.

3. BACKGROUND

- 3.1 In accordance with Minute No 22 (Planning and Development Committee – 21st July 2022) a site inspection was undertaken on Tuesday 9th August 2022 to consider the potential impact that the proposed development would have upon highway safety in the vicinity of the site.
- 3.2 The meeting was attended by the Planning and Development Committee Members County Borough Councillors S Rees, C Middle, J Smith and R Williams, and Local Member County Borough Councillor S Hickman.

- 3.3 Apologies for absence were received from Planning and Development Committee Members, County Borough Councillors D Grehan, W Lewis, W Owen, L Tomkinson, and D Williams.
- 3.4 Members met at the front of the property on Aber-Rhondda Road, Porth. The Planning Officer advised Members that full planning permission is sought for the retention of a hardstanding, boundary fencing and gates to the front of the property and for the construction of an associated dropped kerb access over the public footpath at 36 Aber-Rhondda Road, Porth.
- 3.5 The Planning Officer advised Members that 11 letters of objection had been received in respect of the application, citing issues of highway safety and removal of on-street parking for surrounding residents, in addition to 3 letters of support.
- 3.6 The Planning Officer advised that the proposed development would not cause an unacceptable level of overshadowing or detriment to outlook for neighbours; and although the proposed development would form a minor alteration to the front of the site, this would not be dissimilar to other dropped kerb / driveway developments in the immediate vicinity.
- 3.7 With respect to the gates in front of the hardstanding, the Planning Officer advised that it was considered their scale and design were not suitable for this prominent location and that should Members be minded to approve the application, it is advised alternatives are sought. As such it was suggested that Condition 5 be amended to read as outlined below:

Within 1 month of the date of this consent, full details of replacement gates to be located across the front of the driveway hereby approved (adjacent to Aber-Rhondda Road), shall be submitted to the Local Planning Authority for approval. The approved gates shall be installed within 3 months of approval, shall open into the site, and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

The Highways Officer raised no objection to the proposed development, advising that the hardstanding and dropped kerb are considered acceptable in principle, subject to conditions being attached to any consent to ensure the dropped kerb is constructed to the relevant Council standards and that no surface water discharges onto the public footway/highway. The Highways Officer confirmed adequate visibility for the vehicular crossover of the

neighbouring property, advising that there had not been any reported issues to date and advised that guidance on the provision of vehicular crossovers was provided on the Council's website, and Manual for Streets. Given that the vehicular crossover satisfied the requirements, including the common law right of owners whose land abuts the highway to have access to and from the highway, no objection was raised. The Highways Officer acknowledged the concerns for limited on-street parking, however, the requirement of a highway is to accommodate free passage, and does not confer any legal rights with regard to parking.

- 3.8 Members queried on-street parking along the distance of the dropped kerb. The Highways Officer advised that enforcement of obstructive parking across a vehicular crossover was a Police matter, and it would be at their discretion whether they permitted residents of No. 36 Aber-Rhondda Road to obstruct their own access.
- 4.0 Members discussed gate access in front of the hardstanding. The Planning Officer advised that gates would be inward-opening, but the requirement of a manual or electric gate could not be enforced.
- 4.1 Members queried the visibility of pedestrians utilising the pavement when manoeuvring across the vehicular crossover. The Highways Officer noted the obligation of drivers to manoeuvre cautiously when merging onto the carriageway, whilst giving way to pedestrians, as per the requirement at all vehicular crossovers.
- 4.2 Members queried the ability to condition the use of the hardstanding. The Planning Officer advised that the use of hardstanding could be limited to the parking of any non-commercial vehicle, although the type of private vehicle could not be controlled.
- 4.3 Members queried the potential damage to drain covers that are situated within the vehicular crossover. The Planning and Highways Officers advised that the design and details of the vehicular crossover would be submitted to, and approved in writing, by the Local Planning Authority, and construction supervised by the highway inspector, thus alleviating any adverse impact on services and adjacent footway.
- 4.5 Local Member, County Borough Councillor S Hickman spoke against the proposed development and shared concern for loss of on-street parking for local residents.
- 4.6 Members queried approval of the neighbouring hardstanding and dropped kerb. The Local Member discussed the retrospective application that was granted full planning permission in 2010, but referenced the reduced demand for on-street parking at that time.

