



CYNGOR BWRDEISTREF SIROL
RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL

COMMITTEE SUMMONS

C Hanagan
Service Director of Democratic Services & Communication
Rhondda Cynon Taf County Borough Council
The Pavilions
Cambrian Park
Clydach Vale CF40 2XX

Meeting Contact: Kate Spence - Democratic Services (07747485566)

A hybrid meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** will be held on **THURSDAY, 9TH MARCH, 2023** at **3.00 PM**.

It is the intention to live stream this meeting, details of which can be accessed [here](#).

NON-COMMITTEE MEMBERS AND MEMBERS OF THE PUBLIC MAY REQUEST THE FACILITY TO ADDRESS THE COMMITTEE AT THEIR MEETING ON THE BUSINESS LISTED. IT IS KINDLY ASKED THAT SUCH NOTIFICATION IS MADE TO **PLANNINGSERVICES@RCTCBC.GOV.UK** BY 5PM ON TUESDAY, 7 MARCH 2023, INCLUDING STIPULATING WHETHER THE ADDRESS WILL BE IN WELSH OR ENGLISH.

THE ORDER OF THE AGENDA MAY BE SUBJECT TO AMENDMENT TO BEST FACILITATE THE BUSINESS OF THE COMMITTEE

AGENDA

1. DECLARATION OF INTEREST

To receive disclosures of personal interest from Members in accordance with the Code of Conduct.

Note:

1. Members are requested to identify the item number and subject matter that their interest relates to and signify the nature of the personal interest; and
2. Where Members withdraw from a meeting as a consequence of the disclosure of a prejudicial interest they **must** notify the Chairman when they leave.

2. HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS

To note, that when Committee Members determine the development control matters before them, they should have regard to the Development Plan and, so far as material to applications, to any other material considerations and when taking decisions, Members have to ensure they do not act in a manner that is incompatible with the Convention on Human Rights as incorporated into legislation by the Human Rights Act 1998.

3. WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

To note that the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle and to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4. MINUTES 09.02.23

To approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on 9th February 2023.

7 - 12

APPLICATIONS RECOMMENDED FOR APPROVAL BY THE DIRECTOR OF PROSPERITY & DEVELOPMENT

5. APPLICATION NO: 20/1319

Partially retrospective application for the retention of extension and changes to recycling centre including changes to layout and surfacing; the provision of a weigh bridge, additional buildings, attenuation pond and drainage amendments; change to the type and quality of materials being processed to include green waste, timber and glass, drying of material, operation of biomass boilers, dry mixed recycling processing, glass processing, composting of green waste, wood shredding, nappies bulking; and operation of recycling shop; plus a change to approved working hours (updated Environmental Statement, plans and supporting information received 14/05/21, updated Drainage Strategy received 03/08/21, and Technical Note (noise) received 10/01/22)
LLANTRISANT RECYCLING CENTRE, PANTYBRAD, TONYREFAIL, CF72 8YY.

13 - 48

6. APPLICATION NO: 22/0313

Retention of small dressing room block and the addition of an extension to its front, and retention of a wooden shed in side yard. Proposed installation of a gate to a side alley; three removable bollards to front

driveway; a 4 inch high disabled ramp with handrail to the side. Repair and restoration of the Grade II listed facade. **SAVOY BINGO HALL, COLLENNA ROAD, TONYREFAIL.**

49 - 62

7. **APPLICATION NO: 22/0314**

Retention of small dressing room block and the addition of an extension to its front, and retention of a wooden shed in side yard. Proposed installation of a gate to a side alley; three removable bollards to front driveway; a 4 inch high disabled ramp with handrail to the side. Repair and restoration of the Grade II listed facade. (Application for Listed Building Consent). **SAVOY BINGO HALL, COLLENNA ROAD, TONYREFAIL.**

63 - 74

8. **APPLICATION NO: 22/1082**

Installation of a Synchronous Condenser Facility, associated ancillary infrastructure and buildings to house synchronous condensers, access and landscaping **LAND AT POUND FARM, TON-TEG, PONTYPRIDD, CF38 1SU.**

75 - 102

9. **APPLICATION NO: 22/1263**

Development of four flats, car parking, landscaping and associated works. **LAND OFF ST JOHNS ROAD, TONYREFAIL.**

103 - 118

10. **APPLICATION NO: 22/1374**

Affordable housing scheme of 17 dwellings, to include demolition of existing buildings and provision of parking, access, drainage, hard and soft landscaping (revised plans, to amend levels, received 10th January 2023, Updated Ecology Survey received 17th January 2023, revised Geotechnical and Geoenvironmental Report received 26th January 2023, Additional cross section drawing received 1st February 2023) **LAND TO THE REAR OF 68 - 72, HIGH STREET, TONYREFAIL, CF39 8PL.**

119 - 144

11. **APPLICATION NO: 22/1412**

Proposed development of a care home for older persons (13no. ensuite bedrooms and 1no. respite bedroom), landscaping, sustainable drainage, access, parking and associated works **BRONLLWYN CARE HOME, COLWYN ROAD, GELLI, PENTRE, CF41 7NW.**

145 - 162

12. **APPLICATION NO: 22/1453**

Domestic garage with storage area **LLOYD STREET, GELLI, PENTRE.**

163 - 170

DEFERRED APPLICATIONS

13. APPLICATION NO: 10/0845

Comprehensive phased development comprising: residential development of up to 1,850 dwellings; neighbourhood centre to include Class D1 and D2 community/leisure facilities, Class D1 medical centre, Class D1 primary school, Class A1, A2 and A3 retail/services/food and drink floorspace; B1 office/commercial floorspace; new drainage, services, transport and highways infrastructure, strategic landscape areas and public open space (all matters reserved). Full details for new spine road and access onto A473, drainage infrastructure and the creation of development plateaus to serve the first phase of the development (Amended plans and Supplementary Environmental Information (SEI) received 13 June 2011)(Further amended plans and updated DAS received 21 June 2011). **LAND AT FORMER OPEN CAST COAL SITE AND LAND TO THE NORTH OF THE A473, LLANILID.**

171 - 174

14. APPLICATION NO: 22/0690

Reserved matters approval of the appearance, landscaping, layout and scale of residential development (460 units), and local centre development pursuant to outline planning permission 20/1196/15, open space and associated drainage and landscaping including the discharge of conditions 3, 4, 8, 9, 10, 11, 15, 16, 26, 28, 30 and 32. 20/1196/15 (revised details received 7th September 2022 and 1st November 2022) (revised site layout received 7th February 2023) **LAND WEST OF A4119, CEFN YR HENDY, LLANTRISANT.**

175 - 222

15. APPLICATION NO: 22/0886

Outdoor hospitality area to rear. **MID RHONDDA WORKING MENS CLUB AND INSTITUTE, 32-33 COURT STREET, TONYPANDY, CF40 2RQ.**

223 - 234

INFORMATION REPORT

16. INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN UNDER DELEGATED POWERS

To inform Members of the following, for the period 13/02/2023 – 24/02/2023

Planning and Enforcement Appeals Decisions Received
Delegated Decisions Approvals and Refusals with reasons.
Overview of Enforcement Cases.
Enforcement Delegated Decisions.

17. URGENT BUSINESS

To consider any items which the Chairman by reason of special circumstances is of the opinion should be considered at the Meeting as a matter of urgency.

Service Director of Democratic Services & Communication

Circulation: -

Members of the Planning & Development Committee

The Chair and Vice-Chair of the Planning & Development Committee
(County Borough Councillor S Rees and County Borough Councillor W Lewis respectively)

County Borough Councillors: Councillor J Bonetto, Councillor D Grehan,
Councillor G Hughes, Councillor C Middle, Councillor J Smith, Councillor L A Tomkinson,
Councillor R Williams, Councillor G Hopkins and Councillor M Powell

Head of Planning
Head of Legal Services
Head of Major Development and Investment
Senior Engineer

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**RHONDDA CYNON TAF COUNCIL
PLANNING AND DEVELOPMENT COMMITTEE**

Minutes of the meeting of the Planning and Development Committee held on Thursday, 9 February 2023 at 3.00 pm at Council Chamber, The Pavilions, Cambrian Park, Clydach Vale, Tonypany, CF40 2XX.

This meeting was live streamed, details of which can be accessed [here](#).

County Borough Councillors – The following Planning and Development Committee Members were present in the Council Chamber: -

Councillor S Rees (Chair)

Councillor W Lewis Councillor G Hughes
Councillor J Smith Councillor L A Tomkinson
Councillor M Powell

The following Planning and Development Committee Members were present online: -

Councillor J Bonetto Councillor C Middle
Councillor R Williams

County Borough Councillors in attendance: -

Councillor R Yeo

Officers in attendance: -

Mr J Bailey, Head of Planning
Mr S Humphreys, Head of Legal Services
Mr C Jones, Head of Major Development and Investment
Mr A Rees, Senior Engineer

Apologies for absence: -

Councillor D Grehan Councillor G Hopkins

189 HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS

It was **RESOLVED** to note that when Committee Members determine the development control matters before them, they should have regard to the Development Plan and, so far as material to applications, to any other material considerations and when taking decisions, Members have to ensure they do not act in a manner that is incompatible with the convention on Human Rights as incorporated into legislation by the

Human Rights Act 1998.

190 WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

It was **RESOLVED** to note that the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle and to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

191 DECLARATION OF INTEREST

In accordance with the Council's Code of Conduct, the following declarations were made:

8. APPLICATION NO: 22/1172.

Councillor Michael Powell, Personal, "The applicant is known to me".

192 CHANGE TO THE AGENDA

The Committee agreed that the agenda would be considered out of sequence and as detailed in the minutes set out hereunder.

193 APPLICATION NO: 22/1172

Works to be carried out under Tree Preservation Order 1994 (1) (dated: 2nd September 1994). G1, G2, G3, T1. GLYNTAFF SIDINGS, PENTREBACH ROAD, PONTYPRIDD.

In accordance with adopted procedures, the Committee received the following public speakers who were **each** afforded five minutes to address Members on the above-mentioned proposal:

Kevin Humphries (Land owner)
Dai Edwards (Agent)

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the works to the trees in areas T1 and G3 in accordance with the recommendation of the Director, Prosperity, and Development , to approve the works to the trees in area G1 to refuse the works to trees in the area G2, and to vary the recommendations to reflect this.

(Note: County Borough Councillor C Middle abstained from voting on this item because he was not present for the full debate).

194 APPLICATION NO: 22/0527

Variation of Condition 1.c of application 18/1361/13 to extend the time period for submission of reserved matters to allow a further

three years. LAND OFF QUARRY ROAD, MAESYCOED, PONTYPRIDD.

In accordance with adopted procedures, the Committee received the following public speakers who were **each** afforded five minutes to address Members on the above-mentioned proposal:

Samantha Roberts (Objector)
Mark Weller (Objector)

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOVLED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

(At this point in the proceedings, Councillor M Powell declared a personal interest in the above-mentioned application: “The public speaker is known to me”).

195 APPLICATION NO: 22/0385

Proposed residential development, engineering, landscaping, drainage, highways and other associated works. (Cross sections, NVC grassland survey and landscape management plan, received 4th October 2022. Revised soft landscaping details, site layout and CEMP received 8th December 2022) LAND TO THE EAST OF HAFOD WEN, TONYREFAIL.

In accordance with adopted procedures, the Committee received Jon Hurley (Agent) who was afforded five minutes to address Members on the above-mentioned proposal.

The Head of Planning outlined the content of two ‘late’ letters received from Local Members, County Borough Councillors D Grehan, and D Owen-Jones, highlighting concerns for the proposed development.

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development, subject to a section 106 agreement to:

- Ensure that the dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs.
- Provide a Habitat Management Plan for the long-term aftercare and maintenance of the SSSI mitigation and buffer areas.
- Secure a developer contribution of £70k for off-site play provision at Capel Hill.

196 APPLICATION NO: 22/1184

3 no. near zero carbon bespoke self-build dwellings within the curtilage of existing dwelling (Ecological Assessment Report Received 18/11/22) ST DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA.

In accordance with adopted procedures, the Committee received Mekola Tuchli (Applicant) who was afforded five minutes to address Members on the above-mentioned proposal.

Non-Committee, Local Member County Borough Councillor R Yeo spoke on the application and put forward his support in respect of the proposed Development.

The Head of Planning presented the application to Committee and following consideration, it was **RESOLVED** to refuse the application in accordance with the recommendation of the Director, Prosperity and Development.

197 APPLICATION NO: 22/1128

Solar park, access and associated development (Development of National Significance) FARMLAND BETWEEN CHURCH VILLAGE AND TREForest, CF38 1SL.

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to approve and submit the Local Impact Report to Planning and Environment Decisions Wales (PEDW), subject to the inclusion of two additional conditions to address the comments of the Public Health Officer and in addition that a letter be sent to PEDW on behalf of the Committee highlighting their ecology concerns in respect of the Development and asking that these be carefully considered in the determination of the application.

198 APPLICATION NO: 22/0888

Extension of time limit for previously approved application 17/0536 (Change of Use of Ground Floor Storeroom to A3 takeaway and New Shopfront and Flue and Car Parking at Rear) WILLIAMSTOWN POST OFFICE, 28-30 BROOK STREET, WILLIAMSTOWN, TONYPANDY, CF40 1RD.

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

(Note: At this point in the proceedings, County Borough Councillor J Bonetto left the meeting (16:57), and did not vote on the item).

199 APPLICATION NO: 21/1674

Proposed development of 12 no.affordable flats, new access point, landscaping and associated works (ground floor flats will meet Lifetime Homes Standards and are designed to be accessible for all individuals and to be more adaptable to long-term needs). (Amended plans received 14/01/2022) (Reptile Survey, Amenity and Biodiversity Plan and Landscaping Plan rec. 27/05/22). LAND AT EDWARD STREET, ABERCYNON.

The Head of Planning presented the application, which was originally reported to Committee on 8th September 2022, where Members resolved to approve the application in accordance with the recommendation of the Director, Prosperity and Development (Minute 78 refers).

Members gave consideration to the further report, highlighting the request by the applicant to amend the wording of previously agreed pre-commencement conditions. Following consideration by Members, it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development, subject to the amendment of conditions 4, 6, 10 as detailed in the report together with the addition of a new condition 12 to provide for ecological mitigation and enhancement, and subject to a section 106 agreement to ensure that the dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs.

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

Members **RESOLVED** to receive the report of the Service Director, Planning in relation to Planning and Enforcement Appeal Decisions received, Delegated Decisions Approvals and Refusals with reasons, Overview of Enforcement Cases and Enforcement Delegated Decisions received for the period 16/01/2023 and 27/01/2023.

This meeting closed at 5.02 pm

**Councillor S Rees
Chair.**

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PLANNING & DEVELOPMENT COMMITTEE

09 MARCH 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

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

RECOMMENDATION: Approve, subject to conditions.

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

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

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

benefits of the facility which processes much of RCT residents' recyclable materials, a process that must continue so relevant Council and Welsh Government sustainability targets are met.

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

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

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

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Background

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

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

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

This application therefore seeks to retain the entire site, both the private and public facilities, 'as built' and 'as in operation'. No further changes to the current design, layout and operation of the site are proposed, other than the addition of a small office unit. Most works in these terms are retrospective. It is noted however that some further drainage/landscaping works are required/proposed as set out in detail below.

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

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

Due to the complexity of the site's evolution and its planning/development history it was considered that the withdrawal of the earlier 2019 application and the submission of this current application was the most appropriate approach. If granted, this application would provide certainty going forward for both the applicant, the Council and neighbouring residents/businesses as to the form and extent of the operations at the site. Conversely, should Members be minded to refuse the application, it would allow for appropriate and effective enforcement action to be taken in respect of the unauthorised works carried out at the site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The applicant has detailed that the private facility now receives, sorts and repackages up to 350,000 tonnes of recyclable material each year in compliance with a separate

Natural Resources Wales (NRW) Environmental Permit held, which allows up to 350,000 tonnes and also covers activities at the site that may give rise to pollution outside the site from odour, noise, vibration, pests, emissions and dust; that the material processed at the private facility is now received from each of the RCT community recycling centres and many other Local Authority and commercial sources instead of just applicant's separate earthmoving business; but that the community recycling centre element still operates as originally approved and only stores up to 35,000 tonnes of recycled materials at any one time.

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

Therefore, specifically, this application seeks planning permission for:

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

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

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

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

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

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

- A steel elevated platform erected along the eastern boundary of this area that allows cars to drive through and users to access containers/bins from above.

- A re-use shop under the elevated platform structure where residents can leave items of good condition for resale.
- A single-storey staff cabin at the entrance.
- Various demountable containers/bins sited throughout.

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

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

Site drainage arrangements (all works retrospective unless specified)

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

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

However, following an initial objection from NRW and the Council's Ecologist to the proposed reed bed system as there was uncertainty of reaching achievable water quality targets and fears that it would be too difficult to control and manage in future, this method of site drainage was abandoned and a new on-site management system

conceived/implemented which does not result in any leachate entering the Nant Muchudd.

Following the change to the site drainage system it is no longer considered this application requires assessment at EIA level and that the usual level of drainage strategy and ecology reports submitted with a planning application would be sufficient. However, the ES was updated along with all relevant plans and supporting documents on 14 May 2021 and the Drainage Strategy on 03 August 2021 to include the new drainage system, any impacts and future mitigation.

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

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

- Surface water from the lower slab, the community recycling centre, passes through an alarmed Class 1 bypass petrol interceptor and silt separator prior to discharging into the Nant Muchudd.
- Each of the outfalls at the site include sluice gates to provide a mechanism to shut off conveyance into the Nant Muchudd in the event of an emergency.
- Foul drainage is limited to staff waste and is conveyed to an on-site cess pit which is periodically disposed of off-site by a licenced waste carrier as/when required.

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

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

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

SITE APPRAISAL

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

The site is divided into 2 distinct areas, the community facility at the southern half, and the private facility at the northern half (as set out in detail above). The 2 areas are set at differing ground levels with the upper area being approximately 2.5m above that of

the lower. Both facilities share the same access off Pantybrad Lane at the south-eastern corner of the wider site.

The site is located at the edge of Llantrisant Business Park industrial estate with the Royal Mint to the south-west and several industrial units of varying design and scale to the south-east. The Nant Muchudd bounds the site to the east with open countryside to the north and west. It is noted however that a number of scattered residential dwellings are located in this area, the nearest being Glanmychudd-fach Farm directly adjacent to the site entrance (west), and Rhiwfelin Fach Farm approximately 200m to the north. Further residential dwellings are located approximately 400-600m to the north-east.

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

PLANNING HISTORY

Previous planning applications submitted at the site:

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

Decision: Withdrawn, 18/01/21

12/0037/10 – Recycling facility for the storage and processing of inert materials from construction and demolition activities and the operation of a community recycling centre.

Decision: Granted, 24/03/14

PUBLICITY

Given the application involves development where the site area is over 1ha, the applicant has undertaken a Pre-Application Consultation (PAC) as required by Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

In addition to this, the statutory planning application consultation process was carried out which involved 15 properties being individually notified of the proposal by letter, 5 notices being placed on and within the vicinity of the application site, and a notice being placed in the local press (Western Mail).

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

- The extension of the site is outside of settlement limits in the open countryside. Development in this area should not be allowed.
- The development has a detrimental impact upon the rural character and appearance of the area.
- The site results in significant noise disturbance to the nearest residential properties each day from the various operations/processes/plant/traffic etc. This disturbance occurs both within the permitted hours of operation and often outside of those hours. This issue has been raised and investigated by the Council's Public Health and Protection and Planning Enforcement sections on numerous occasions.
- Not all residential units within the noise survey zone have been included within the noise surveys and the surveys only relate to ground floor level windows and not first floor windows.
- Beyond the acoustic reports undertaken to BS4142 there is nationally recognised guidance relating to the levels of low frequency noise that are considered acceptable. This guidance, NANR45, recognises the disturbance that this type of noise creates which the World Health Organisation identifies could have a negative impact upon health. The LRC site generates this type of low frequency noise.
- The site results in significant odour disturbance to the nearest residential properties from the storage and processing of various waste materials.
- The site has resulted in a significant deterioration in air quality for the nearest residents.
- The site results in pests and vermin in the area. The seagulls, and subsequent seagull scarer which goes off all day, every day add to the noise disturbance emanating from the general operation of the site.
- Conditions were attached to the original planning permission restricting the hours of operation and waste throughput of both facilities to reduce any impact on surrounding residents. These should not be altered.
- The expansion of the site has resulted in a significant increase in traffic on site and on the surrounding highways.

- The waste processes on site could have a serious impact upon the natural environment in the area.
- Litter often blows from the site to the surrounding area.
- The site has been subject to numerous inspections by NRW which have found several breaches, resulting in it having a poor rating and NRW stating that it could result in having a major effect on the environment.
- The site has no resemblance to that approved under the original planning permission, in terms of both the use/operations and buildings/engineering works undertaken. How has the site been allowed to operate as such without any relevant enforcement action being taken? If this application is granted the applicant will continue to operate in breach.
- How can the Council be allowed to determine this planning application when they clearly have an interest in its outcome? They have given waste contracts to the applicant knowing the site does not have the necessary permissions and allowed the applicant to continue to operate as/when he wants, to the detriment of local residents, and without any repercussions.

CONSULTATION

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

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

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

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

implementation of plans and mitigation/enhancement measures set out within the submitted supporting documents.

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

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

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

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

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

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

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

Llantrisant Community Council – No comments received.

POLICY CONTEXT

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

introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 04 January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 04 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24 September 2020.

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

Rhondda Cynon Taf Local Development Plan

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

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

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

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

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

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

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

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

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

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

Policy AW12 – supports development proposals which promote the provision of renewable energy where it can be demonstrated there would be no unacceptable effects.

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

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

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

Supplementary Planning Guidance

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

National Guidance

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

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

It is considered the proposed development is generally consistent with the key principles and requirements for placemaking set out in PPW; and is also generally 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 generally compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 33 – National Growth Areas – Cardiff, Newport and the Valleys

Other relevant national planning policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning
- PPW Technical Advice Note 6: Planning for Sustainable Rural Communities
- PPW Technical Advice Note 11: Noise
- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 15: Development and Flood Risk
- PPW Technical Advice Note 18: Transport
- PPW Technical Advice Note 21: Waste
- PPW Technical Advice Note 23: Economic Development

- Building Better Places: The Planning System Delivering Resilient and Brighter Futures
- Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of Development

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

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

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

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

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

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

The LDP makes provision for such facilities under Policy CS9, setting out 2 no. regional sites (Bryn Pica and Hirwaun Industrial Estate) and advising that sub-regional facilities such as this should be located on existing B2 employment sites. Therefore, being carried out on greenfield land outside of the settlement boundary, from a strict policy perspective, both the existing approved facilities and the extension sought do not comply with the guidance of the LDP.

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

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

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

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

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

Environmental Statement / Water Quality / Biodiversity of adjacent Nant Muchudd

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

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

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

The main area of concern is the treatment of surface water run off from the upper slab, which both the ES and supporting Drainage Strategy report identify as at high risk of

pollution/contamination by way of leachates, and which could potentially have a significant detrimental impact on the water and biodiversity qualities of the Nant Muchudd and beyond.

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

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

Finally, having considered the scheme, the Council's Water, Flood and Tip Risk Management section have no objection to the method of surface water drainage at the site, stating that they are satisfied the drainage strategy implemented would ensure the development's surface water flood risk will be adequately managed.

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

Neighbour Amenity

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

It is acknowledged however that a number of residential dwellings are located sporadically throughout the open countryside to the west / north / north-east, and therefore, given the nature of the development works undertaken and alterations to operations, there has inevitably been a degree of impact to the amenity standards previously enjoyed by the occupiers of these properties. This issue has been highlighted by the fact that occupiers of 3 no. of the nearest properties to north / north-east have submitted objections to the scheme, mainly noting impacts by way of increased noise and general disturbance emanating from the recycling activities and vehicles manoeuvring around the site. The objectors have also detailed that the noise

and disturbance is occurring outside of the hours permitted by the original permission, earlier in the morning, later in the evening and at weekends which this application proposes to be retained; and in addition, noise is experienced throughout the night from the 24 hour running of the biomass boilers which interrupts sleep and causes stress and anxiety. Further comments point to odour, dust, litter and pests as being issues that are affecting the closet residents on a daily basis.

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

Notwithstanding these comments, Members are advised that noise levels do not need to be at the statutory nuisance level to be considered unacceptable in planning terms and the impact of noise upon the amenity standards of residents also needs to be considered thoroughly through the planning process. The applicant has acknowledged that impacts in these respects do occur and has subsequently undertaken various surveys to identify any potential impacts and any necessary mitigation measures.

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

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

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

the Council's community recycling centres operate into the evenings and at weekends and that materials need to be taken away to avoid a build-up / potential closure.

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

However, it is understood that the permitted hours of the Council's community recycling facilities are longer than those of the applicant's private facility where the relevant waste is stored/processed. And in practical terms the operations of both uses are obviously interrelated and that skips from the community facilities need to be emptied regularly to ensure that the facilities can continue to operate to their potential; and that this activity is likely to be a series of quieter and shorter timed activities than that of processing waste. As such, the current restrictions on skip emptying are presenting an ongoing issue that needs to be addressed.

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

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

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

Further to the above, one objector noted that not all residential units within the survey zone are specifically named within the noise survey reports and therefore noise has not been assessed at all neighbouring residential units. It was also commented that the surveys relate only to ground floor level windows and not first floor windows as well.

This point was clarified with the applicant's acoustic consultant who confirmed that the noise surveys/maps cover the whole of the area in the noise survey zone, albeit not all properties have been specifically highlighted on the maps / in the survey report. Also, that noise levels at both ground and first floor level at each property had been assessed, albeit not specifically set out in the report, and that predicted levels were the same at both ground and first floor level.

PH&P confirmed that this explanation was acceptable and the reports and maps do cover all of the closest properties that might be affected, detailing that predicted noise levels at outside amenity space and inside all residential properties within the survey zone are below that recommended by the World Health Organisation for both day and night-time. As such, they are satisfied with the way the surveys have been undertaken and the properties covered, and do not consider any further investigation in this respect is required.

Another objector commented that the acoustic surveys had not taken account of the low level frequency noise levels occurring at the site which is having an impact. The applicant's acoustic consultant confirmed that this issue was not included within the original surveys but that this is because the guidance mentioned by the objector, NANR45, is not intended to be used for the assessment of planning applications. The point regarding the intended use of NANR45 was confirmed by PH&P.

Notwithstanding the above, subsequent additional modelling was undertaken to assess any low level frequency noise at the site. The further investigation found that low level frequency noise levels at surrounding properties fell below that set out in the guidance mentioned by the objector. As such PH&P have no concerns in this respect.

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

While the comments received from the objectors in respect of dust, odours and pests are acknowledged, PH&P commented that the information provided by the applicant is acceptable and they are satisfied with the suppression management processes on-site. Further, these issues are controlled by the separate NRW Environmental Permit held and therefore it is not considered these matters should be duplicated by conditions if planning permission is granted.

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

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

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

Character and Appearance

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

The application site is located within the Mynydd y Glyn and Nant Muchudd Basin Special Landscape Area (SLA) where Policy SSA23 requires development to conform to the highest possible design standards. A Landscape and Visual Assessment report has been submitted with the application. It concludes that the built development at the site is within the established boundaries of the already approved facilities, and given its siting, the wider site is viewed in the context of the adjacent Llantrisant Business Park industrial estate. Further, it points out that the boundaries of the site, as extended,

already enjoy the benefit of established bunding/landscaping which acts as appropriate screening to the countryside beyond, which will only increase with maturity and the further landscaping proposed. Subsequently, while the report accepts the development has resulted in a degree of visual impact to the immediate surroundings, the Author is of the view that the development does not result in significant harm to the surrounding landscape or wider visual environment.

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

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

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

It is also considered all reconfiguration works and ancillary structures across the entire site are relatively minor in terms of scale and design and are not readily visible from outside of the site. As such, it is considered they result in no detrimental visual impact.

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

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

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

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

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

Therefore, in conclusion, whilst it is accepted the retrospective development has further industrialised the site and has extended it into the open countryside, the large majority of the site has a long established and lawful industrial status due to the existing planning permission; and it is not considered the extension has resulted in a significant loss of open countryside when taken in the wider context of the surrounding

area. Further, the works are not overly prominent from long or short distance views, and existing bunding/landscaping helps to screen the site, which will also be improved.

Subsequently, whilst it is accepted the retrospective development has inevitably resulted in noticeable alterations to the character and appearance of the site, the scale and design of the works have been dictated primarily by their function/need, and it is not considered any resulting impact is significant enough to warrant refusal of the application. The scheme is therefore, on balance, considered acceptable in these terms.

Highway Safety

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

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

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

Ecology

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

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

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

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

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

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

Flood Risk

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

Sandstone Resources

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

Neighbour Consultation Responses

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

- *The site has no resemblance to that approved under the original planning permission, in terms of both the use/operations and buildings/engineering works undertaken. How has the site been allowed to operate as such without any relevant enforcement action being taken? If this application is granted the applicant will continue to operate in breach.*

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

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

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

National Sustainable Placemaking Outcomes

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

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

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

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further above, a brief outline of how the proposed development is considered to align with the national sustainable placemaking outcomes is set out below:

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

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

Community Infrastructure Levy Liability

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

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

Conclusion

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

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

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

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

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

RECOMMENDATION: Approve, subject to conditions below.

1. The development hereby approved shall be carried out in accordance with the approved plans ref:
 - DP 100 – Site Location Plan (received 12/02/21)
 - DP 101 Rev. B – Existing Site Plan (received 12/02/21)
 - DP 110 Rev. D – Proposed Site Plan (received 14/05/21)
 - DP 200 – Existing & Proposed Waste-to-Energy Unit Plans (received 12/01/21)
 - DP 201 – Existing & Proposed Storage Unit Plans (received 12/01/21)
 - DP 202 – Existing & Proposed Office Plans (received 12/01/21)
 - DP 210 – Existing & Proposed Waste-to-Energy Unit Elevations (received 12/01/21)
 - DP 211 – Existing & Proposed Storage Unit Elevations (received 12/01/21)
 - DP 212 – Existing & Proposed Office Elevations (received 12/01/21)
 - DP 213 – Existing & Proposed Recycling Centre & Storage Unit Elevations (received 14/05/21)
 - DP 220 Rev. C – Existing & Proposed Site Sections (received 14/05/21)
 - DP 221 – Existing Debris Fencing Typical Elevation (received 14/05/21)
 - 100 Rev. P4 – Drainage Strategy (received 20/11/20)
 - Lighting Plan (received 20/11/20)

and documents received by the Local Planning Authority on 20/11/20, 25/11/20, 14/05/21, 18/05/21, 19/05/21, 03/08/21 and 10/01/22, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

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

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

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

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site,

adjoining properties, environment and existing infrastructure arising from inadequate drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Within 3 months of the date of this consent, a site wide Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval in writing. The CEMP should include, but not be limited to:
- Construction methods: details of materials, how waste generated will be managed.
 - General Site Management: details of the construction programme including timetable; details of site clearance; details of site construction; drainage; containments areas; appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
 - Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection; avoidance; and mitigation measures.
 - CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
 - Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
 - Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

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

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

5. Within 3 months of the date of this consent, an Otter Conservation Plan shall be submitted to the Local Planning Authority for approval in writing. The Otter Conservation Plan should include, but not be limited to:
- Retention of the existing vegetated corridor buffer along the Nant Muchudd a minimum of 10 metres wide, to minimise disturbance to otter using the stream corridor.
 - Measures to ensure that the design and construction of the drainage scheme and outfall(s) within the riparian habitat corridor shall minimise potential impacts on otters and will avoid resting places.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Hours of operation (working/deliveries/collections, within/to/from the site) shall be restricted to the following times:

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

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

Private recycling facility (Llantrisant Recycling Centre)

The opening hours of the site shall be:

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

However, between the hours of:

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

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

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

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

11. The development hereby permitted shall take place in accordance with the submitted details and the following restrictions:

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

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

Private recycling facility (Llantrisant Recycling Centre)

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

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

12. The outside storage of recyclable waste materials at the private recycling facility (Llantrisant Recycling Centre) shall only take place at the existing open yard area identified on approved plan ref. DP 110 Rev. D (Proposed Site Plan). At no time shall any necessary storage bunker walls exceed 5m in height above existing ground levels; or the stockpiles of recyclable waste materials within the yard/bunkers exceed 4m above existing ground levels.

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

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

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

PLANNING & DEVELOPMENT COMMITTEE

9 March 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0313/10 (GH)
APPLICANT: Savoy Theatre (Tonyrefail) LTD
DEVELOPMENT: Retention of small dressing room block and the addition of an extension to its front, and retention of a wooden shed in side yard. Proposed installation of a gate to a side alley; three removable bollards to front driveway; a 4 inch high disabled ramp with handrail to the side. Repair and restoration of the Grade II listed facade.
LOCATION: SAVOY BINGO HALL, COLLENA ROAD, TONYREFAIL
DATE REGISTERED: 13/05/2022
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS: The application site is located close to Tonyrefail town centre and retail zone and occupies a sustainable location within the settlement boundary.

It is considered that the siting, scale and design of the proposed development is acceptable. Not only would the additional accommodation help support the practical operation of the Theatre and help secure its viability for this purpose, but the proposed refurbishment of the façade would be greatly beneficial to the street scene.

APPLICATION DETAILS

Full planning consent is sought, partly in retrospect, to undertake a range of works to the Savoy Bingo Hall.

Material planning matters relating to the Grade II listed status of the building are considered as part of the concurrent Listed Building Consent application (22/0314/12).

The building has been operating as a theatre since 2015, having been converted to this purpose following a long period as a bingo hall. Prior to that the site accommodated a cinema.

The proposed works can be summarised as follows:

- retain and extend a single storey dressing room block and its covered connection to the southern side elevation of the theatre

- retain a small timber shed for tool storage and workshop purposes
- construction of a 10cm high disabled ramp and handrail to the existing double fire doors within the southern side elevation, which can also be used for loading access
- installation of three removable bollards at the front of the yard to prevent unauthorised access and to maintain a clear fire escape route
- installation of a gate to the side alley leading to School Street
- repairs and renovation of the front façade of the building and reinstatement of windows to basement, installation of fascia for sign, lights to sign and lights to either side of the main entrance
- the replacement of the asbestos pitched roof over the existing garage with a flat roof to form part of that connecting to and enclosing the dressing room block

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

- Design and Access Statement
- Heritage Impact Statement
- Supporting Background Statement

SITE APPRAISAL

The application site comprises land adjacent to and within the curtilage of the Grade II listed Savoy Bingo Hall which is located on the junction of Collenna Road and School Street, Tonyrefail.

The building was listed in 2000 for its architectural and historic interest as an exceptionally rare example of an early cinema, with a particularly strong and prominent facade. The building dates from 1914 and was converted to a bingo hall in 1983. As the description of the development notes, the building was converted to a theatre following the grant of full planning permission and listed building consent for this purpose in 2013.

The listing details note that the building is listed primarily for its front elevation, which is the gable-end facade, designed in free classical style with elaborate terracotta detailing. The 3-bay facade is set at an angle to the main hall/auditorium, respecting the road layout, and slopes down from north to south, following the topography of the site. Large square pilasters constructed of ashlar divide and flank the bays; between the pilasters the bays are rendered and whitened.

The facade is built upon a plinth of rusticated dressed stone, which is higher at the down slope end. The central bay is the widest and has a moulded round arched head and a moulded stringcourse at first floor level. The upper storey has a central, flat-headed window with moulded sill, flanked by smaller narrower windows. Beneath the stringcourse are two 2-light windows with moulded sills. The recessed entrance to the front elevation is located to the left hand side of the facade.

Conversely, the side and rear elevations have a rendered finish, with access doors and escape stairs being located on the southern elevation. To the south of the building is an irregular parcel of land measuring approximately 210m². This currently

accommodates the detached garage, dressing room block and timber shed included within the scope of the application. The remainder of the space is utilised as a parking/delivery area, accessed via Collenna Road.

There are a variety of differing uses within the vicinity of the site, to the north, the area is residential in character, with a number of dwellings being located along Collenna Road and School Street. To the south, the site is bounded by the rear of properties sited along High Street, which is the main commercial street through the town. To the rear (east), the site is bounded by 'Capel Y Ton', which is also listed, but has suffered significant fire damage.

PLANNING HISTORY

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

- 22/0314/12:** Retention of small dressing room block and the addition of an extension to its front, and retention of a wooden shed in side yard. Proposed installation of a gate to a side alley; three removable bollards to front driveway; a 4 inch high disabled ramp with handrail to the side. Repair and restoration of the Grade II listed facade. (Application for Listed Building Consent). Decision: TBC
- 12/1228/10:** To convert former cinema/bingo hall for use as a community theatre/performing arts centre, and to incorporate a one bedroom dwelling for use by owners as live-in guardians. Decision: 10/05/2013, Granted.
- 12/1214/12:** Change of use from a former bingo hall into a community theatre/arts centre, to include a one-bedroom dwelling for use by the owners as live-in guardians - Listed Building application. Decision: 06/06/2013, Granted.
- 09/0399/12:** Conversion from Bingo Hall to 8 No. (2 bed) residential units with associated parking. Repairs and maintenance to front facade of building. Decision: 22/12/2010, Granted.
- 09/0395/10:** Conversion from Bingo Hall to 8 No. (2 bed) residential units with associated parking. Decision: 06/09/2010, Granted.
- 08/0295/13:** Erection of one detached dwelling. Decision: 16/01/2009, Refused.