- 4.7 The Local Member further shared concerns for poor visibility for entry and egress onto the hardstanding, with reference to two nearby S-bends of Aber-Rhondda Road, in addition to the regular incidence of vehicles travelling beyond the speed limit of 30mph.
- 4.8 Members queried the impact of the Welsh Government policy initiative to reduce the default speed limit within 30mph zones to 20mph, and the Highway Officer advised that the speed limit of Aber-Rhondda Road would likely decrease to 20mph in line with the Welsh Government initiative next year.
- 4.9 The Chair thanked the Officers for the report and closed the meeting.

PLANNING & DEVELOPMENT COMMITTEE

08 SEPTEMBER 2022

INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN

UNDER DELEGATED POWERS

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

1. PURPOSE OF THE REPORT

To inform Members of the following, for the period 08/08/2022 – 26/08/2022

Planning Appeals Decisions Received.
Delegated Decisions Approvals and Refusals with reasons.

2. RECOMMENDATION

That Members note the information.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

PLANNING & DEVELOPMENT COMMITTEE

18 AUGUST 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

REPORT

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

OFFICER TO CONTACT

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

See Relevant Application File

APPEALS RECEIVED

APPLICATION NO: 20/1105
APPEAL REF: CAS-01865-H4Q2K8
APPLICANT: Mr D H Thomas
DEVELOPMENT: 3 detached 4-bed houses with integral garages, served by a private access road.(CMRA received 30/10/20. Revised location and site plan/topographical survey received 22/02/21. Revised tree removal and planting plan, landscape mitigation plan and PEA addendum [bat and bird surveys] received 12/8/21).
LOCATION: LAND AT THE LAURELS, HIGH STREET, LLANTRISANT, CF72 8PB
APPEAL RECEIVED: 17/08/2022
APPEAL START DATE: 17/08/2022

APPLICATION NO: 21/0777
APPEAL REF: CAS-01866-S8Y1X1
APPLICANT: Mr Carl Owen
DEVELOPMENT: Increase storage in open area from 6 cars to 15 and extend opening hours of site for cars sales.
LOCATION: UNIT 1, 116 MILL STREET, TONYREFAIL, PORTH, CF39 8AF
APPEAL RECEIVED: 14/04/2022
APPEAL START DATE: 22/08/2022

APPLICATION NO: 22/0053
APPEAL REF: CAS-01863-G4F0D1
APPLICANT: RFJ Ltd
DEVELOPMENT: Change of use of a former office building (Use Class A2) to 11 no. flats (Use Class C3a) and associated works (resubmission of application 21/1190/10).
LOCATION: BUTE CHAMBERS, 54-55 BUTE STREET, ABERDARE, CF44 7LD
APPEAL RECEIVED: 13/04/2022
APPEAL START DATE: 16/08/2022

APPEAL DECISION RECEIVED

APPLICATION NO: 21/0931
APPEAL REF: CAS-01366-B3T3J1
APPLICANT: Mrs Corbett Jones
DEVELOPMENT: Change of use into two self-contained flats and retail space.
Alterations to shop front and rear elevations.
LOCATION: P C JONES, 54 TYLACELYN ROAD, PENYGRAIG,
TONYPANDY, CF40 1JU
DECIDED: 17/08/2021
DECISION: Refused
APPEAL RECEIVED: 19/01/2022
APPEAL DECIDED: 09/08/2022
APPEAL DECISION: Allowed with Conditions

APPLICATION NO: 21/1314
APPEAL REF: CAS-01698-F1W7H8
APPLICANT: Mr G Williams
DEVELOPMENT: Raising of garden level to provide a patio area.
LOCATION: 13 CENARTH DRIVE, CWM-BACH, ABERDARE, CF44
0NH
DECIDED: 25/11/2021
DECISION: Refused
APPEAL RECEIVED: 15/02/2022
APPEAL DECIDED: 15/08/2022
APPEAL DECISION: Dismissed

Report for Development Control Planning Committee

Hirwaun

22/0536/10 Decision Date: 19/08/2022
Proposal: Double storey side extension, single storey rear extension and detached double storey annex
Location: BRYN HIR, PENDERYN ROAD, HIRWAUN, ABERDARE, CF44 9RU