PUBLICITY

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

Eight letters of support and six letters of objection have been received in respect of both applications. The following comments have been raised:

Objections

- Whenever there are events, it causes a complete safety hazard to all the residents and homes of School Street. For the weeks leading up to and on event days the Theatre's patrons park negligently in the street, blocking access for residents, emergency services and deliveries. Unless there are marked residents parking outside of homes; double yellow lines opposite homes and sufficient designated parking for Savoy patrons, people's lives are put at risk and house values, privacy and quality of life is affected.
- The shed is built on the access lane taking up the turning heads of the lane and blocking one of the access points to the rear of number 3 High Street.
- The safety of members of the public, children walking to school and other motorists are being severely jeopardised on Collenna Road by the Applicant's actions. Vehicles are reversing out over the public footpath into oncoming traffic as the turning heads are blocked on the lane. The safety of the habitants of all surrounding properties is also at risk as emergency services cannot enter the access lane, the businesses are at risk due to the utility providers not being able to adequately access their equipment.
- There is no application for change of use on the old garage. The Applicant is taking the only parking space for the Savoy Theatre, the 3 shown on plan are not adequate, there's no planning permission, cars are parked on the access lane causing terrible highway issues on Collenna Road.
- The Savoy Theatre title no: WA182549 only gives the Theatre a prescriptive right of way over a narrow strip of the access lane. The charge on the current register of the access lane on title no. WA577048 derives from giving all adjacent properties on High Street, Number 1, Number 3 and Boars Head, access over all the lane with or without vehicles at all times for all purposes.
- How can planning permission at the Savoy Theatre be granted to build on the lane, when the Theatre only has prescriptive right of way over the lane, which is owned by somebody else. The lane will remain a lane until it becomes a public right of way as per charge. A landowner with adjoining titles in the same name cannot transfer from one title to another and therefore the theatre will only ever have the prescriptive right of way over the lane even if owned by the same person.
- Everyone comments on the shanty town developing on the access lane.
- Parking in my street will be made even worse and I currently can't park outside my house now. If this is to happen, we need permit parking because this just isn't fair and damages can occur to our vehicles. We have CCTV on our house so I should be able to park outside my house. It is also devaluing our house with things like the parking.

Support

- The Savoy Theatre is an important part of our school community and an asset to Tonyrefail and the surrounding district as a whole. What was a sad, derelict building has been turned into a vibrant and valuable part of the community.
- We use the Theatre for concerts 2/3 times a year for both charity and fund raising events.
- The request for planning permission to extend the dressing rooms will be greatly appreciated by all who use the Theatre – more space for segregation and relaxation for the performers before the show. A theatre cannot function to its full potential without adequate dressing rooms.
- Tonyrefail is very fortunate to have such a facility in the village which should be encouraged to flourish. The residents of Tonyrefail and beyond love the Savoy Theatre. This is proven by the audience numbers at each of the shows with many being completely sold out.
- All other parts of the application will help the outward appearance and ensure the smooth running of the Theatre.
- Parking is an issue but that is the same everywhere in Tonyrefail. I live close by and have no complaints about noise or parking. I have always been able to park outside my house when there is a show.
- The extension of the dressing room would give us and other users a larger space for costume changes and storing large costumes and props needed for each production.
- I understand that there are objections to the Savoy Theatre having dressing room space. In a town that is already incredibly lacking in any kind of recreation or entertainment, why would a venue be held back from business growth? The potential for bringing more visitors to the town, expanding on the reputation and economy is surely a thing to be encouraged?
- The Savoy is a crucial part of the legacy of Tonyrefail and must be allowed to thrive and grow. I have performed there many times in shows produced from the Theatre and outside companies coming in. I can't tell you the number of families at the panto who have said to me that coming along is a huge part of their family Christmas. And that's just one example.
- The facade desperately needs restoring to improve both the integrity and the appeal of the building.
- The work carried out by the Savoy Team, both owners and volunteers, from within the local community is nothing short of outstanding, transforming what was a derelict cinema space into to a working and usable theatre for all of the community.

CONSULTATION

Highways and Transportation

No objection subject to a condition in respect of the bollards.

Theatres Trust:

The dressing room block utilises a former garage which has been converted and linked to the original building through a new structure in between. This provides three dressing rooms, a back of house WC, a store room and a further room. We have no record of the Savoy having been anything other than a cinema and therefore we assume it was built without any particular back of house facilities and that fitting them within the existing footprint would be problematic without interrupting original form and the layout and volume of the auditorium. Provision of dressing rooms is a necessary addition to allow this building to function as a theatre.

Whilst no images appear to be available of the side or rear of the Savoy, these tend to be less-sensitive elevations which are necessarily utilitarian and therefore harm from new additions is minimised. The fact the Savoy is able to provide three dressing rooms is particularly important given its use by local amateur groups because this is the minimum needed for safeguarding purposes where performances may include children and young people. The Savoy had been vacant for a prolonged period prior to being returned to use. Theatre represents one of limited potentially viable and compatible uses for this heritage asset. Therefore, the public benefits of positive active use without need to alter plan form and its sensitive front elevation also justify the need for this extension and mitigates any harm that arises.

Repair and restoration of the front facade is also included within these applications. In principle this would be supported because it will help conserve this important heritage asset into the future and again help provide the theatre with the additional functionality it needs to successfully operate. The addition of signage and lighting for example will help improve prominence, although it will be important to ensure that this is sensitively designed and applied.

Public Health and Protection

Conditions are requested in respect of construction demolition, hours of operation, noise, dust and waste. It is also noted that the site is within 250m of a former landfill site.

However, it is considered that these matters are proposed to be incorporated within an informative note, since they can be controlled more effectively within the scope of existing environmental health legislation.

Dwr Cymru Welsh Water

DCWW notes that the developer has indicated that foul and surface water flows are to be disposed of via the public sewerage system and we offer no objection in principle to the foul flows only discharging to the public sewer.

Countryside – Ecologist

No objection, subject to an informative note in respect of bats.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

The application site lies within the settlement boundary for Tonyrefail.

Policy CS2 - The policy emphasis in the Southern Strategy Area (SSA) is on creating sustainable growth within the Southern Strategy Area, particularly the concentration of development within the defined settlement boundary.

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

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

Policy AW6 - Supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness, and which enhance landscape and biodiversity.

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

Policy AW10 - Development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding, contamination, noise or air pollution, land stability and other identified public health risks.

Policy SSA4 - Promotes residential and commercial development within the key settlements of Tonyrefail that (amongst others) supports and reinforces the role of the centre as a Key Settlement and promotes the beneficial re-use of vacant and underused floor space.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements
- The Historic Built Environment
- Nature Conservation

National Guidance

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

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

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

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

- Policy 1 – Where Wales will grow – 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 12: Design

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 development

The application building is located within settlement limits in close proximity to Tonyrefail town centre. As a result of its location, there are a variety of differing uses within the immediate area, although the area to the west and north of the site is predominantly residential in character. The site is also within easy access of a variety of differing facilities and services.

In this case, whilst the restoration and repair of the principal elevation is welcome, both this, the proposed side gate, disabled ramp and bollards are mainly included within the scope of the application because of the property being listed – as Members will have noted, this is the subject of application ref: 22/0314/12 for separate consideration, with a separate recommended condition.

Therefore, the key material concerns for this application relate to the retention of the dressing room, its proposed extension and the retention of the shed. Since this development is within the curtilage of the Theatre and would neither constitute a change of use nor result in a significant intensification of use, the application is considered to be acceptable in principle, subject to the matters set out below.

Character, appearance and design

As noted further above, the appearance of the building would be subject to refurbishment, particularly the principal elevation and historic façade. These works would be very welcome and contribute towards a considerable improvement to the street scene.

With regard to the cluster of structures to the side, they are of a single storey height and due to the screening of surrounding structures and their set back from the highway, have very little prominence either from the street scene or within the wider landscape.

Nonetheless, the proposed works to extend the unauthorised dressing rooms and enclose these with the garage under a new flat roof would help to address concerns about their layout and appearance, and combined as a single block, would look less piecemeal.

Similarly, the garage is currently painted in the same colour as the other yard structures and a condition is proposed as part of the listed building application, to secure details of finishes and materials for approval.

As such, it is considered that the proposals would be acceptable in terms of their impact on the character and appearance of the area.

Impact on neighbouring occupiers

The scale and location of the built development to the side of the Savoy is such that it is not capable of causing physical detriment to the outlook from the relevant neighbouring properties, i.e., the Boars Head Public House and no's 1 and 3 High Street.

This is particularly the case when considering the topography of the site, which raises towards the north, and given the intervening other structures, including the Savoy itself which more or less enclose the site.

As ancillary uses to that of the Theatre it is also unlikely that the nature of the activity within the dressing rooms and workshop/storage space would be very intensive, of a kind that would cause disturbance to neighbouring occupiers or create any opportunities for intrusive views.

Further to the above, concerns have been raised on behalf of neighbouring landowners in respect of whether the Applicant would be entitled to progress with the development, due to third party rights of access over the land, which are alleged to be across part of the site where the dressing rooms have been erected.

As part of the application submission the Applicant has provided copies of title plans, together with a legal statement. The statement advises that the opinion of a solicitor has been sought and that there is a right of way in favour of the Boars Head and no.1 High Street across the adjoining parcel of land which is also owned by the Savoy.

Notwithstanding the above it appears that there is no disagreement about the ownership of the land within the red line area and regardless of which party is correct about the route of the path, this remains a private legal matter. Land/boundary disputes, damage to property, private rights of access, covenants and ancient rights are not material planning considerations and it is up to the Applicant to satisfy themselves in this regard.

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

Access and highway safety

Access

Primary access to the site is from Collenna Road which is acceptable for safe vehicular and pedestrian movement. To the side there is a private access lane that serves the rear of a number of dwellings and the rear / side of the Savoy. The lane is currently used for limited off-street parking in the form of a single garage and the Savoy Bingo Hall.

The lane has been split in half by a form of barrier giving access to the dwellings on one side and access to the Savoy on the other side. The location of the barrier

potentially obstructs an informal turning facility. However, in any event, should a car be parked at or adjacent to this informal facility the turning area would be unusable.

The vision out onto Collenna Road from the private lane is severely obstructed by the high boundary walls which would be further impacted in reverse gear.

The Applicant has also indicated that lane is proposed to have bollards placed at the rear of the footway to prevent unauthorised access. The location of the bollards would have a detrimental impact on highway safety with vehicles having to park on street at the location of the signalised junction to un-lock the bollards, potentially blocking the pedestrian footway or impacting on the free flow of traffic.

Therefore, a condition requiring the bollards to be set back a minimum of 5m from the edge of the carriageway is recommended so that a car can pull off the highway to unlock the them without impacting on highway or pedestrian safety. The location of the bollards set back a minimum of 5m would also help vehicles exiting the plot gain maximum vision available onto Collenna Road and provide safer access to the private lane.

Parking

The Savoy has very limited off-street car parking. The proposed removes 1 off-street garage space which would not warrant a highway refusal and would also reduce vehicular movements off the sub-standard private access lane which is acceptable.

Summary

There is a concern with regard to the use of the sub-standard access lane. However, taking into account the limited traffic using the lane, that it is an existing formalised access with dropped kerb facility which has been in existence for some time, and that there have been no reported accidents, the proposed development is considered acceptable in highway safety terms.

Other issues

Whilst highways-related issues have been largely addressed within the assessment provided by the Council's Highways and Transportation Section, several of the objectors have raised concerns about the traffic and on-street parking demand generated by events at the Theatre.

The problems caused by thoughtless parking and any disruption caused by events are acknowledged and it is appreciated that this would become very tiresome for residents nearby. However, it is also recognised that the property has been operating as a public venue in excess of 100 years and whether or not it should continue as such is not the subject of the 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

As a landmark building within Tonyrefail it is considered the proposed development and refurbishment would be greatly beneficial to the character and appearance of the site and immediate locality.

Furthermore, the ancillary facilities and their extension would help to sustain the use of the building as a Theatre, which occupies a convenient and sustainable location, and the nature of their use as dressing rooms, workshop and storage would have minimal impact upon any neighbouring occupiers.

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:
 - Site location plan
 - Plan DR/003/CR new layout
 - Plan DR/004/FE front elevation

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 proposed bollards shall be set back a minimum of 5m from the rear edge of the public highway (footway) to prevent obstruction of the public highway.

Reason: In the interests of safety of all highway users and to maintain free flow of traffic at the signalised junction and safe pedestrian movement, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. No further development shall commence until details of a scheme for the disposal of 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 beneficial use of the extended dressing rooms.

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

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PLANNING & DEVELOPMENT COMMITTEE

9 March 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0314/12 (BJW)
APPLICANT: Savoy Theatre (Tonyrefail) LTD
DEVELOPMENT: Retention of small dressing room block and the addition of an extension to its front, and retention of a wooden shed in side yard. Proposed installation of a gate to a side alley; three removable bollards to front driveway; a 4 inch high disabled ramp with handrail to the side. Repair and restoration of the Grade II listed facade. (Application for Listed Building Consent).
LOCATION: SAVOY BINGO HALL, COLLENA ROAD, TONYREFAIL
DATE REGISTERED: 13/05/2022
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW AND SUBJECT TO A FAVOURABLE REFERRAL TO CADW:

REASONS:

The works would be sympathetic and consistent with the special historic and architectural importance of the listed building and would have no adverse impact on its special significance.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Listed Building Consent is sought, partly in retrospect, to undertake a range of works to land at the Savoy Bingo Hall.

The building has been operating as a theatre since 2015, having been converted to this purpose following a long period as a bingo hall. Prior to that the site accommodated a cinema.

The proposed works can be summarised as follows:

- retain and extend a single storey dressing room block and its covered connection to the southern side elevation of the theatre
- retain a small timber shed for tool storage and workshop purposes
- construction of a 10cm high disabled ramp and handrail to the existing double fire doors within the southern side elevation, which can also be used for loading access
- installation of three removable bollards at the front of the yard to prevent unauthorised access and to maintain a clear fire escape route
- installation of a gate to the side alley leading to School Street
- repairs and renovation of the front façade of the building and reinstatement of windows to basement, installation fascia for sign, lights to sign and lights to either side of the main entrance
- the replacement of the asbestos pitched roof over the existing garage with a flat roof to form part of that connecting to and enclosing the dressing room block

Planning matters other than those which relate to the listing status are considered as part of the concurrent application for full planning consent (22/0313/10).

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

- Design and Access Statement
- Heritage Impact Statement
- Supporting Background Statement

SITE APPRAISAL

The application site comprises land adjacent to and within the curtilage of the Grade II listed Savoy Bingo Hall which is located on the junction of Collenna Road and School Street, Tonyrefail.

The building was listed in 2000 for its architectural and historic interest as an exceptionally rare example of an early cinema, with a particularly strong and prominent facade. The building dates from 1914 and was converted to a bingo hall in 1983. As the description of the development notes, the building was converted to a theatre following the grant of full planning permission and separate listed building consent for this purpose in 2013.

Conversely, the side and rear elevations have a rendered finish, with access doors and escape stairs being located on the southern elevation. To the south of the building is an irregular parcel of land measuring approximately 210m². This currently accommodates the detached garage, dressing room block and timber shed included within the scope of the application. The remainder of the space is utilised as a parking/delivery area, accessed via Collenna Road.

There are a variety of differing uses within the vicinity of the site, to the north, the area is residential in character, with a number of dwellings being located along Collenna Road and School Street. To the south, the site is bounded by the rear of properties sited along High Street, which is the main commercial street through the town. To the rear (east), the site is bounded by 'Capel Y Ton', which is also listed, but is in a ruinous state having suffered significant fire damage.

PLANNING HISTORY

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

- 22/0313/10:** Retention of small dressing room block and the addition of an extension to its front, and retention of a wooden shed in side yard. Proposed installation of a gate to a side alley; three removable bollards to front driveway; a 4 inch high disabled ramp with handrail to the side. Repair and restoration of the Grade II listed facade. Decision: TBC
- 12/1228/10:** To convert former cinema/bingo hall for use as a community theatre/performing arts centre, and to incorporate a one bedroom dwelling for use by owners as live-in guardians. Decision: 10/05/2013, Granted.
- 12/1214/12:** Change of use from a former bingo hall into a community theatre/arts centre, to include a one-bedroom dwelling for use by the owners as live-in guardians - Listed Building application. Decision: 06/06/2013, Granted.
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- 09/0395/10:** Conversion from Bingo Hall to 8 No. (2 bed) residential units with associated parking. Decision: 06/09/2010, Granted.
- 08/0295/13:** Erection of one detached dwelling. Decision: 16/01/2009, Refused.

PUBLICITY

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

Eight letters of support and six letters of objection have been received in respect of both applications.

However, since none of the issues raised relate specifically to whether Listed Building Consent would be acceptable it is appropriate that these representations are recorded and considered within the report for the concurrent full application 22/0313/10.

CONSULTATION

The Joint Committee of the National Amenity Societies were consulted.

Theatres Trust:

The dressing room block utilises a former garage which has been converted and linked to the original building through a new structure in between. This provides three dressing rooms, a back of house WC, a store room and a further room. We have no record of the Savoy having been anything other than a cinema and therefore we assume it was built without any particular back of house facilities and that fitting them within the existing footprint would be problematic without interrupting original form and the layout and volume of the auditorium. Provision of dressing rooms is a necessary addition to allow this building to function as a theatre.

Whilst no images appear to be available of the side or rear of the Savoy, these tend to be less-sensitive elevations which are necessarily utilitarian and therefore harm from new additions is minimised. The fact the Savoy is able to provide three dressing rooms is particularly important given its use by local amateur groups because this is the minimum needed for safeguarding purposes where performances may include children and young people. The Savoy had been vacant for a prolonged period prior to being returned to use. Theatre represents one of limited potentially viable and compatible uses for this heritage asset. Therefore, the public benefits of positive active use without need to alter plan form and its sensitive front elevation also justify the need for this extension and mitigates any harm that arises.

Repair and restoration of the front facade is also included within these applications. In principle this would be supported because it will help conserve this important heritage asset into the future and again help provide the theatre with the additional functionality it needs to successfully operate. The addition of signage and lighting for example will help improve prominence, although it will be important to ensure that this is sensitively designed and applied.

No other responses have been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing

that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Tonyrefail.

Policy CS2 - The policy emphasis in the Southern Strategy Area (SSA) is on creating sustainable growth within the Southern Strategy Area, particularly the concentration of development within the defined settlement boundary.

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

Policy AW6 - Supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness, and which enhance landscape and biodiversity.

Policy AW7 - Development proposals which impact on sites of architectural or historical merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

Policy SSA4 - Promotes residential and commercial development within the key settlement of Tonyrefail that (amongst others) supports and reinforces the role of the centre as a key settlement and promotes the beneficial re-use of vacant and underused floor space.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements
- The Historic Built Environment
- Nature Conservation

National Guidance

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

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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 12: Design;

PPW Technical Advice Note 24: The Historic Environment;

REASONS FOR REACHING THE RECOMMENDATION

Section 16(2) Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant Listed Building Consent for any works the Local Planning Authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Main Issues: acceptability of the proposed development on the special architectural and historic merit of the building.

Listing Details

As noted further above, Cadw's listing description (ref. no. 24275 Bingo Hall) identifies that the reason for its designation is due to "its architectural and historic interest as an

exceptionally rare example of an early cinema, with a particularly strong and prominent façade”.

In terms of the exterior, the listing notes the following details:

“Long range with gable-end facade in free classical style. The 3-bay facade is set at an angle to the auditorium, respecting the road lay out, and slopes down from north to south. Large square pilasters constructed of ashlar (painted pink) divide and flank the bays. Between the pilasters, the bays are rendered and whitened. The facade is built upon a plinth of rusticated dressed stone, higher at the downslope end. The central bay is the widest and has a moulded round arched head, and a moulded string course at 1st floor level. The upper storey has a central flat-headed window with moulded sill, flanked by smaller narrower windows with eared and shouldered architraves. These windows contain 4-pane horned sashes. Under the arch and framing the central window is a stylised festoon with long drops. Beneath the string course are two 2-light windows with moulded sills and aprons, each light containing a horned sash.