Treorchy

22/0478/15 Decision Date: 24/08/2022
Proposal: Renew condition 1 (time limit) to extend permission 17/0047/10.
Location: GLYNCOLI CLOSE, TREORCHY

Cwm Clydach

22/0165/10 Decision Date: 11/08/2022
Proposal: Conversion of former working men's club into 3 No. dwellings with off-street car parking. (Preliminary Roost Assessment received 06/05/22)(Bat Survey Report received 15/07/22)
Location: THE MARXIAN WORKING MENS CLUB AND INSTITUTE, 118-119 COURT STREET, TONYPANDY, CF40 2RN

Tonypandy

22/0773/10 Decision Date: 23/08/2022
Proposal: First floor rear extension, internal modifications
Location: 51 ELEANOR STREET, TONYPANDY, CF40 1DR

22/0789/10 Decision Date: 26/08/2022
Proposal: Proposed change of use from Dog Grooming Parlour to Sandwich Bar.
Location: 88A DUNRAVEN STREET, TONYPANDY, CF40 1AP

Trealaw

22/0330/10 Decision Date: 25/08/2022
Proposal: Detached dwelling. (Revised plans received 15th July 2022)
Location: LAND BETWEEN 161 - 162, BRITHWEUNYDD ROAD, TREALAW, TONYPANDY, CF40 2UH

Abercynon

22/0579/10 Decision Date: 15/08/2022
Proposal: Change of use from barber shop (Use Class A1) and residential flat (Use Class C3) to dental practice (Use Class D1). Internal works to create three new surgeries, waiting area and staff room to adjoin into the existing
Location: BARBER SHOP, 22 MARGARET STREET, ABERCYNON, MOUNTAIN ASH, CF45 4RE

Report for Development Control Planning Committee

Aberdare West and Llwydcoed

22/0730/15 Decision Date: 10/08/2022
Proposal: Removal of condition 4 of planning consent ref. 77/0197 (Special Purpose Bungalow)

Location: TIR ERGYD BUNGALOW, MERTHYR ROAD, LLWYDCOED, ABERDARE, CF44 0LJ

Bryнна and Llanharan

22/0736/10 Decision Date: 08/08/2022
Proposal: Single storey extension.

Location: 15 YNYSMAERDY TERRACE, YNYSMAERDY, LLANTRISANT, PONTYCLUN, CF72 8LG

Cwmbach

22/0711/10 Decision Date: 25/08/2022
Proposal: Double extension to rear, 2 no. parking spaces to front and other associated works.

Location: 16 BLAENNANTYGROES ROAD, CWM-BACH, ABERDARE, CF44 0EA

Glyn-coch

22/0747/10 Decision Date: 25/08/2022
Proposal: First floor extension above existing ground floor for bedroom.

Location: 11 THE GROVE, GLYN-COCH, PONTYPRIDD, CF37 3BQ

Graig and Pontypridd West

21/1291/13 Decision Date: 10/08/2022
Proposal: Proposed dormer bungalow with double garage underneath.

Location: SITE ADJACENT TO PRIDDFAEEN GOCH BUNGALOW, DAN-Y-COEDCAE ROAD, GRAIG, PONTYPRIDD, CF37 1LS

22/0776/10 Decision Date: 11/08/2022
Proposal: Single storey rear extension

Location: 18 COED ISAF ROAD, MAES-Y-COED, PONTYPRIDD, CF37 1EL

Hawthorn and Lower Rhydfelen

22/0930/10 Decision Date: 24/08/2022
Proposal: Two storey side extension, loft conversion, alterations to roof and construction of porch.

Location: 31 HAWTHORN CRESCENT, RHYDYFELIN, PONTYPRIDD, CF37 5AY

Report for Development Control Planning Committee

Llantrisant and Talbot Green

22/0873/09 Decision Date: 11/08/2022
Proposal: Single storey rear extension and internal alterations.

Location: 3 GREENFIELD COTTAGES, CARDIFF ROAD, LLANTRISANT, PONTYCLUN, CF72 8DG

Llantwit Fardre

22/0768/10 Decision Date: 11/08/2022
Proposal: Single storey rear extension

Location: 27 HEOL-Y-FFYNNON, EFAILISAF, PONTYPRIDD, CF38 1AU

Llwyn-y-pia

22/0592/15 Decision Date: 16/08/2022
Proposal: Variation of condition 1 of application 17/0321/10 (The erection, 25 year operation and subsequent decommissioning of a wind turbine with a maximum overall tip height of 121.5m, 20m micro-siting, new and

Location: LAND ADJ. TO FORMER NANT-Y-GWYDDON LANDFILL SITE

Pen-y-graig

22/0741/10 Decision Date: 10/08/2022
Proposal: Replacement garage

Location: 1 GLANNANT STREET, PEN-Y-GRAIG, TONYPANDY, CF40 1JT

Pontyclun East

22/0724/10 Decision Date: 17/08/2022
Proposal: First floor extension over garage with front elevation brought in line with existing.

Location: 32 MAES-Y-WENNOL, MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 8SB

Pontyclun West

22/0639/10 Decision Date: 22/08/2022
Proposal: Single storey rear extension, attic conversion with dormer to rear.

Location: THE RISE, 30 LLWYNFEN ROAD, PONT-Y-CLUN, PONTYCLUN, CF72 9EL

Report for Development Control Planning Committee

Pontypridd Town

22/0744/19 Decision Date: 10/08/2022
Proposal: Prune and remove deadwood from Cedar tree.

Location: 4 TYFICA ROAD, PONTYPRIDD, CF37 2DA

22/0942/09 Decision Date: 22/08/2022
Proposal: Single storey porch to front elevation, 1 new window and 1 enlarged opening to rear

Location: 21 LANWOOD ROAD, GRAIG-WEN, PONTYPRIDD, CF37 2EP

Rhydfelen Central

22/0519/10 Decision Date: 12/08/2022
Proposal: Rear single storey extension.

Location: 17 PLANE STREET, RHYDYFELIN, PONTYPRIDD, CF37 5DE

Taff's Well

22/0156/10 Decision Date: 18/08/2022
Proposal: Convert 2 bed bungalow into a 4 bed dwelling.

Location: 94 GLAN-Y-FFORDD, TAFF'S WELL, CARDIFF, CF15 7SP

22/0794/10 Decision Date: 23/08/2022
Proposal: Double storey side extension.

Location: THE COTTAGE, 1 CHURCH LANE, TAFF'S WELL, CARDIFF, CF15 7TQ

Tonyrefail West

22/0792/10 Decision Date: 10/08/2022
Proposal: First floor rear extension and loft conversion

Location: GLAN Y FFRWD, PENRHIWFER ROAD, TONYREFAIL, PORTH, CF39 8EY

Treherbert

22/0672/10 Decision Date: 15/08/2022
Proposal: Retrospective application for the installed ATM

Location: 137-138 BUTE STREET, TREHERBERT, TREORCHY, CF42 5PD

22/0673/01 Decision Date: 16/08/2022
Proposal: ATM signage

Location: 137-138 BUTE STREET, TREHERBERT, TREORCHY, CF42 5PD

Report for Development Control Planning Committee

Treorchy

22/0781/15 Decision Date: 18/08/2022
Proposal: Variation of condition 1 of planning permission 10/0218/15, to extend Monday to Saturday opening hours from 8:00am-9:00pm to 8:00am-10:00pm
Location: LIDL, CAE MAWR INDUSTRIAL ESTATE, TREORCHY, CF42 6EJ

Tylorstown and Ynyshir

22/0791/10 Decision Date: 23/08/2022
Proposal: First Floor Rear Extension.
Location: 9 CHAPEL STREET, WATTSTOWN, PORTH, CF39 0PU

Upper Rhydfelen and Glyn-taf

22/0772/10 Decision Date: 11/08/2022
Proposal: Two storey side extension
Location: 72 OAK STREET, RHYDYFELIN, PONTYPRIDD, CF37 5SD

Ystrad

22/0631/10 Decision Date: 25/08/2022
Proposal: First floor rear extension.
Location: 1 STANLEY ROAD, GELLI, PENTRE, CF41 7NH

22/0746/10 Decision Date: 16/08/2022
Proposal: Two storey extension.
Location: 248 TYNTYLA ROAD, YSTRAD, PENTRE, CF41 7SG

Total Number of Delegated decisions is 33

tudalen wag

Report for Development Control Planning Committee

Tonypandy

22/0765/10

Decision Date: 16/08/2022

Proposal: Rear balcony to existing two storey extension. (resubmission of 22/0342/10)

Location: 59 COURT STREET, TONYPANDY, CF40 2RJ

Reason: 1 By virtue of its scale, design and elevated height, the proposed balcony would have a detrimental impact upon the character and appearance of the rear of the host dwelling and wider area, resulting in an obtrusive and overbearing addition which would appear incongruous within its setting. The proposal is therefore contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the relevant guidance set out in SPG 'A Design Guide for Householder Development (2011)' in respect of its visual appearance.