The pilasters have recessed panels to each face and high plain capstones. At the top of each recess is a cartouche with ribbons, framed by a roll moulding with foliate decoration and ribbons. The outside bays have full-width segmental arches, moulded with dentils. That to the left is over the recessed entrance, which has late C20 double panelled half-glazed doors reached by steps. The arch to the right is infilled and contains a 2-light window in moulded surround. Above each arch is an oculus in a moulded surround with a high keystone which forms the centre point of a stylised festoon. The keystones project above a moulded string course to plain parapets.

The sides and rear are rendered and contain few openings. Two small vents to north side, no openings to rear. The south side has 2 fire-escape doorways at 1st floor level reached by open metal staircases. That to the left has an angled head, and that to the right a segmental head. Between, at ground floor level is a further doorway with segmental head. All contain boarded doors.”

Regarding the interior the listing notes than the plan form of the building has been retained but modernised.

Consideration

Firstly, with regard to the proposed development other than that to the façade:

It is noted that the works to retain and extend the dressing room and incorporate this within the footprint of the garage, with the whole extent to be enclosed by a single flat roof, would be set back from the front of the site i.e., the boundary with Collenna Road, by around 18m.

In general design terms, this would be considered to be an improvement to what currently appear as a small cluster of unrelated structures and would provide a more attractive and visually cohesive block of ancillary accommodation. Although the timber

shed would continue to stand separately to the front of this block, it shares the same external painted finish and does not appear particularly intrusive.

This additional space provided by the above buildings are required to enable the Savoy to operate effectively as a theatre and would provide separate dressing room space as well as a workshop area and room for storage.

In terms of the historic designation, these works and the ancillary buildings would not be considered to cause harm to the key features of the Savoy, namely the façade, due to their being set so far back from the front of the building and where they would have no noticeable impact on the street scene.

Furthermore, considering the context of their setting, alongside the sizeable side elevation of the Savoy and in an area constrained by neighbouring structures and boundary fences, the single storey ancillary buildings would appear of a much lesser scale.

The other works propose the addition of a gate to prevent unauthorised access to a path at the northern side of the building, the principle of which would be considered to be acceptable, subject to a condition requiring the approval of details; it is also understood that a gate formerly hung there.

The proposed disabled ramp to serve an existing side fire exit would be of a minimal height and be provided with handrails which again, is considered to be acceptable, subject to a similar condition; whilst the proposed removable bollards, not being a permanent feature and being small in number and size, would be unlikely to detract from the façade.

Secondly, concerning the proposed restoration of the façade, reinstatement of windows, and external lights/advertising.

It is noticeable that the fabric of the façade is in a poor condition or decorative state, and some earlier repairs have taken place to cladding, for example, which do not respect the existing materials. Clearly it is in the interest of both the building and the public realm to ensure that its restoration is undertaken using appropriate materials and methods and that the reinstated windows are also of an appropriate form and finish. It is considered that these details can be secured by condition.

Lastly, no details/specification of the proposed lights to be hung either side of the main entrance, or those above the new fascia sign, have been provided, other than in general terms. Again, there is no objection in principle to either, hence a condition is recommended for the submission and approval of those details.

In light of the above, it is considered that all of the works have been assessed and justified by the application submission, as detailed by the Applicant's Heritage Impact Assessment and Design and Access Statement. Consequently, the proposal is

considered not to be detrimental to the listing and is therefore recommended for approval, subject to the range of conditions outlined further below.

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 proposed works to the façade are necessary to protect the integrity and fabric of the building and the main reason for its listing. In addition, the siting, design and scale of the proposed dressing room block, shed and other works as described above are not considered to be harmful to the character and appearance of the site or street scene.

Subject to the recommended conditions below, the application is considered to be acceptable and would preserve the character and appearance of the site in accordance with LDP Policy AW7.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW AND SUBJECT TO A FAVOURABLE REFERRAL TO CADW:

1. The development hereby granted consent shall be begun not later than the expiration of five years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Area) Act 1990.

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

- Site location plan
- Plan DR/003/CR new layout
- Plan DR/004/FE front elevation

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 further development shall commence until a scheme for the installation of the proposed external lighting and fascia board have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include full specification of the proposed lights, including their design, height, position and angle; the means of fixing; proposed hours of operation and lighting levels; and shall demonstrate that no obtrusive light pollution, glare or spillage shall be caused. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

4. No further development shall commence until a method statement for the restoration of the façade, to include the type, finish and colour of external materials, and methods of repair and construction, has been submitted to and agreed in writing by the Local Planning Authority. The restoration shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan

5. No further development shall commence until details of the general arrangement/specification of the proposed basement windows, including, where appropriate: mouldings; rebates, cavity width, cavity finishes, transoms, mullion and glazing bars and means of securing the windows, have been submitted to and agreed in writing by the Local Planning Authority. The agreed general arrangement/specification shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

6. No further development shall commence until design and construction details of the proposed side gate and fire exit disabled ramp have been submitted to and agreed in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed

building in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

7. Within six weeks of the date of consent details of the external finishes of the dressing rooms, their extension the garage and the shed, to include roof, window and elevation materials, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

8. All disturbed fabric shall be made good to match the existing building.

Reason: To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

9 March 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1082/10 (KL)
APPLICANT: Conrad Energy (Developments) II Limited
DEVELOPMENT: Installation of a Synchronous Condenser Facility, associated ancillary infrastructure and buildings to house synchronous condensers, access and landscaping.
LOCATION: LAND AT POUND FARM, TON-TEG, PONTYPRIDD, CF38 1SU
DATE REGISTERED: 04/11/2022
ELECTORAL DIVISION: Ton-teg

RECOMMENDATION: Approve, subject to S106 agreement and conditions

REASONS: The proposed development would play an important role in the stabilisation and distribution of renewable energy and ensuring its reliability and efficiency when it would otherwise be unstable or intermittent. It would therefore support the decarbonisation of the UK power system and contribute significantly to meeting national and international targets and agreements through stabilising the electricity network.

In addition, the proposal is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, its impact upon the amenity of surrounding neighbouring properties and its impact upon highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the installation of a synchronous condenser with ancillary infrastructure and associated works, including access and landscaping on a parcel of land which currently forms part of Pound Farm on the outskirts of Tonteg.

The proposed synchronous condensers would be situated towards the most south-eastern end of the application site. The main components of the infrastructure are as follows:

- Two Synchronous Condensers, the primary components of which are a generator coupled with a flywheel.
- Relay rooms
- Transformers
- Circuit breakers
- Cable sealing end
- Disconnecter with two earth switches
- Ventilation equipment
- Internal switchgear

The synchronous infrastructure would comprise of two identical units located side by side with each installation measuring approximately 140m long and 32 metres wide (combined width of 70m). Due to the topography of the site, the two installations would be sited at different levels with the site being reprofiled and retaining walls being installed where necessary, in order to ensure a flat platform for each installation.

The synchronous condensers would be housed within two flat-roofed structures that would measure approximately 30 metres in width by 20 metres in depth with a flat roof design measuring approximately 12 metres in height. The buildings would be constructed using an insulated steel composite cladding system to the walls and roof and finished in metal profile sheet cladding externally, which would be painted dark holly green. They would both incorporate a perforated inner liner to minimise noise internally. Access to each of the buildings would be via roller shutter doors within their north-eastern and south-western elevations.

The proposed relay rooms would be sited immediately adjacent to the synchronous condenser units (to the north-west).

The proposed compound would be secured by a 2.4m high green palisade security fence with access being via a green double leaf security gate.

It is proposed that the development would connect to the Upper Boat National Grid Substation, which is situated approximately 100m to the north-east of the site. This substation has been identified as offering the potential to deliver the stability services required. The synchronous condensers would connect to the substation via underground cabling. The cable route does not form part of this application as it is considered to be permitted development under Schedule 3, Class G of the Town and Country Planning (General Permitted Development) Order 1995.

The development would be fully automated and would not require any operators to be permanently on site.

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

- Pre-application Consultation Report
- Planning Statement
- Design and Access Statement
- Arboricultural Impact Assessment
- Phase 1 Geo-Environmental Assessment
- Landscape and Visual Impact Assessment
- Bat Survey Addendum Report
- Construction Traffic Management Plan
- Historic Impact Assessment
- Noise Impact Assessment
- Flood Consequences Assessment & Surface Water Drainage Strategy
- Ecological Impact Assessment
- Agricultural Land Classification

NEED FOR DEVELOPMENT

Details submitted with the application indicate that synchronous condenser technology is electrical transmission infrastructure which provides stability to the grid network in order to maintain voltages within desired limits.

Whilst the proposed facility would be defined as plant in itself, it would not generate any emissions or energy with the role of the synchronous condenser being more closely related to that of substations and grid infrastructure.

The proposed development is proposed in response to the National Grid Stability Pathfinder programme which seeks to deliver technology offering the most cost-effective means to address the stability issues faced across the grid network.

SITE APPRAISAL

The application site relates to an irregular shaped parcel of land which is located to the east of the existing farmhouse associated with Pound Farm, on the outskirts of Tonteg. It measures approximately 2.3 hectares in area and comprises of an agricultural field which is bound by numerous hedgerows and trees. Due to the sloping topography of the area, the site falls away from Pound Farm Lane (at the southern boundary) towards the train line which sits beyond the northern boundary.

Whilst the site and surrounding area appear to be open countryside, Treforest Industrial Estate lies approximately 65m to the north of the site. The main farmhouse and associated farm buildings are located to the west of the site whilst the nearest neighbouring residential property is located approximately 80 metres to the east (Bryn Glas House and Lower Incline House). Further residential properties are located

around 300 metres to the south (Cheriton Lodge) and 400 metres to the west (Cheriton Grove, Tonteg).

The wider area is identified as a Special Landscape Area (Efail Isaf, Garth & Nantgarw Western Slopes) whilst a Public Right of Way (DRE/45/1) runs through the adjacent field (connecting Pound Farm Lane with Gwaelod-y-Garth Road/Treforest Industrial Estate).

PLANNING HISTORY

There are no relevant planning applications on record for this site in the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification as well as through the erection of site notices in the vicinity of the site and the publication of a notice in a local newspaper. No letters of objection have been received.

CONSULTATION

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

Coal Authority: No objection, conditions recommended.

Ecologist (RCT): No objection, conditions recommended.

Flood Risk Management: No objection, condition recommended.

Glamorgan-Gwent Archaeological Trust: There is unlikely to be an archaeological restraint and no objection is raised.

Highways and Transportation: No objection, conditions recommended.

Natural Resources Wales: No objection, conditions recommended.

South Wales Fire & Rescue: No objection

Welsh Water: No objection. The development would not connect to the public sewer network, nor would it require a water supply. A condition is recommended for a drainage strategy to be submitted and implemented.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located outside of the defined settlement boundary and within a Special Landscape Area. The following policies are considered to be relevant in the determination of this application:

Policy CS2 – Development in the South: emphasis on sustainable growth that benefits Rhondda Cynon Taf as a whole.

Policy AW2 – Sustainable Locations: promotes development in sustainable locations which includes sites that are within the defined settlement boundary that would not unacceptably conflict with surrounding uses, that have good accessibility by a range of sustainable transport options and have good access to key services and facilities.

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

Policy AW5 – New Development: sets out criteria for appropriate amenity and accessibility on new development sites.

Policy AW6 – Design and Placemaking: encourages proposals which are of a high standard of design, and are appropriate in terms of siting, appearance, scale, height, etc.

Policy AW8 – Protection and Enhancement of the Natural Environment: seeks to preserve and enhance the distinctive natural heritage of Rhondda Cynon Taf by protecting it from inappropriate development.

Policy AW10 – Environmental Protection and Public Health: development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of land instability, flooding, contamination etc.

Policy AW12 – Renewable & Non-renewable Energy: encourages the provision of renewable and non-renewable energy where it can be demonstrated that there is no

unacceptable effect upon the interests of soil conversion, agriculture, nature conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity.

Policy AW14 – Safeguarding of Minerals: states that resources of coal will be safeguarded from development.

Policy SSA23 – Special Landscape Areas: identifies the Special Landscape Areas in the Southern Strategy Area including SSA23.8 Efail Isaf, Garth and Nantgarw Western Slopes. Development within SLA's will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

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

Supplementary Planning Guidance

Design and Placemaking
Nature Conservation
Access Circulation and Parking

National Guidance

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

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

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

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.
- Policy 4 – Rural Communities – LDP
- Policy 5 – Supporting the Rural Economy – LDP
- Policy 9 – Resilient Ecological Networks – green infrastructure/ecology
- Policy 17 – Renewable and Low Carbon Energy & Infrastructure– all sorts of energy projects.
- Policy 18 – Renewable & Low Carbon Energy DNS

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 5: Nature Conservation and Planning;
PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;
PPW Technical Advice Note 8: Renewable Energy;
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 site is located outside of the defined settlement boundary, within an area which is considered to be open countryside. Development in locations outside of the defined settlement boundaries would not ordinarily be supported however, there are some exceptions to this which include proposals for renewable energy.

Planning Policy Wales (11th Edition) recognises and establishes the importance of renewable energy and low carbon developments and therefore supports developments that would help to tackle the climate emergency. This is further set down in Future Wales: The National Plan 2040 (FW2040), which sets out the context and specific policies for renewable energy development. Policy 17 of FW2040 is particularly relevant and contains guidance relating to renewable and low carbon energy development. The policy gives clear direction to decision makers that significant weight must be attributed to the Welsh Government's target to meet 70% of electricity demand by renewable means by 2030.

Furthermore, Policy AW12 of the Rhondda Cynon Taf Local Development Plan supports development proposals which promote the provision of renewable and non-renewable energy where it can be demonstrated that there is no unacceptable effect upon the interests of soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity.

The development would not create any form of renewable energy and there is concern that it would not benefit from the same renewable energy objectives set down in planning policy. However, it is accepted that the development would present a substantial benefit in promoting and enabling renewable forms of energy generation in that it would provide stability to the grid network, which would otherwise be unstable or intermittent. There can very often be a mismatch between the generation of demand for energy, the proposed development would maximise the contribution from renewable energy source and improve reliability and efficiency. Therefore, whilst the proposed development would not directly attribute to the Welsh Government's renewable energy targets, it would play an important role in the distribution of renewable energy and ensure its reliability and efficiency. Indeed, Planning Policy Wales Ed.11 specifically states that 'an effective electricity grid network is required to fulfil the Welsh Government's renewable and low carbon ambitions'. Subsequently, the proposed development would support the decarbonisation of the UK power system

and contribute significantly to meeting national and international targets and agreements through stabilising the electricity network.

In terms of the location of the site in planning terms, the development would inevitably conflict with Policies CS2 and AW2 of the Rhondda Cynon Taf Local Development Plan, which both seek to direct development within sustainable locations/inside defined settlement boundaries. In the case of this proposal, it is imperative that developments such as the one currently being considered are situated within relative proximity to the existing grid. The application site is located approximately 140 metres away from the Upper Boat National Grid Substation (to the north of the site), which has been identified as having the capacity to house the required connection, without the need for significant modifications which would contribute substantial time and cost to the project and further delay the transition to renewable energy generation and the Net Zero targets.

Whilst the site is located outside of the settlement boundary for Treforest Industrial Estate, it is accepted that there appears to be no suitable sites available on the estate that are within the vicinity the existing substation. Therefore, the position of the site almost immediately adjacent to it would be preferred over a site that is clearly detached from it. Furthermore, the site is not subject to any national or local designations, or any constraints, that would render the site completely unviable or unacceptable.

In terms of sustainability, the site is not located within easy reach of sustainable transport options and anyone accessing the site would therefore be entirely reliant on private transport. However, given that the development would not be associated with high volumes of traffic once it becomes operational, other than for infrequent maintenance purposes, and that the maintenance staff would likely travel to the site by van or car in any case, it is perhaps not as important that the development be accessible by a wide range of sustainable transport options. The location of the site outside of but adjacent to the settlement boundary in this case is therefore, on balance, considered to be acceptable.

The development would inevitably result in the loss of agricultural land, which is considered to be regrettable. However, information submitted with the application indicates that the agricultural quality of the land is poor (Grade 4). The proposed development would therefore enable the existing farm to diversify and provide a greater environmental and economic benefit. It would further facilitate renewable electricity within the grid and further enable National Grid to decrease dependence of traditional coal and gas generation, as well as reducing reliance upon overseas sources. Furthermore, it is stated within the application that the development would nationally save consumers up to £128 million over six years.

Members may recall that a separate application for a similar development (ref. 22/1222) was recently reported to the Planning and Development Committee where it was subsequently approved. The site is located to the south of the current application site, on the opposite side of Pound Farm Lane. It was advised during the course of

that application that the existing National Grid facility only has capacity for just one of the two developments to be connected. Therefore, it is advised that only one of the developments is likely to be commissioned.

Whilst there are inevitably some concerns in respect of the location of the site and the subsequent impact of the development upon the rural character of the site and surrounding area, the development is supported by the wider objectives of national and local planning policy in respect of the provision of renewable energy. It is therefore considered that the benefits to the proposed development, which would assist in the provision of renewable energy and a low carbon economy, would outweigh the concerns raised in respect of the location of the site and, on balance, the principle of the proposal is considered to be acceptable, subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area and the Special Landscape Area

The application site is located within open countryside and on the northern edge of the Efail Isaf, Garth & Nantgarw Western Slopes Special Landscape Area (SLA), which is designated for its attractive farmland on rolling plateau with irregular fields mainly of improved grassland, large hedges, scattered farms and winding lanes. The site comprises of an agricultural field which is bound almost entirely by mature hedgerows and trees to the north, south and east and post and wire fencing to the west. Ground levels slope gradually upwards in a north to south direction.

The proposed development would introduce two new buildings to the site, along with associated equipment and electrical infrastructure with some changes being made to the ground levels in order to facilitate the development. The plans indicate that there would be some cut and fill works to lower the overall ground levels within the site and to create two level platforms, upon which the development would sit. However, the hedgerows and trees surrounding the site would be retained.

Whilst the development would inevitably change the character and appearance of the site and the surrounding area, the application is supported by a Landscape and Visual Impact Assessment (LVIA) which confirms that the site has medium susceptibility to change owing to a number of high voltage overhead lines that run across the site and through the surrounding area, the site's relationship and context with the existing Upper Boat Substation to the north and industrial and commercial development at Treforest Industrial Estate to the north and east, and existing mature woodland along the boundaries of the site and in the site's immediate context which screens the site and forms a backdrop. The LVIA confirms that the existing trees, hedgerows and vegetation at the site boundaries would be retained and managed with further opportunities for additional landscaping and visual mitigation, which would further help to reduce the overall visual impact of the development upon the landscape. This is further set out in a supporting Landscape Strategy, which details the provision of a new hedgerow through the centre of the field to enclose the new compound, the

provision of new woodland planting to the south-eastern boundary and various other areas of hedgerow and tree planting. It is considered that this additional planting, along with the management of the existing vegetation, would reinforce and enhance the existing green edges to the site which would provide additional screening.

It is indicated that the applicant has considered several configurations for the proposed development however, it was considered that the proposed approach, which involves the creation of platforms on different levels, minimises ground disturbance, allows for safe vehicular access into the site and also assists in reducing visibility of the development. At 12 metres in height, the most visible part of the development would be the two buildings that would house the synchronous condensers. However, they would be positioned on lower ground and would have a dark green finish to help them blend into the wider landscape. The electrical equipment would be seen in context with an existing pylon on site and would be backgrounded by the rising landform and mature woodland which would minimise its visibility.

The LVIA considers that the greatest opportunity for views of the development would be from the immediate area: the Public Right of Way (DRE/45/1), which is situated to the south eastern boundary of the site; from trains passing along the northern boundary; from Pound Farm Lane to the northern boundary, from the farmhouse at Pound Farm and also from the single property which lies to the south-east of the site (Bryn Glas House). Whilst the predicted effect is considered to be major in terms of the view from the PROW, this would reduce to moderate at year 15 onwards following the planting and establishment of the proposed new woodland planting along the boundary. The effects on all other receptors are described to be moderate or minor.

Furthermore, the site lies approximately 80 metres to the south-west of Treforest Industrial Estate and whilst it is separated by the trainline and a band of trees/hedgerow at the northern boundary of the site, when viewed from higher viewpoints to the north, north-east and south-east (from Flynnonbwla Road, Eglwyslian Road, Garth Hill) the development would almost be viewed in context with existing industrial/commercial buildings at this part of the estate.

Whilst there is some inevitable concern with regards to the visual impact of the proposal in terms of its industrial-style appearance, it is accepted that the development needs to be sited in close proximity to the existing National Grid substation and that there are no other suitable sites available within the industrial estate. Furthermore, the LVIA considers that the long-term overall effects on views from the local and wider area would be minor or negligible and that the development can be accommodated at the site without giving rise to any unacceptable effect upon the landscape. Therefore, on balance, the proposal is considered to be acceptable in terms of the impact it would have upon the character and appearance of the site and surrounding area and indeed the Special Landscape Area. As such, the application would comply with Policies AW5, AW6 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The nearest residential properties to the site are considered to be the existing farmhouse at Pound Farm and Bryn Glas House, which are located approximately 200 metres to the west and approximately 100 metres to the south-east respectively. Given those separation distances, it is not considered that the development would have an adverse impact upon the amenity of these properties. Whilst the properties may have some views of the development, it would be sited a sufficient distance away to ensure no adverse overbearing or overlooking impact would occur. Furthermore, given the nature of the development and the fact that it would not be occupied by anyone other than maintenance staff on an infrequent basis, it would not give rise to any significant or detrimental levels of overlooking.

As indicated above, the application is accompanied by a Landscaping Strategy which includes new woodland planting at the south-eastern boundary which would increase the vegetative cover in this location and provide additional screening above that of the existing hedgerow at this boundary. A further new hedgerow is proposed across the centre of the wider field which would enclose the site compound. These elements would provide further screening for the residents of the existing farmhouse and Bryn Glas House.

Furthermore, the application is accompanied by a Noise Impact Assessment (NIA) which considers the potential impact of the development upon the nearest residential properties in respect of noise. It is indicated that the two synchronous condensers would be housed within buildings which would help to minimise the noise associated with the operation of the plant. The NIA confirms that the character of the noise would not be too dissimilar to that associated with the existing plant operating on the neighbouring industrial estate with the noise levels attributable to the operation of the plant remaining below the prevailing background noise levels both during the day and night-time periods.

In light of the above, it is not considered that the development would have an adverse impact upon the amenity and privacy of surrounding residential properties and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

The proposal has been assessed by the Council's Highways and Transportation section in order to determine the potential impact of the proposal upon highway safety in the vicinity of the site. The response received indicates that no objection is raised to the proposal however, a number of conditions have been recommended. The response is summarised as follows:

Site Access

The site would be accessed via Pound Farm Lane, which is an unlit, single carriageway road accessed from the west via a roundabout junction with the A473. The road is subject to a 30mph speed limit. Sections of the road become narrow, which prevents two-way vehicle flow, however there are passing points provided.

Construction Vehicular Access

Access for construction vehicles would be provided from a new access off Pound Lane Farm. The access would form a continuation of Pound Farm Lane into the site, helping with the manoeuvres of vehicles accessing the site and also limiting the loss of hedgerow when constructing the access.

Visibility splays are considered to be acceptable in both directions for the 30mph road, in accordance with Manual for Streets.

Construction vehicles would travel to the site from the A473 roundabout only. A Swept Path Assessment (SPA) for a 16.5m Heavy Goods Vehicle (HGV) has been undertaken which demonstrates that such vehicles would be able to access and egress the site in a forward gear by using a turning area that would be provided within the construction compound. Banksmen may also be deployed at the site access to guide vehicles in and out, if required.

The access from Pound Farm Lane will be retained for use by maintenance vehicles once the site is operational. It is anticipated that maintenance vehicles will access the site on an ad-hoc basis, when required, but is forecast to be around one maintenance trip per month. It is indicated that maintenance trips will generally be made by 4x4 or a small van-type vehicle.

Once the contractor's compound has been removed following the completion of the development, space will be retained within the site for vehicles to turn and leave the site in forward gear.

Proposed HGV Delivery Mitigation

The arrival and departure of HGVs at the site will be strictly managed by the site manager. A delivery schedule will be strictly adhered to with delivery drivers being required to call ahead to ensure that any emerging HGVs can be held within the construction compound. No HGVs will be permitted to wait on the access track or on the public highway.

Vehicular Trip Rate

The applicant has confirmed that the construction period will take approximately 16 months to complete. Assuming that works would be carried out over a six-day working week, this would equate to an average of around four two-way movements per day. This is based on a robust assessment of HGV movements to the site however, this

appears to be low. It is anticipated that there will be considerably more vehicle movements during the first three months of the construction period compared to the average over 16 months. Movements towards the end of the construction period will be lower as the construction begins to wind down and as it closes in on completion. Therefore, given the limited construction period and given that the majority of vehicular movements would be within the first three months of construction, it is not anticipated that the proposal would have a significant impact on the surrounding highway network and it is therefore, on balance, considered to be acceptable.

Condition Survey

Details submitted with the application indicate that a walk-over condition survey on the local highway network will be conducted prior to commencement of development, in order to assess the baseline condition of Pound Farm Lane. It is further indicated that a condition survey will be conducted after construction to identify any damage that might have been caused so that any damage can be rectified.

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

Other Issues:

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

Drainage and Flooding

Surface Water Drainage

The application has been assessed by the Council's Flood Risk Management Team in order to assess the potential impact of the development upon surface water drainage. The response received indicates that the site measures 3.89 hectares with a total development area of over 100 square metres. As such, it is advised that the applicant will be required to submit an application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB). The application will also be required to comply with Part H of the Building Regulations.

Natural Resources Wales' Surface Water Flood Risk maps have been used to review the site's surface water flood risk, which concludes that there are areas of no surface water flood risk identified within the site.

Details submitted with the application indicate that surface water will be disposed of using a soakaway however, the applicant has not provided any relevant surface water

drainage proposals for review. The Lead Local Flood Authority considers that further information is required to outline how surface water will be managed and disposed of at the site, including a general arrangement of the proposed drainage layout as well as details of the pre and post discharge rate, and a condition is therefore recommended in this regard. However, given that these matters would be dealt with via SuDs and Part H of the Building Regulations, it is not considered necessary to also secure these details via a separate planning condition.

NRW have further commented that in order to ensure appropriate measures are followed during construction to protect the water environment, further details will need to be provided, along with details of measures to control construction activities, in a Construction Environmental Management Plan (CEMP), which should be secured via a planning condition.

Foul Drainage

Welsh Water have noted that the proposed development would not connect to the public sewer network or require a water supply. It is recommended that a condition be added to any grant of planning consent to secure details of a drainage strategy to be implemented however, given the nature of the development, it is not considered necessary to implement such a condition.

Ecology

The application is supported by an Ecological Impact Assessment (EIA) and a Bat Survey Addendum Report which have both been assessed by both the Council's Ecologist and Natural Resources Wales (NRW).

Habitat

The Council's Ecologist indicates that the development would involve partially building on a large field which is assessed in the supporting documents as species poor semi-improved neutral grassland. The site is sheep grazed pasture which strongly suggests that the habitat assessment is correct.

The EIA concludes that the loss of half of the grassland will have a negligible ecological impact however, the Council's Ecologist considers that the grassland may have a slightly higher ecological potential than the assessment details however, it is considered that the species composition identified is not one that would merit an ecological objection on the basis of grassland loss.

The mitigation recommended in the EIA suggests the provision of better grassland management of the remainder of the field in the form of a Landscape Ecology Management Plan (LEMP), and it is considered that, as part of habitat mitigation and enhancement, a long-term management plan for a minimum of 25 years would be required.

Hedgerows

The site has ancient species-rich hedgerows around the vast majority of the perimeter, except for a short section next to the farmyard. The ecological importance of these hedgerows is recognised within the EIA. The report and plans submitted with the application indicate that some small sections of hedgerow would need to be removed to facilitate the access off Pound Farm Lane, however it is indicated that the remainder would be protected and retained with managed buffer strips around the site and some replanting/infilling of 'gappy' areas of hedgerows. The balance of mitigation to loss is considered to be acceptable, providing that hedgerow loss is minimal, as indicated in the EIA. The proposed vision splays have been considered acceptable by the Council's Highways and Transportation section and so no further hedgerow removal would be required to provide the proposed access than that indicated in the proposed plans and supporting documentation. As such, the Council's Ecologist has not raised any objection in this regard.

The EIA identifies that hedgerow protection would need to be secured, as detailed, through a Construction and Environmental Management Plan (CEMP) condition and the details of the hedgerow management, hedgerow re-enforcement (which should only be of hazel planting and should not involve species rich mixes) and the objectives and management of the hedgerow buffer strip will all need to be subject to the LEMP and to long-term management commitment (minimum of 25 years).

Trees and Bats

The EIA identifies that the site has moderate potential for foraging bats and two trees have been identified as requiring felling (T11 and T18). The trees have been inspected with one (T18) being identified as having high bat roost potential whilst the other (T11) has been identified as having negligible potential. The Bat Activity Survey recorded one small soprano pipistrelle roost in T18 and a bat licence would therefore be required to fell Tree T18. However, it assesses the impacts of felling the tree as having only a very small conservation impact and it is advised that this can be mitigated for and compensatory measures implemented, including bat box provision.

The EIA further identifies the need for bat sensitive lighting to ensure retention of bat foraging use of the site, which is recommended to be secured via condition.

NRW have further assessed the proposal in respect of bats and advised that it is not considered that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. The need for a bat sensitive lighting scheme condition is further recommended, as is an informative note advising of the need to obtain a bat licence is attached to any grant of planning permission.

Dormouse

The EIA recognises the potential that dormice may use the hedgerow networks of this part of RCT, and as such, the hedgerows surrounding this site may form part of that connectivity. However, the EIA concludes that as only minimal hedgerow removal is required, with improved hedgerow/hedgerow buffer management and aftercare being proposed, the impacts on any dormouse potential would not be significant.

The long-term LEMP provision for hedgerow and buffer strip management will offer potential for enhancement of potential dormouse use of those hedgerow corridors and positive dormouse habitat provisions will be a detail that will need to be sought through the LEMP.

Badger

The EIA found no evidence of badgers on site. There are, however, badgers in the local area. As such, it is considered that precautionary measures will need to be included in the CEMP that needs to be secured through a planning condition.

Nesting Birds

The hedgerows and wooded edges of the site are identified as supporting nesting bird habitat. Tree felling and any hedgerow removal will need to include nesting bird protection measures secured through the CEMP and positive management for nesting birds needs to be secured through the long-term provision of the LEMP.

Other Species

The EIA rules out water vole and otter potential within the site. Based on the habitat assessment, the CEMP will need to include consideration for the potential that otter may occasionally cross the site as a precaution. Further precautionary measures will need to be identified in the CEMP for hedgehog.

The EIA concludes low potential for invertebrates however, this will need to be secured through the LEMP, along with the positive enhancement for hedgerows/buffer/grassland.

In summary, the potential impact of the proposal on ecology is considered to be acceptable, subject to the imposition of a number of ecology-related conditions, including details of bat sensitive lighting and a CEMP. It is further recommended that a Landscape Ecology Management Plan with a minimum management commitment of 25 years be secured via a S106 Agreement.

Public Right of Way

The application site is not crossed by any Public Right of Way however, footpath DRE/45/1 crosses through the adjacent field to the south-east with the most western

point of the footpath joining with Pound Farm Lane at the most south-western corner of the application site. The development would not result in any physical change to the footpath however, it is accepted that there would be views of the development from the path. The Landscaping Strategy indicates that new woodland planting would be implemented adjacent to the existing hedgerow at the boundary, which in time would further screen the development from view. It is therefore not considered that the development would have an adverse impact upon the PROW.

Land Contamination

Comments received from the Council's Public Health and Protection team indicate that the site is located within 250 metres of Pound Farm Tip Landfill and Power Station Hill Landfill. It is therefore considered that there is potential for contamination to exist on site. As such, standard contaminated land conditions are recommended to be imposed on any grant of planning consent.

High Coal Risk Area

The application site partially falls within the defined Development High Risk Area and the application is therefore accompanied by a Coal Mining Risk Assessment. The application is further supported by a Phase I Geo-Environmental Assessment. Both documents have been assessed by the Coal Authority.

The comments received indicate that the site may have been subject to past coal mining activity and that the Coal Mining Risk Assessment and Geo-environmental Assessment recommends that intrusive site investigation works be undertaken to establish any necessary remedial measures.

As such, the Coal Authority recommends that a condition to secure a scheme of intrusive site investigations and details of any remediation works and/or mitigation measures required to ensure that the site is safe and stable for the development proposed.

Further to this, Natural Resources Wales notes that the Coal Mining Risk Assessment recommends that investigations are carried out to assess ground stability risks and it is therefore advised that there may be a requirement for remedial measures such as grouting. As such, to ensure that there is no impact upon controlled waters if grouting and/or ground stabilisation work are carried out, a condition is recommended for further information in this regard.

Impact on Trees

The application seeks to retain the vast majority of trees and hedgerows on site however, two trees that are located within the general area of development would need to be removed in order to facilitate the proposed development. The trees are identified as T11 and T18 which are described as category B1 (Moderate/Fair Quality but not

exceptional) and Category C1 (Low Quality – unremarkable or of very limited merit). It is therefore not considered that the loss of these trees would have a significant impact on the visual amenity of the area.

Whilst the loss of any tree is regrettable, the development would provide appropriate mitigation through the planting of additional hedgerows and woodland in and around the site.

Community Infrastructure Levy (CIL) Liability

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

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

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

As indicated in the *Ecology* section above, a Landscape Ecological Management Plan (LEMP) for a period of 25 years is required in order to secure details of positive habitat and species management, mitigation, enhancement and monitoring (annual reporting) of ecological delivery.

Conclusion

Whilst there is some concern in respect of the location of the site in a countryside setting and the subsequent impact of the development upon the rural character of the site and surrounding Special Landscape Area, the development is supported by the wider objectives of national and local planning policy in respect of the provision of renewable energy. It is therefore considered that the benefits to the proposed development, which would assist in the provision of renewal energy and a low carbon economy, would outweigh the concerns raised in respect of the location of the site and, on balance, the principle of the proposal is considered to be acceptable. Furthermore, the overall scale, layout and design of the proposal is considered to be acceptable in respect of the impact it would have upon the character and appearance of the application site and surrounding area and upon the amenity and privacy of surrounding residential properties. Furthermore, no objection has been received from the Council's Highways and Transportation section in respect of the impact of the development upon highway safety.

RECOMMENDATION: Approve, subject to a S106 agreement and conditions

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

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

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

- Drawing No. UPP-SYNCO-LP-002 Rev. B: Site Location Plan.
- Drawing No. P22-0919-01: Site Location Plan.
- Drawing No. UPP-SYNCO-PP-003 Rev. B: Proposed Plan.
- Drawing No. UPP-SYNCO-PP-004: Proposed Plan Buffer Zone (Hedgerow).
- Drawing No. UPP-SYNCO-SEL-005: proposed Sectional Elevations.
- Drawing No. P22-0919 SK/01: Swept Path Analysis.
- Drawing No. P22-0919-12: Landscape Strategy.
- Document Ref: Bat Survey Addendum Report by Tyler Grange, Dated 13th October 2022.

- Document Ref: Ecological Impact Assessment by Tyler Grange, Dated 30th August 2022.
- Document Ref: Noise Assessment by LF Acoustics, dated June 2022.

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

3. The approved Construction Traffic Management Plan October 2022 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.

4. Prior to the commencement of development, details of traffic management with mitigation measures to prevent on-coming vehicles meeting on Pound Farm Lane shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period.

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

5. Prior to the commencement of the development, a report indicating a methodology for undertaking a conditions survey of local roads (that could be affected by the proposed development) shall be submitted to and approved in writing by the Local Planning Authority. The report should include: the timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority; comprehensive photographs; and potential compensation arrangements. The development shall not be brought into use until the final survey (on completion of the development hereby approved) and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the details shown on the approved plans, development shall not commence until details of the site access off Pound Farm Lane surfaced in permanent material for the first 15m have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use.

Reason: In the interests of highway safety. To ensure debris is not dragged onto the public highway, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
 3. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

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

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

9. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work

recommencing. Any revised contamination proposals shall be carried out by a competent person.

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

10. No development shall commence until:

- a) A scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

Reason: To ensure that the risks of land instability are fully considered and remediated/mitigated, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure that the risks of land instability are fully considered and remediated/mitigated, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Prior to installation, full details of bat-sensitive lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used.
- Details of the management of light spillage in key sensitive ecological areas.
- Details of lighting to be used both during construction and/or operation.
- Other management measures such restricted use.

The lighting shall be installed and retained as approved.

Reason: To ensure that any lighting installed at the site reduces any impact in the interest of protected species, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

- Construction Methods: How waste generated will be managed.
- General Site Management: Details of the construction programme including timetable, details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Ecological Management: Details of all precautionary species and pollution control measures, including details of mitigation for nesting bird potential and how this will be managed, details of how hedgerows will be protected (i.e. types of fencing, distances from hedgerows, when the fencing will be erected, how mitigation measures will be maintained and monitored during construction works), details of pre-commencement tool box talks with contractors and details of pre-checks for protected species and details of precautionary contingency measures to avoid impacts on protected species that may use the site during construction works.
- Details of how the CEMP delivery will be integrated with any protected species licencing requirements from NRW.

- Soil Management: Details of topsoil strip, storage and amelioration for re-use; silt management.
- CEMP Masterplan; Details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Resource Management: Details of fuel and chemical storage and containment, details of waste generation and its management.
- Pollution prevention. Demonstrate how relevant Guidelines for Pollution Prevention and Best Practice will be implemented, including details of managing silt run-off, emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- Details of regular construction period reporting (by email) to the Local Planning Authority identifying progress in CEMP delivery and any issues or emergency measures, with the offer (if necessary) of site visits for the Local Planning Authority to review CEMP delivery.

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

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

15. Should any remedial measures, such as grouting and/or ground stabilisation works be required, the following information will be required to be submitted to and approved in writing by the Local Planning Authority:
1. Vulnerability Survey, to include:
 - Identify all surface and groundwater features and users in the vicinity of the site, including old or existing mine adits and mine-workings, drains and culverted feature. In addition, all relevant historic documents held should be used to identify any natural or man-made structures beneath or in the vicinity of the site.
 - A walkover survey to be carried out to validate the vulnerability survey and identify any features not included in the formal records, i.e. disused adits or mine-workings etc.