Reason: 2 The proposed balcony, by virtue of its elevated height, prominent location and relationship with adjacent properties, would result in an overbearing impact to and direct overlooking of the neighbouring properties, adversely affecting the privacy and amenity standards currently enjoyed by occupiers. The proposal is therefore unneighbourly and excessive and contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the relevant guidance set out in SPG 'A Design Guide for Householder Development (2011)' in respect of neighbour amenity.

Graig and Pontypridd West

22/0686/10

Decision Date: 10/08/2022

Proposal: Construct a habitable day room at the rear garden of the property.

Location: 39 VAUGHAN STREET, PONTYPRIDD, CF37 1HR

Reason: 1 The proposed development, in terms of its siting, scale and design, would constitute an unsympathetic development and represents overdevelopment of the application site, which would be poorly related to the context and character of the site and wider area. The proposal is therefore considered contrary to Policies AW5 and AW6 of the LDP.

Report for Development Control Planning Committee

Hirwaun, Penderyn and Rhigos

22/0757/10

Decision Date: 17/08/2022

Proposal: Proposed two bedroom bungalow together with external works.

Location: BUILDING PLOT TO THE REAR OF THE GLANCYNON INN, SWANSEA ROAD, HIRWAUN, ABERDARE, CF44 9PE

Reason: 1 The development proposes highly vulnerable development within Zone C2 of the Development Advice Map (DAM) contained in TAN15. The proposed development is considered contrary to National Planning Policy and Section 6 of Technical Advice Note 15: Development and Flood Risk which states at paragraph 6.2 that highly vulnerable development should not be permitted in Zone C2.

Reason: 2 The proposed Development and access road would be partly located within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application to be at risk of flooding and falls into Flood Zone 2 Rivers. The proposal for highly vulnerable development within areas of flood risk are considered contrary to policies AW2 and AW10 of the Rhondda Cynon Taf Local Development Plan.

Llanharry

22/0782/10

Decision Date: 26/08/2022

Proposal: Garden shed and raised decking

Location: 22 HEOL YR ONNEN, LLANHARRY, PONTYCLUN, CF72 9NJ

Reason: 1 The proposed decking, by virtue of its scale, design and elevated height would result in a detrimental impact upon the character and appearance of the rear of the host dwelling and wider area. It would also result in a significant detrimental impact upon the residential amenity of neighbouring occupiers by way of loss of privacy, an increase in overlooking and an unacceptable overbearing impact. The proposal is therefore both unneighbourly and excessive, contrary to the relevant policies of the Local Development Plan (AW5 and AW6) and Supplementary Planning Guidance A Design Guide for Householder Development. Further, the proposed shed would form a highly prominent feature within the street scene, to the detriment of the visual amenity of area, contrary to Policy AW6 of Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance A Design Guide for Householder Development.

Report for Development Control Planning Committee

Mountain Ash

22/0682/01

Decision Date: 19/08/2022

Proposal: 2000mm high x 4000mm wide fixed page LED signage board (industry standard size) with 2300mm high brushed aluminium base pan with supporting steel subframe. This application is for permanent signage.

Location: MOUNTAIN ASH TOWN HALL, FFRWD CRESCENT, MOUNTAIN ASH, CF45 4EU

Reason: 1 The proposed signage would, by virtue of its size, scale, design and visual prominence have a detrimental impact on the setting of the two listed building that it would be located between and consequently, the visual amenity of the surrounding area. The proposed signage would therefore be contrary to the Town and Country Planning (Control of Advertisements) Regulations 1992 and Policies AW5, AW6 and AW7 of the Rhondda Cynon Taf Local Development Plan.

Total Number of Delegated decisions is 5

tudalen wag