- To notify abstractors in case of grout break-out licensed surface water abstractions and private supplies downstream of the site need to be identified. For a main river, this would typically be a few kms (NRW can supply this information).

2. Procedure

- Location of the area to be grouted.
- Check area against vulnerability survey and historic land-use records.
- Nature of any structures to be grouted, cavities in the substrata, mine-workings etc.
- Is grouting to take place above or below the water table?
- Method of grout injection, i.e., as part of an inner/outer 'curtain' or individual injection boreholes etc.
- Type of grout to be used, i.e., ratio of cement, water, other material – this should take into consideration whether grouting is to take place above or below the water table.
- Thixotropy of the grout, i.e., how far will the grout extend into the cavity when injected. This should take into consideration whether the works are above or below the water table.
- Duration of grouting works.
- How much grout is to be injected into both individual points and as a total quantity.

3. Monitoring

- Identification of sites grouting material could emerge, i.e., adits/drains into watercourses etc.
- Proposals for monitoring such features during the work, i.e., which ones, frequency of monitoring.
- Confirm details of monitoring with Natural Resources Wales Local Environmental Protection Officer prior to the commencement of workings.
- Agree suitable mitigation measures with the Local Environmental Protection Officer should any impact on any feature occur during the workings.

4. Management. Keep daily records of the following:

- Review previous days grouting operations (where grouted, how much grout used etc.).
- Location of areas to be grouted.
- Boreholes used for grouting.
- Times of injection into each borehole.

- Quantities of grout to be injected into each borehole (both projected and actual).
- Records if quantity of grout 'lost' in borehole.
- Pressure used in grouting at a borehole.
- Type of grout used.
- Review of monitoring.
- Details of any breakouts of any grout.
- Details of any clean-up of grout at monitoring sites.
- Reporting of information needs to be agreed with NRW prior to the commencement of workings.
- In cases of an unpredicted loss of grout, emergency procedures should be agreed with NRW to include an increase in the frequency of monitoring of any identified surface water features.
- Notification of the Local Environmental Protection Officer should either any outbreak or an unpredicted loss of grout occur.
- Notification of identified downstream surface water abstractors in the event of an emergency.

Reason: To ensure that there is no impact on controlled waters as a result of any grouting and/or ground stabilisation works required, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 16 Prior to the commencement of development, details of ecologically sensitive landscaping shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the new development will be visually attractive in the interests of amenity and in the interests of the natural environment, in accordance with Policies AW5, AW6 & AW8 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

9 March 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1263/10 (JE)
APPLICANT: Trivallis
DEVELOPMENT: Development of four flats, car parking, landscaping and associated works.
LOCATION: LAND OFF ST JOHNS ROAD, TONYREFAIL
DATE REGISTERED: 24/10/2022
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: APPROVE

REASONS:

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

REASON APPLICATION REPORTED TO COMMITTEE

- More than three letters of objection have been received.
- Requests have been received from Councillors Owen Jones and Grehan for the matter to come to Committee so that Members can consider the full impact of the development.

APPLICATION DETAILS

Full planning permission is sought for the construction of 4no. flats and associated works at land off St. Johns Road, Tonyrefail. The proposed works would be located towards the northern half of the site and would consist of the construction of 2no. detached properties that would each accommodate a ground and first floor flat to be occupied as social housing.

The units would be orientated north-south facing the highway at Manley Close and would both measure a width of 8.1 metres by a depth of 8.1 metres. The properties

would have a dual pitched roof design with gable ends to the side elevation measuring a maximum height of 8.2 metres sloping to 5 metres at the eaves.

Each flat would benefit from a private entrance on to the front and would include the following layout: entrance hallway, living/dining room, kitchen, bathroom and 1no. bedroom. To the rear each flat would benefit from a private area of amenity space.

Six car parking spaces are proposed to the north of the site, four of which are to serve the proposed development and two are proposed for use by existing residents. The development is to be accessed via Manley Close through the introduction of dropped kerbs, and the area of parking will separate the proposed units from Manley Close.

To the south of the properties, towards the centre of the site, would be a SuDS feature and associated landscaping.

The application is supported by:

- Planning Statement
- Preliminary Ecological Appraisal
- Geo-environmental Report

SITE APPRAISAL

The site consists of a broadly rectangular parcel of land located within a residential area of Tonyrefail. The site extends to approximately 1700m² and is located on the eastern end of Manley Close and Martin Crescent which adjoin St. Johns Road to the north and south of the site respectively. The site is currently largely mowed grassland and accommodates an area of off street car parking along its northern boundary accessed via Manley Close. This is informally used by residents and provides 5 parking spaces.

The nature of the site slopes from north to south. The site accommodates existing, informal footways crossing from north to south and east to west, however these do not benefit from any Public Right of Way designation. On the eastern boundary of the site along St. John's Road is a bus stop which is located outside of the submitted red line boundary.

Surrounding development is characterised by semi detached dwellings that all share a similar overall character and design. A large number of these properties benefit from existing extensions, alterations and outbuildings.

PLANNING HISTORY

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

22/0052/10: LAND OFF ST JOHNS ROAD AND MANLEY CLOSE, TONYREFAIL

Proposed development of seven dwellings, car parking, landscaping and associated works.

Decision: 27/01/2022, Withdrawn by Applicant

PUBLICITY

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

5 letters of objection from surrounding occupiers and Tonyrefail Community Council have been received following consultation. In addition, concerns have been raised by local Councillor Dan Owen Jones. The points raised have been set out below:

- Proposal would result in the loss of an area of green space which is valued by local families and available for safe child play.
- Proposal is NOT wanted or needed.
- Green areas are needed in Tonyrefail, and this green offers a place for children to play and a nice, pleasant space for the rest of us.
- Development is not suited to the community or in keeping with the surroundings.
- Blocking of view.
- People have purchased and improved houses in the area because of the greenery.
- Extra traffic problems as existing parking bays are already full.
- Bottom half of the green which would remain is not suitable for children to play on.
- Other sites within Tonyrefail would be more suitable for new development.
- Environmental impacts associated with new development.
- Disruption and noise during the construction works would be unbearable and restrict access and cause traffic issues.
- Existing facilities within Tonyrefail such as doctors, schools, dentists are already full. There is no room for further new dwellings.
- Disputed ownership of land.
- Any development of the land off St. John's Road would only further reduce the inadequate amount of open space we have in the locality.
- The land off St. John's Road has served as public green open space for over seventy years, being the last remnant of the farm land which previously occupied the site prior to 1950. As such, it has been a place where children were free to play within safe view of nearby homes, and it has also served as a venue for community gatherings over the decades.
- Residents have shown beyond doubt that a tarmacked right of way has existed on the intended development site since 1950, a fact that is disputed by the Trivallis Housing Association. The footpath provides a direct link between Martin Crescent and Manley Close and requires re-surfacing after twenty years of neglect.

CONSULTATION

The National Grid: Standard consultation response setting out that a separate application to National Grid would be required if a new connection or service alteration is needed.

Dwr Cymru Welsh Water: No objection subject to a condition in relation to surface water drainage.

Transportation Section: No objection subject to conditions.

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

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

Countryside (Ecology): No objection subject to condition.

Waste Services: Standard response setting out that the bin collection points must be at the kerbside on St Johns Road.

Housing Strategy: No objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

The application site lies within the settlement boundary for Tonyrefail and isn't allocated for a specific purpose.

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 and promoting residential development with a sense of place that respects the character and context of the area.

Policy CS4 – Identifies that there is a need to provide 14385 new dwellings in sustainable locations during the plan period.

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

Policy AW1 - The policy identifies how land will be made available to meet the housing land requirement figure, and does not include the development of unallocated land outside the defined settlement boundary.

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

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

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

Policy AW6 – Requires development to involve a high quality design and make a positive contribution to placemaking, including landscaping.

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

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

Policy SSA13 – Requires housing development within the settlement boundary to be accessible to local services by a range of sustainable transport modes without adversely affecting the highway network or provision of car parking in the surrounding area.

Supplementary Planning Guidance

- Design and Placemaking
- Delivering Design and Placemaking: Access, Circulation and Parking
- Development of Flats
- Planning Obligations
- Affordable Housing

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 FW2040, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability / Placemaking
- Policy 7 – Delivering Affordable Homes – SDP/LDP allocations and innovative approaches.
- Policy 33 - National Growth Area - Cardiff, Newport and the Valleys: Cardiff, Newport and the Valleys will be the main focus for growth and investment in the South East region.

Other national policy guidance considered:

PPW Technical Advice Note 2 – Planning and Affordable Housing

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 site relates to the development of a vacant unallocated parcel of land located within the settlement boundary and an established residential area of Tonyrefail. Policies CS2, AW1 and SSA13 of the Local Development Plan are supportive of the principle of the development of new housing on unallocated sites, which are located within the defined settlement boundaries within the Southern Strategy Area.

The site is within the defined settlement boundary and is accessible by sustainable transport modes including bus, foot and bicycle. The site also has good access to key services and facilities, being located close to the retail centre of Tonyrefail. The site can therefore be considered a sustainable location in accordance with the other relevant criteria of Policy AW2.

It has also been set out by the Council's Housing Strategy Team that this social rented scheme has been designed by Trivallis in dialogue with them to help address the need for additional affordable housing within Tonyrefail. The unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2017/23, and, as such, this proposal satisfies Policy SSA12 of the adopted Local Development Plan.

With regard the loss of open space which has featured heavily within the letters of objection received, in response to previous feedback on this matter on an earlier application for seven dwellings (22/0052/10) which was withdrawn in January 2022, the applicant has revised the proposals to retain and improve an area of amenity space to the south of the site, with three dwellings being omitted from the current scheme. It is considered this reduction in units is an appropriate compromise between the need for affordable housing in the area and the local resident's desire for open space to be retained.

Furthermore, it is not considered that the development will cause or exacerbate a deficiency of open space in the local area. As noted in paragraph 2.9 of the accompanying planning statement, there are several facilities in the local area including:

- Heol y Glyn children's play area (200m walking distance to the east).
- Capel Farm children's play area (400m walking distance to the east).
- Tyn-y-Bryn Park (1km walking distance south-west) which includes Multi Use Games Area (MUGA), football fields, cricket field, children's play area, formal paths and benches.

- Local informal open space areas immediately south opposite St. John's Road (10m to the south) and Capel Farm (400m to the east)

As such, it is considered that there is a good alternative supply of functional open space (equipped children's play area, teen provision, informal recreation and formal recreation) within walking distance of the site. It is also noted the site does not accommodate formal sporting use or children's play equipment and is not maintained to allow a functional use.

As such, the principle of development is considered acceptable subject to an assessment of the below criteria.

Impact on the character and appearance of the area

The Rhondda Cynon Taf Local Development Plan supports proposals where the scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and the surrounding area (AW 5); where they are of a high standard of design which reinforces attractive qualities and local distinctiveness (AW 6); where they are appropriate to the local context in terms of siting, scale, appearance, height, massing, elevational treatment, materials and detailing (AW 6); and where they include the efficient use of land (AW 6).

In terms of the visual impact of the proposal, the development would be sited on a relatively spacious plot, directly adjacent to row of existing semi detached properties. The proposal would have a similar layout and orientation to the adjacent properties along Manley Close, being recessed into the site by approximately 8.4 metres with the principal front elevations facing towards the highway fronting the site. As such, whilst the proposal would inevitably impact upon the current open nature and appearance of the site, it is not considered to result in such an impact that would warrant a refusal of the application.

The submitted site layout plan indicates the site is large enough to accommodate the proposed units and associated works whilst also retaining the southern half of the site as green open space/grassland.

The proposal would also see landscaping that would reduce the visual impact of the built development and require retaining works which is considered to enhance the overall appearance of the green space. However, the plans submitted currently lack detail in this regard. As such, a condition for the submission of landscaping details has been set out below should members be minded to grant consent.

Furthermore, the materials proposed with a cement rendered finish is considered appropriate for the development with adjacent properties benefiting from a variety of rendered or dashed elevations. As such, the proposal is not considered harmful to the existing character and appearance of the locality and is considered acceptable in this regard.

Impact on residential amenity and privacy

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

With regard to the closest neighbouring property No. 2 Manley Close located to the west, this property would be separated by 5.1 metres and located alongside the proposed development. Therefore, the proposal would inevitably result in some impact upon this dwelling, but the resulting relationship would be no greater than already existing between properties in the vicinity of the site. In addition, with no fenestration on the side elevation of the unit closest to No.2, the proposal is also not considered to result in any additional opportunities for overlooking of No.2 Manley Close.

When considering the impact upon properties to the east along St. Johns Road, the closest dwellings 30, 32 and 34 St. John's Road are separated by approximately 21 metres on the opposite side of the highway. As such, whilst the principal elevation of these properties would face onto the development site, it is not considered that the resulting impact would be great enough to warrant a refusal of the application. In addition, although it is noted that the proposal would see side elevation windows facing towards these properties, when considering the separation distance set out above, it is not considered that the resulting impact would result in any adverse overlooking and loss of privacy.

Properties to the north on the opposite side of Manley Close are separated by approximately 28 metres and are elevated above the site. In addition, the properties are orientated so that their front elevation would not directly face onto the development with any views being oblique in nature. As such, it is not considered that the proposed development would result in any adverse impact on this elevation.

Whilst it is considered that the operation of the development would result in some noise and disturbance, the level of noise and disturbance would be typical of the residential character of the surrounding area and would not adversely impact upon neighbouring amenity.

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

Highway Safety and Parking Provision

A number of concerns associated with access and parking were set out within the objections received. Nevertheless, no objections were raised by the Council's Transportation Section who were notified during the consultation period in order to assess the suitability of the scheme with regard to highway safety and parking provision. The following comments were received:

Access

Access to the proposed flats is to be served off Manley Close which has a carriageway width of 5.0m and a 1.8m footway on the development side which is acceptable for access to the proposed 4 residential units.

Existing Adopted Footway

The submitted layout Plan LT2115.04.01 REV E indicates the existing adopted footway linking Manley Close to St. Johns Road will require stopping up with the footway moved 1.0m to the west to accommodate the new dwellings. There would be no objection to the proposal, however the applicant would require stopping up of the highway (footpath) under Section 247 of the Town and Country Planning Act 1990 prior to works commencing on site.

The new realigned footway would then require construction to an adoptable standard and be offered for adoption which can be conditioned accordingly. To avoid the stopping up process there is potential to redesign the dwellings approximately 1.0m to the east to avoid the requirement to stop up the footway with no impact on the existing alignment, however it is accepted this would require further assessment or a separate application. It is also noted that the proposed sustainable drainage measures impact on the existing footpath to remain and the attenuation pond will need to be relocated slightly to the east, this can be addressed as part of the detailed design and a suitably worded condition to require approval of the realignment of the footway link between Manley Close and Martin Crescent.

Parking

The 4no. 1 bedroom apartments require 1 space per apartment and 1 visitor space taking the total required to 5 spaces in accordance with the SPG Flats 2015, with 6 spaces indicated on the submitted layout plan Revision E.

The proposed parking for the 1 bed apartments served off Manley Close uses the existing off-street car parking for existing residents increasing on-street car parking in an area where there is already considerable demand with narrow width of carriageway to the detriment of safety of all highway users. On-site inspection of the existing car park (5 spaces) showed that is fully occupied providing off-street car parking facilities for existing residents. The proposal provides 1 additional space and removes 4 for use of the existing residents which raises cause for concern.

The car parking spaces proposed for use of the new flats are in the ownership of the Council . Therefore, should the applicant wish to transfer these spaces for use of the development additional off-street car parking shall be provided to compensate the loss of the existing resident's car parking which has been conditioned accordingly.

Conclusion

There is concern that the proposed development removes established off-street car parking for the existing residents. However, this concern can be overcome by a suitably worded condition requiring additional off-street car parking facilities to be provided within the site curtilage. The off-street car parking for the proposed using the existing off-street car parking provision complies with the SPG Flats 2015. The proposed requires stopping up of the existing adopted footway running from Manley Close to St. Johns Road with the footway realigned to maintain access between both streets which is acceptable.

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

Ecology

The application is supported by the Wildwood Ecology October 22 Preliminary Ecological Assessment (PEA) for this site. The report has been reviewed by the Council's Ecologist who sets out that the PEA is an appropriate assessment and the conclusions that the amenity grassland that comprises the habitat of the site is of very low conservation value with negligible protected species potential and that no further surveys are required. As such, it is considered that the ecological impacts of the development are acceptable, but a condition for all details of biodiversity enhancement as recommended in the PEA should be attached to any consent.

In light of the above the application is considered compliant with the requirements of Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Public Health and Protection

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

Drainage

Following consultation, the Council's Flood Risk Management Team and Dwr Cymru Welsh Water raised no objection to the application. However, both consultees requested a condition be attached to any consent with regard to surface water drainage from the proposed development. Nevertheless, as this development would require separate SAB approval it is not considered that these conditions would be necessary or required.

Other issues raised by the objectors

The objectors set out that the development would be better located at an alternative site within Tonyrefail. Whilst this point is noted, as set out in the supporting information the applicant acknowledges this concern however other brownfield land suggested by the objectors within Tonyrefail is not within their ownership and is therefore not a viable option. Furthermore, LPA can only consider the application before them.

The objectors raise concern with regard the impacts upon parking, noise and disturbance through the construction period. It is appreciated that the noise and disruption from development on adjacent land, as well as the use of accesses via established residential areas, can be extremely trying for existing residents, despite the best efforts of a developer. However, whilst understandably unwelcome, the construction period of a development is a relatively short term process and disruption from that cannot be considered as a sustainable reason to refuse a development.

Members will be aware that concerns regarding a perceived lack of local infrastructure to support residential development, which might include healthcare, transport, school capacity, water and sewerage facilities and so on, are often and understandably raised by objectors and relate to applications not just in the Tonyrefail area but elsewhere within the County Borough.

Nonetheless, no objections were received from any of the statutory consultees, or matters raised that could not be dealt with by condition. Furthermore, consultation on the LDP was undertaken with strategic service providers and statutory undertakers on the basis of there being a total dwelling supply over the plan period of between 14,936 to 15,386 new units - to include windfall sites - whereas the number delivered to date has only been around half of that.

National Sustainable Placemaking Outcomes

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

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

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

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

- **Creating and Sustaining Communities:** The development density is appropriate for the location and would contribute to the provision of affordable housing to meet specific needs within the Southern Strategy Area.
- **Facilitating Accessible and Healthy Environments:** The application site is within walking distance of the main bus route and some local shops and services. Being within the settlement boundary it is considered to be a sustainable location. There is public open space within a short distance of the site and the development would provide safe accommodation and would promote mental well-being.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and would foster economic activity.

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

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014, and the scheme is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended.

The application site lies within Zone 2 of 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 £12384.94.

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

Conclusion

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

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

- LT2115.00.01
- LT2115.04.01
- LT2115.04.02
- LT2115.04.03

and documents received by the Local Planning Authority on 24/10/22, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence on site until design and construction details of the proposed realigned footway link between Manley Close and Martin Crescent, as shown on drawing LT2115.04.01 REV E, have been submitted to and approved in writing and implemented to the satisfaction of the Local Planning Authority prior to removal of the existing adopted footway.

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

4. Notwithstanding the details shown on the approved plans, development shall not commence until design and details of a new car parking area with a minimum of 4 additional spaces has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to construction of the new flats on site.

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

5. Prior to the development being brought into use, an extended vehicular footway crossing on Manley Close and new crossover for the additional car parking area shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development on site commencing.

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

6. 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.

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

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

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

8. The development hereby approved shall be carried out in accordance with the methods and recommendations set out in Section 5 of the Wildwood Ecology, Preliminary Ecological Appraisal Report, dated October 2022.

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

9. 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.

10. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion

of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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PLANNING & DEVELOPMENT COMMITTEE

9 March 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1374/10 (GH)
APPLICANT: Newydd Housing Association
DEVELOPMENT: Affordable housing scheme of 17 dwellings, to include demolition of existing buildings and provision of parking, access, drainage, hard and soft landscaping (revised plans, to amend levels, received 10th January 2023, Updated Ecology Survey received 17th January 2023, revised Geotechnical and Geoenvironmental Report received 26th January 2023, Additional cross section drawing received 1st February 2023)
LOCATION: LAND TO THE REAR OF 68 - 72, HIGH STREET, TONYREFAIL, CF39 8PL
DATE REGISTERED: 25/11/2022
ELECTORAL DIVISION: Tonyrefail East

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

REASONS:

The development would make an appropriate and sympathetic use of a redundant, unallocated and previously developed site which occupies a sustainable location close towards the centre of Tonyrefail.

In addition to its contribution towards affordable housing stock, the design and density of the development is acceptable and its layout would neither be considered to cause detriment to the occupiers of the surrounding residential development, nor harm 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 17 dwellings and associated works on land to the rear of 68 – 72 High Street, Tonyrefail.

The development would provide 100% affordable housing comprising the following mix of accommodation:

- 10 x one-bedroom flats
- 4 x two-bedroom flats
- 1 x two-bed bungalow
- 2 x two-bed houses

It is proposed that the access to the development from High Street would be located in a similar position to the existing with an adoptable section of highway and turning head, and a section of private shared drive. Seventeen off-street parking spaces would be created and a covered cycle store, with space for eighteen bikes, for residents of the flats.

All properties would benefit from rear amenity space, communal in the case of the flats, together with identified bin storage areas and drying space. A communal garden, with sitting area, would also be laid out at the front of the site.

In terms of sustainability the submitted plans indicate that all properties would have air source heat pumps and roof-mounted solar PV panels. The requirement for the development to be SAB compliant means that the landscaping scheme includes five rain gardens enclosed by dwarf walls and an attenuation pond in the southernmost corner.

The design of the properties, none of which exceed two storeys, is conventional, with elevations of grey or buff face brickwork enclosed by twin-pitch roofs of fibre-cement slates. The entrances to the flats are 'walk-up' rather than communal and a number of the dwellings are identified for the installation of bat and bird boxes.

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

- Transport Statement
- Travel Plan
- Drainage Strategy
- Flood Consequences Assessment
- Site Investigation Report
- Arboricultural Report
- Ecological Survey
- Landscape Strategy
- Planning, Design and Access Statement

As noted in the description of development, additional or revised information was received as a result of feedback received during the consultation process.

SITE APPRAISAL

The application site comprises a large previously developed piece of land, located within the settlement boundary towards the centre of Tonyrefail. It is accessed directly from High Street, where there is a mix of residential and commercial land uses.

The land is of an irregular U-shaped form, due to the position of numbers 68 and 78 High Street not being within the red line boundary, and which measures a surface area of approximately 0.30 hectares.

The site consists of a former motor repair business, which includes a building, large extent of hardstanding and some grass/scrub to its southern part. The site also accommodates a disused building attached to the rear of 72 High Street, formerly operating, it is understood, as a discount warehouse business.

PLANNING HISTORY

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

22/5055/41: Pre-application advice. Decision: 22/07/2022, Raise No Objections

PUBLICITY

The application has been advertised by direct notification to thirty-one neighbouring properties and notices were displayed on site. A second neighbour reconsultation was undertaken on receipt of the revised plans and details set out in the description of development.

Six letters of objection or representation have been received raising the following matters:

Amenity

- The development will overlook the rear of several properties in Parkland Road and impinge on privacy. It will severely interfere with and impact upon ours and others' right to freely enjoy the occupation of their land and therefore cause a legal nuisance for which the Council will be liable.
- The application site is approximately ten feet higher than my home at the moment and if you allow blocks of flats to be built there, they will be looking down into the back of my home where my back bedroom and bathroom windows will be in view, and not just my home but the people next door to me as well.

Surface Water

- I already have a problem with water coming down the bank from that property into next door and then into my property when we have heavy rain. This water comes through the backs of numbers 27, 25 and 23 and runs down our drives. With building work going on and more hard surfaces probably going in that's going to make it worse.
- The application site causes considerable flooding to our properties situated below. I have raised this concern with the current landowner and Council many times over the years but nothing has been done. I am now worried that disturbance of this land will alter water courses and exaggerate the flooding problems we already have.
- I have endured problems with water coming from this land. It floods the garden at the rear of our properties and eventually runs down my and my neighbour's driveways like a river. It crosses the pavement at the front of my property and crosses the road to the house three doors down on the opposite side of the street. It is particularly bad at the moment with the current heavy rainfall and as I am disabled, I am constantly worried of slipping on the frost and ice and now the additional problem of algae.

Environment

- There is a considerable amount of Japanese Knotweed on site which, if disturbed, will spread and affect our house foundations.

Tenure

- Going by some of the flats already in the Tonyrefail area and the type of young undesirable people that are being put in them it seems to me that Tonyrefail is becoming a dumping ground for this type of thing by Welsh Government and the local Councils.
- We already experience a lot of anti-social behaviour due to the lane adjoining Parkland Road and High Street. We are concerned that the use of single bedroom flats and the type of residents likely to inhabit them will further enhance these problems. We have already suffered an increase in anti-social behaviour since the flats at Llys Tylcha Fawr were used to accommodate these type of residents.
- If the rumours I have heard are true then drug/ alcohol addicts may be the new tenants. We already have problems with those housed in flats behind Prichard Street and I witnessed drugs being exchanged at 10.30am right in the middle of the road outside my neighbour's house. The Police are constantly parked at these flats and should we have a similar situation at the rear of us we will be sandwiched between trouble spots.

Local Infrastructure

- Tonyrefail and the surrounding area does not have the infrastructure to support further housing at this time. The road traffic conditions are continuing to impact the local and wider community and the parking arrangements around High Street and Mill Street are poor.
- There is currently a lack of NHS support, there are no dentists taking on NHS patients and wait times now exceed 6 months for simple procedures. This is much the same for our GP practices which are continually under pressure and do not have the resource to add additional members of the community.

Other matters

- I remember the eye sore of the Springfield housing estate along with some of the less favourable tenants, if we should experience this then our properties will become less attractive and may even lose value.

In addition to the above a petition was presented to a meeting of Full Council on 28th September 2022, on behalf of the Tonyrefail East Resident's Association, prior to the planning application being submitted.

The petition contains 807 names objecting to the development. In addition to some of the issues mentioned above there was also concern about overdevelopment of a small parcel of land, which would not be in-keeping and is felt not to be needed. The petition also highlights significant highways issues relating to the existing volume of traffic, a blind spot and busy junction with a bus route.

CONSULTATION

Highways and Transportation

No objection subject to a range of conditions requiring the submission of details for approval, as set out further below.

Flood Risk Management

The applicant has outlined that surface water will be disposed of using SuDS. Within the application, the applicant also states that surface water will be re-directed away from the local DCWW combined sewer and would discharge to the local surface water highway culvert to the southeast of the site.

To demonstrate compliance with the requirements of Section 8.3 of PPW TAN 15, the applicant will need to provide evidence that the surface water highway culvert is of sufficient capacity to manage the discharge rate from the site via the proposed new connection and a condition is therefore recommended.

Public Health and Protection

Due to the findings of Geotechnical and Geoenvironmental Report, i.e., PCB contamination, the proposed coal seam investigation and potential for mine gases, it is recommended that standard contaminated land conditions, including advisories, are appended to any planning permission, although the desk study element can be dispensed with.

Natural Resources Wales

No objection, subject to a condition requiring the submission of a Construction Environment Management Plan and an informative note with regard to the need for an EPS Licence, due to the presence of bats.

Dwr Cymru Welsh Water

DCWW has no objection to the proposed development and for the foul flows generated to connect to the public sewer. Capacity is currently available in the water supply system to accommodate the development.

It is noted that the site is also crossed by a public sewer and no part of any building or sustainable drainage feature will be permitted within 3m either side of its centreline.

National Grid

A new connection or service alteration will require a separate application to the National Grid.

Countryside, Landscape and Ecology – Ecologist

The updated ecology survey adequately assesses and considers the ecological impacts of the proposal. There are small common pipistrelle bat roosts in buildings 1 and 2, and bat licences will be needed. Otherwise, ecological impacts do appear to be mitigable.

A condition for details of all recommendation and mitigation measures identified in Section 7 of the report will be required, as it will for biodiversity enhancement in the form of bird nesting bricks in the new builds.

Japanese Knotweed is also identified as a concern, and an eradication condition would perhaps be advisable.

The Coal Authority

The Coal Authority concurs with the recommendations of the Geotechnical and Geoenvironmental Report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible

remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development conditions are recommended to be appended to any planning permission.

South Wales Police

South Wales Police has had continuous involvement with the Architect for this development and are happy that any changes discussed in relation to Secured by Design, have now been met. Therefore, South Wales Police has no objection to the proposed development.

Waste and Recycling

Bin collection points must be at the kerbside.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

The application site lies within the settlement boundary for Tonyrefail.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements

- Affordable Housing
- Planning Obligations
- Nature Conservation
- Development of Flats

National Guidance

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

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

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

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

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

SE Wales Policies

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

Other relevant national policy guidance consulted:

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

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application site is located in the LDP Southern Strategy Area, on land to the south of High Street, Tonyrefail. The site is within the defined settlement boundary where LDP Policy SSA13 presumes in favour of residential development, subject to a number of criteria.

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

Policy CS1 supports the reuse of under used and previously developed land and buildings and the proposal also complies with national guidance, noting that PPW11 promotes the redevelopment of previously used land in preference to Greenfield sites.

Since the site is both within the settlement boundary and a short walking distance from a range of services and facilities within the retail centre of Tonyrefail to the west, the development would accord with Policy SSA4 as it would support and reinforce the role of the centre as a key settlement.

With regard to the above, recognising that the site would also be accessible by sustainable transport modes including bus, foot and bicycle, it could be considered to be a sustainable location, as set out by the criteria of Policy AW2.

The minimum net residential density permitted by Policy SSA11 is 35 dwellings per hectare. The site is approximately 0.30 hectares, resulting in a net residential density of approximately 56 dwellings per hectare, which would be appropriate given its urban location.

Lastly, since the proposed development is for 100% affordable housing, this would exceed the requirements of Policy SSA12 which seeks the provision of 20% affordable housing on sites of 5 units or more. The Council's Housing Strategy team has also advised that the unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2017/23.

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

Impact on the character and appearance of the area

The proposed site layout plan shows how the new dwellings would be positioned in relation to the single point of access from High Street.

The site is quite constrained by both the location of the access, its unusual shape, a sewer easement and the southerly fall, so the arrangement proposed would appear to maximise the best and most efficient use of the land, without resulting in a sense of overdevelopment or excessive massing of structures.

Elevation drawings demonstrate that the dwellings would be no greater than two-storey and that the flats would have a walk up arrangement, which is preferable to a communal entrance. Also, the way they have been designed means that at first glance they would appear to be semi-detached or terraced houses, rather than flats.

It is considered that the development would therefore be of a suitable domestic scale and would assimilate better with the existing residential development. Although an objection was received that the development would be out of keeping, this part of Tonyrefail contains a wide variety of properties, including older Victorian terraces, as well as mid to late-20th century dwellings to the south and south-east.

A fair proportion of the site area would be retained as undeveloped space, including those communal areas to be landscaped with planting as part of the delivery of sustainable drainage around the site, which is useful for softening hard landscaping features.

Therefore, whilst the design of the properties is not particularly distinctive, for a small scale development on a constrained site it would be considered to create a pleasant immediate street scene and acceptable in terms of its overall visual appearance and impact on the character of the local area.

Impact on neighbouring occupiers

Although the site has become disused it is understood to have formerly accommodated a vehicle repair business on one part and a retail warehouse-type operation on the remaining part.

Compared with the residential development now proposed, it is considered that the new use would, in general, be preferable in terms of compatibility than the possibility of ongoing retail, motor trade or industrial uses; particularly those relating to the latter which could result in the generation of considerable noise and disturbance from frequent comings and goings, and the potential for other pollution.

However, whilst the proposed new dwellings and arrangement of the site would not, due to their position and orientation, be likely to have a significant overshadowing or overbearing impact upon the surrounding neighbouring properties, the consultation responses from neighbours indicated concerns about overlooking.

As the description of development and publicity section record, a second consultation was undertaken on the receipt of amended plans. Those amendments would result in a small increase, of no greater than 300mm to the finished floor levels of some properties.

In addition, updated sections were provided to include some of the surrounding dwellings both to the west and south of the site so that height and distance calculations could easily be referenced by neighbours.

Consequently, careful consideration has been given to the relationship between new and old buildings:

Plots 1 and 2 comprise one-bed flats. The building has been designed not to include any windows in its rear elevation, so there would be no views towards the rear of no's 33 or 35 Parklands Crescent, and only very skewed views towards the rear of no 37 in excess of 21m.

Plot 3 is a bungalow so the fencing around the plot would prevent any views from habitable rooms.

Plots 4 and 5 are two storey houses which are also set between 21m and 35m away from neighbouring houses to the south and south-west. They are also separated from the nearest existing properties by the area set aside for SuDS which would be maintained as green space and would provide a physical buffer.

Plots 6 to 13 comprise a terrace of one and two-bed flats, the rear elevations of which face south-east towards no's 37 to 43 Parklands Road. Whilst four of the windows of the first floor flats would serve bathrooms and be obscure glazed, there was some concern about the proximity of the other six windows which would serve habitable rooms, and which might enable intrusive views.

In this regard, the extra section drawing which was sought shows that that although there would be a height difference of around 4m between the ground level of the flats and no.39 Parkland Road, there would be approximately 25m between opposing elevations in this example. Nonetheless, although the distances between the flats and these properties is quite tight, since the number of openings in the flats is relatively low in number it is not considered that this would be sufficient to warrant a recommendation of refusal.

Plots 14 to 17 are one-bed flats located towards the north-western corner of the site, roughly where the retail outlet was located and would occupy ground lower than no.72 High Street (the former funeral parlour). This means that the flats on the first floor of no.72 would be above the eaves level of plots 14 to 17.

Lastly, consideration has been given to the Council's SPG for the Development of Flats. In terms of internal and external space the development, being funded by Social Housing Grant, must meet the standards within the Welsh Government's Development Quality Requirements. In general terms, all rooms would benefit from natural light and ventilation, with shared gardens, and access to drying and refuse facilities. The plans also include designated sitting out areas at the entrance to the site and adjacent to plot 6.

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

Access and highway safety

Access to the site – High Street

The applicant proposes that the site be accessed off High Street which provides continuous 2m wide footway links to the site and a 7.5m wide carriageway. High Street also provides parking restrictions on either side of the carriageway to prevent indiscriminate on-street parking.

There is an existing vehicular crossover which provides access to an unused garage and although no details of new carriageway construction have been submitted, they should be in accordance with the Council's standard details. The road markings indicated on drawing no. 2194-011 should also be provided in accordance with the Council's standard details.

There is a slight concern that the proposed site access is within approximately 21m of the road junction between High Street and St John's Road.

Traffic Regulation Order

There is an existing traffic regulation order to the front of the site in the form of double yellow lines. Therefore, the Developer must contact Traffic Services to apply for a Traffic Regulation Order at the junction between the site and High Street, the approximate cost of which would be £4,000.

Junction Radii

The proposed radii of the junction between the proposed and High Street would be 6m and would allow vehicles to safely access and egress the site.

Internal Layout

The proposed 5.5m carriageway width is suitable for two-way vehicle movement and the 2m wide footway would also be acceptable.

Swept path analysis has also been provided for larger vehicles which demonstrates they would be able to use the turning head by performing a 3-point turn, albeit that they would have to turn their steering wheel to full lock whilst stationary.

The bin storage area should be provided as close as possible to the highway which would be offered for adoption.

Car Parking

The proposals involve the demolition of the existing units on site and construction of housing units and associated facilities to comprise the following:

- 10 x 1 bed walk-up flats
- 4 x 2 bed walk up flats
- 1 x 2 bed bungalow
- 2 x 2 bed houses.

The Council's SPGs for Access, Circulation & Parking and the Development of Flats sets out that the proposed development would require the following off-street car parking provision:

SPGs	Maximum Car Parking Required
<i>10 x 1 bed walk-up flats</i>	10 spaces
<i>4 x 2 bed walk up flats</i>	8 spaces
<i>1 x 2 bed bungalow</i>	2 spaces
<i>2 x 2 bed houses</i>	4 spaces
<i>Visitors</i>	3 spaces
<i>Total 17 units</i>	27 spaces

The proposed development would be a total of 10 spaces short of the maximum standards, with only 17 provided. The submitted Transport Statement (TS) indicates that the proposed off-street parking would be unallocated. The 17 spaces equate to a minimum of 1 space per 1 and 2 bed unit with visitor spaces accommodated on street.

The TS indicates the sustainable location of the development which is located within easy walking distance of local facilities and public transport with bus stops located close by on High Street.

The aforementioned SPGs advise that off-street parking can be reduced, depending on the sustainable location of the proposed development, as there would be less reliance placed on the private motor vehicle. The Council's Highways and

Transportation Section also notes that residents of flats within social housing are less likely to own a private motor vehicle.

The 2011 Census data identifies that levels of car ownership are significantly lower in socially rented housing in the local Tonyrefail area, when compared to all other forms of tenure, with 55% owning no cars, 38% owning one car, and just 7% owning two or more cars.

The Census data therefore suggests that slightly less than half of the 17 proposed units at the site would be anticipated to have access to a car. Combined with the location of the site in terms of access to non-car modes of travel, and key local facilities, the proposed 17 parking provision would therefore be considered sufficient to accommodate both the resident and visitor parking requirements at the site, without causing overspill onto the surrounding highway network.

Cycle Storage

The Developer proposes 18 cycle stands which would promote sustainable modes of transport near National Cycle Network Route 4, along High Street, which is considered acceptable.

Trip Generation

The development would be anticipated to generate a total of 71 two-way vehicular trips over the weekday 12 hour period. During the typical weekday highway AM and PM peak hour periods (08:00 to 09:00 and 17:00 to 18:00), the proposed development would be anticipated to generate a total of just 8 and 7 two-way trips respectively. The peak hours in two-way trips anticipated at the proposed development would be between 08:00 to 09:00 and 15:00 to 16:00, with 8 trips each respectively.

The previous uses of the site would have generated a total of 38 two-way vehicular trips over the weekday 12 hour period. During the typical weekday highway AM and PM peak hour periods (08:00 to 09:00 and 17:00 to 18:00), the previous use would be anticipated to generate a total of 5 and 4 two-way trips respectively. The peak hours in two-way trips at this extant use would be anticipated between 08:00 to 09:00 and 12:00 to 13:00, with 5 trips each respectively.

The proposed change of use would be anticipated to result in a decrease of 18 two-way vehicular trips at the site over the 12 hour weekday period, which equates to approximately 1.5 fewer two-way trips per hour.

On this basis, it is concluded that the proposed development would be anticipated to have a favourable impact on traffic flows on the local highway network, in comparison to the established site uses.

Active Travel

PPW11 and the Active Travel (Wales) Act 2013 set out walking, cycling and public transport at the top of their hierarchy of sustainable modes of travel. As such it is a requirement that safe routes in communities are assessed and where required mitigation measures or contributions made to the Council for comprehensive improvements to cycle and pedestrian and well as public transport facilities to encourage sustainable modes of travel. Therefore, a condition is recommended for such an assessment.

Residential Travel Plan (RTP)

The proposal does not provide a travel plan framework to encourage sustainable modes of travel. Therefore, any future planning application should provide a residential travel plan accordingly to encourage sustainable modes of travel.

Summary

There is slight concern regarding the access being in close proximity to the road junction between High Street and St John's Road. However, taking into consideration low vehicles speeds and that the junction is approximately 21m away from the proposed access this wouldn't warrant a highway objection. In addition, as outlined above, the development would be expected to result in a reduction in the number of vehicles associated with previous, established land uses.

Ecology

NRW has advised that at its closest point the application site is approximately 68m from the Rhos Tonyrefail Site of Special Scientific Interest (SSSI), which is designated for its marshy grassland, acid flush, species-rich neutral grassland, acid grassland, wet heath and blanket mire, and for its population of marsh fritillary butterfly.

There is a Council-owned culvert that runs south from the development site and appears to link the proposed development site to the north western corner of the SSSI, which suggests that there is potential for indirect impacts via pollution or contamination from surface water run-off, particularly during the development stages.

However, NRW notes that this can be mitigated via the implementation of a Construction Environmental Management Plan (CEMP) and good pollution and silt management during the construction phase. The proposed SUDS system should mitigate any concerns when the development is complete and dwellings occupied. A condition is therefore recommended for this purpose.

In addition, the bat report submitted in support of the application ('Ecological Survey, Project: Land off High Street, Tonyrefail, Instructed by: Newydd Housing Ltd' Version 1 dated 27th July 2022 by Ecological Services Ltd) has identified that bats are present at the application site.

On the basis of this report, NRW does not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, and an informative note, advising the developer of the need to apply for a European Protected Species Licence, is required.

Other Matters

Matters highlighted by objectors relating to general highway issues and amenity have been considered within the preceding sections of the report. However, with regard to other matters of objection, these are set out below.

Infrastructure and local services

Members will be aware that concerns regarding a perceived lack of local infrastructure to support residential development, which might include healthcare, transport, school capacity, water and sewerage facilities and so on, are often and understandably raised by objectors and relate to applications not just in the Tonyrefail area but elsewhere within the County Borough.

Nonetheless, no objections were received from any of the statutory consultees, or matters raised that could not be dealt with by condition. Furthermore, consultation on the LDP was undertaken with strategic service providers and statutory undertakers on the basis of there being a total dwelling supply over the plan period of between 14,936 to 15,386 new units - to include windfall sites - whereas the number delivered to date has only been around half of that.

Tenure

Whilst there seems to be some concern about the potential future occupiers of the proposed dwellings, the development would provide affordable housing, in line with PPW TAN 2, which would be allocated on the basis of need and operated by a local Registered Social Landlord.

As a residential development, falling within with the scope of Use Class C3, no material weight should be given to the tenure of the development.

Japanese Knotweed

The Council's Ecologist has recognised that there is some history of complaints and/or concerns from neighbouring residents, regarding the presence of Japanese Knotweed on site.

It is understood that where complaints about invasive species relate to private land and neighbouring private properties, this is an issue which would normally be picked up by the Public Health Community Partnership Team.

However, since the whole redevelopment of the site has become the subject of this planning application, the presence of Japanese Knotweed is a material concern and as recommended by the Ecologist, a condition requiring a scheme for its eradication is suggested.

Surface Water

Neighbouring residents living along the part of the shared site boundary have reported longstanding problems with surface water draining from the site into their gardens and discharging onto the public highway. In this regard, photographs of a flooded garden were also supplied by way of confirmation.

Like the Japanese Knotweed issue referred to above, the drainage of surface water becomes a material planning matter and in addition to the proposed drainage condition, the development would also require SAB approval. Consequently, the developer would have to demonstrate that the site would be able to drain satisfactorily without causing issues on adjoining land.

Non-planning matters

- The impact of a development on property values and likelihood of resale is not germane to planning.
- Problems associated with other sites within Tonyrefail, which may neither be related to the type of development under consideration, nor the business of any applicant, are not a material consideration.

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 by decision makers 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 density of the development would be acceptable and suitable for its urban location. The development would also contribute to the overall housing requirement within the Southern Strategy Area, particularly the high levels of unmet demand for affordable housing.
- **Facilitating Accessible and Healthy Environments:** The application site is accessible to local shops and services, both on foot and by cycling, and is also close to a bus route.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and would create local footfall which should enhance the viability and vitality of local settlements.
- **Maximising Environmental Protection:** The development would be subject to a range of conditions some of which relate to contamination, wildlife and habitat management, invasive species and drainage. The conditions to deal with the latter two issues would address longstanding concerns from neighbouring residents.
- **Making Best Use of Resources:** The proposal makes the best use of land by achieving 56 dwellings per hectare. The density is in accordance with the requirements of Welsh Government and the LDP to achieve a minimum of 35 dwellings per hectare, which represents an efficient use of land.

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

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application site lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones where there is a liability of £40m² for residential development.

The CIL (including indexation) for this development is expected to be £49,508.79. However, social housing relief may be claimed on the social housing element of the development and therefore no CIL would be payable.

Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables Local Planning Authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require

payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S106) may only legally constitute a reason for granting planning permission if it is:

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

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

The Section 106 requirements in this case

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

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

In addition, the S106 agreement will also need to secure a £10k recreation contribution for improvement to play facilities at Tyn-y-Bryn Park.

Conclusion

The application site is located within the settlement boundary and is surrounded by other existing residential properties. The principle of the development would therefore be acceptable and accord with Policies CS2, AW1, AW2, SSA4 and SSA13 of the Rhondda Cynon Taf Local Development Plan.

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

Subject to the range of conditions outlined below, it is considered that the development would be of an appropriate design and layout, could be accessed safely, and would not be harmful to the privacy and amenity of neighbouring occupiers.

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

RECOMMENDATION: Grant

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

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

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

- 2194-002 Rev A
- 2194-003
- 2194-004
- 2194-006
- 2194-007
- 2194-011 Rev O
- 2194-012 Rev G
- 2194-013 Rev E
- 2194-014 Rev D
- 2194-015
- 2194-020 Rev A
- 2194-021 Rev A
- 2194-022 Rev A
- 2194-023 Rev D
- 2194-024 Rev A
- JPW1919-001
- Landscape Strategy LA.1
- Planting Details LA.2
- Schedule and specification LA.3

and details and documents received on 22nd November 2022, 10th January 2023, 17th January 2023, 26th January 2023 and 1st February 2023 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 details of a scheme of ecological mitigation and enhancement, including bird nesting bricks and measures identified within Section 7 of the Ecological Survey (Ecological Services Ltd., dated 5th January 2023), has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be implemented in accordance with the approved details prior to beneficial occupation of any dwelling and maintained as such in perpetuity.

Reason: In the interest of the protection of the natural environment in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence, including any works of site clearance, until details of a scheme for the eradication of Japanese Knotweed, together with an appropriate timescale for implementation, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the protection of the natural environment in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the Local Planning Authority, which evidences compliance with the requirements of Section 8.3 of PPW Technical Advice Note 15.

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

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

6. No development shall commence until full engineering design and details of the road layout including sections; street lighting details and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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.

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

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

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

8. No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority, which should include:
- 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.
 - Resource Management: details of fuel and chemical storage and containment.
 - 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.
 - A section to address silt pollution into the surface water line during construction phase, particularly during groundworks, as there is potential for pollution to the river Ely (as well as associated increased flood risk) via the surface water line.
 - 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: In the interest of the protection of the environment during construction in accordance with PPW11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

9. 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 shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.
- (a) A site investigation shall be carried out by a competent person, to characterise the nature and extent of any contamination and its implications fully and effectively.
- (b) A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.
- ii) The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.
- 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 a competent person.

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

10. No development shall commence, excluding the demolition of existing structures and site clearance, until:
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

Reason: In the interest of public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: In the interest of public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. A Safe Routes in Communities Assessment shall be carried out in accordance with the relevant Local Authority Road Safety Officers' Association (LARSOA) guidelines and shall be submitted to the Local Planning Authority for approval in writing. Any approved mitigation measures required shall be implemented prior to beneficial occupation of the first dwelling.

Reason: To promote highway safety, ensure reduction of road traffic and provide sustainable modes of travel, in accordance with Active Travel legislation, PPW11 and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. Within two weeks of the occupation of each dwelling the Developer shall provide the occupier 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 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.

- e) Location of car sharing clubs.
- f) 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 Active Travel legislation, PPW11 and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- 14. No surface water run-off from the proposed development shall discharge onto the public highway or be connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

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

- 15. The parking spaces indicated on submitted drawing no. 2194-011 Rev O shall be constructed on site in permanent materials and remain for the purpose of vehicular parking only.

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

- 16. Before the development is brought into beneficial use the vision splays on entrance to site shall be laid out in accordance with drawing no 2194-011 Rev O.

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

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PLANNING & DEVELOPMENT COMMITTEE

9 March 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO:	22/1412/08	(JE)
APPLICANT:	Rhondda Cynon Taf CBC	
DEVELOPMENT:	Proposed development of a care home for older persons (13no. ensuite bedrooms and 1no. respite bedroom), landscaping, sustainable drainage, access, parking and associated works.	
LOCATION:	BRONLLWYN CARE HOME, COLWYN ROAD, GELLI, PENTRE, CF41 7NW	
DATE REGISTERED:	21/12/2022	
ELECTORAL DIVISION:	Ystrad	

RECOMMENDATION: APPROVE

REASONS:

The site offers an opportunity for a tailored scheme to meet local needs and will aid in addressing the known care home shortfall in the County Borough. The proposal would be developed on a brownfield site, within the defined settlement limits of Gelli and is considered acceptable in term of the requirements of planning policy and all relating material planning considerations.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to Service Director Planning.

APPLICATION DETAILS

Full planning permission is sought for the proposed development of a care home of older persons, landscaping, sustainable drainage, access, parking and associated works at Bronllwyn Care Home, Colwyn Road, Gelli, Pentre. To accommodate the proposed development the application would also see the demolition of the existing buildings at the site.

The proposal would see floorspace over three floors comprising of 13no. en suite bedrooms and 1no. respite bedroom. The floorspace proposed would comprise of the following layout:

Lower Ground Floor

- Staff Sleepover room
- Respite bedroom
- Entrance foyer/lobby/corridor
- Laundry facilities
- Staff restroom and plant room.

Ground Floor

- 10no. Ensuite bedrooms
- 2no. Nurse Stations
- 2no. Dayrooms
- Commercial kitchen with independent store and WC
- 2no. Sensory Rooms
- Various stores

First Floor

- 3no. Ensuite bedrooms
- Nurse station
- Sensory room
- Day room
- Hairdresser
- Assisted bathroom
- Staff sleepover, changing and rest facilities
- Training room
- M&E Plant Room

A large courtyard and garden would be provided to the west of the building which would provide residents and staff an area of outside amenity space.

The development would utilise existing vehicular access from Colwyn Road and Smith Street with the main parking area serving the proposed development located to the north of the building with an additional parking area comprising of 2no. spaces located to the east.

The application is supported by a/an:

- Design and Access Statement
- Preliminary Ecological Appraisal
- Bat Activity Survey
- Coal Mining Risk Assessment
- Phase 1: Contaminated Land and Geotechnical Desk Study Report
- Transport Statement

- Arboricultural Report
- Asbestos Survey Report
- Reassurance Air Test Certificate

Committee is also advised that the development was the subject of a Pre-Application Consultation (PAC) exercise, and a PAC Report was also submitted with the application.

SITE APPRAISAL

The application property is located on Colwyn Road towards the southern part of Gelli and occupies a large site with a surface area of approximately 0.297 hectares.

The former care home for the elderly was first constructed in 1972 and comprises three separate linked blocks. These blocks are of a nondescript, functional design which lends them an institutional character. The buildings at the site are located centrally within the site with a sloping grass area lies above a retaining wall to the south and the parking area lies to the north. Tenants at the care home were vacated on a phased basis over recent months prior to the submission of the application.

Although the postal address of the site is Colwyn Road, the property is located on the corner of two junctions, such that its eastern boundary and main entrance abuts Smith Street, and its southern boundary Llanfair Hill. To the west, the neighbouring site is occupied by the buildings and external grounds of Ysgol Gynradd Gymraeg Bronllwyn.

There is a very significant fall in level towards the north which means that the site, neighbouring school and surrounding Victorian residential development is characterised by large retaining walls and steep streets.

PLANNING HISTORY

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

05/2166/08: BRONLLWYN HOME FOR THE ELDERLY, COLWYN ROAD, GELLI, PENTRE, CF41 7NW

Change of Use from Home for the Elderly to Home for the Elderly and Day Centre, also new entrance, enclosed covered way to Day Centre and new vehicular access to lower unit(amended plans received 10/02/06 showing revised access layout and parking).

Decision: 04/04/2006, Grant

PUBLICITY

The application has been advertised by direct notification to neighbouring properties, notices displayed at the site and a press notice.

No letters of objection have been received following consultation.

CONSULTATION

South Wales Police: No objection to proposal with the response setting out various recommendations with regard to achieving secured by design status.

The Coal Authority: No objection.

The National Grid: Standard consultation response setting out that a separate application to National Grid would be required if a new connection or service alteration is needed.

Dwr Cymru/ Welsh Water: No objection subject to conditions in relation to surface water drainage and a grease trap.

Transportation Section: No objection subject to conditions.

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

Natural Resources Wales: No objection.

Public Health and Protection: No objection although conditions suggested with regard to hours of construction, noise, dust, waste, lighting and contamination.

Countryside (Ecology): No objection subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it 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 Pentre and is located within a Registered Landscape of Outstanding Historic Interest in Wales.

Policy CS1 - sets out criteria for achieving strong sustainable communities including: promoting residential and commercial development in locations which support the role of principal towns and key settlements; provide high quality, affordable accommodation that promotes diversity in the residential market; and ensuring the removal remediation of dereliction by promoting the re-use of under used and previously developed land and buildings.

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

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

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

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

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

Policy AW8 - seeks to protect the natural environment from inappropriate development and that there would be no unacceptable impact upon the features of importance to landscape or nature conservation. Development proposals must be accompanied by appropriate ecological surveys and should demonstrate a net biodiversity gain.

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

or any other identified risk to local amenity and public health; unless it can be demonstrated that such risks can be overcome.

Supplementary Planning Guidance

- Delivering Design and Place-making
- Access, Circulation and Parking Requirements
- Planning Obligations
- Nature Conservation

National Guidance

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

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

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

It is also considered the proposed development is compliant with the FW2040, with the following policies being relevant to the development proposed:

Policy 1 - Where Wales will grow: The Welsh Government supports sustainable growth in all parts of Wales. In three National Growth Areas there will be growth in employment and housing opportunities and investment in infrastructure.

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

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

Other policy guidance considered:

PPW Technical Advice Note 2 – Planning and Affordable Housing
PPW Technical Advice Note 12 - Design

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to the redevelopment of the former Bronllwyn Care Home at Colwyn Road, Gelli through the construction of a new care home providing 13no. ensuite bedrooms and 1no. respite bedroom as well as associated works.

The site is situated within the defined settlement boundary within the Northern Strategy Area, as set out by the LDP. Core Policy CS1 is supportive of residential development that provides a diversity of affordable accommodation and the re-development of redundant land and buildings.

LDP Policy AW2 sets out criteria for the consideration of development proposals on unallocated sites to ensure that they are directed towards sustainable locations:

As set out above, the property is within the settlement boundary and a continuing residential care use of the property would be compatible with the surrounding residential development.

There are a range of local services and facilities, including retail outlets, within walking distance and the site would also be accessible by sustainable transport modes including bus, foot and bicycle, with connections to the rail network available at Ton Pentre. Whilst considerations relating to accessibility may not be relevant to future residents, they are relevant in terms of staff and visitors

In principle therefore, the development would be considered acceptable and be compliant with both LDP and national planning policy. In respect of the latter, Chapters 2 and 3 of PPW11 are supportive of proposals which make use of previously

developed sites, and the economic benefits generated by the care sector are also acknowledged.

As such, the principle of development is considered acceptable subject to an assessment of the below criteria.

Impact on the character and appearance of the area

The Rhondda Cynon Taf Local Development Plan supports proposals where the scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and the surrounding area (AW 5); where they are of a high standard of design which reinforces attractive qualities and local distinctiveness (AW 6); where they are appropriate to the local context in terms of siting, scale, appearance, height, massing, elevational treatment, materials and detailing (AW 6); and where they include the efficient use of land (AW 6).

The proposal would inevitably fundamentally alter the current appearance of the site. However, in this case the drawings and details show a modern, split level building of an attractive appearance, comprising elevations of face red and grey brickwork and mono pitch roof, all of which would represent a considerable improvement to the current appearance of the site which appears rundown and unkempt negatively impacting upon the character and appearance of the vicinity.

Whilst the proposal would see the construction of a building of a storey higher than those to be demolished, the proposal would occupy a similar overall footprint and would incorporate a low slung roof design which would reduce the mass of the building when viewed from the surrounding vicinity. In addition, given the increasing ground level towards the rear of the site the bulk of the building appears lesser and the overall built form is considered to reflect the nature of surrounding built development which increases in level to the south of the site.

The areas around the new building would be landscaped and it is pleasing to see that external areas could be easily accessed by residents and visitors. Although it is disappointing to see that existing trees would be removed, particularly those on the boundary with Smith Street. However, it is noted that a planting scheme would see a number of new trees planted at the site in particularly towards its north eastern corner along Smith Street which would assist in addressing this concern.

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

Impact on residential amenity and privacy

With Ysgol Gynradd Gymraeg Bronllwyn and Cylch Meithrin Bronllwyn located to the west of the site any impact upon residential amenity would be focused towards properties along Llanfair Road, Bronllwyn Road and King Street which are discussed in more detail below.

With properties to the south along Llanfair Road significantly elevated above the application site a large percentage of the mass of the new structure would be screened from view from these properties by the existing boundary wall and level changes. This is supported by the existing building and proposed building outlines plan (6525-P-0740) which outlines the existing and proposed buildings and demonstrates that whilst properties No.2 - 8 Llanfair Road would have some views of the development these would be limited to the roof of the development only with the highest point development located on the furthest end from Llanfair Road. In addition, the resulting relationship is not dissimilar to views of the existing buildings which is considered acceptable. The proposal is therefore not considered to result in an adverse impact upon the outlook and amenity of these properties.

The rear elevations of properties at Bronllwyn Road to the north are separated by approximately 38 metres from the closest area of the new buildings. As such, whilst the proposal would result in a building of a greater mass than the care home it would replace and see a number of openings on this elevation. It is not considered that the impact upon these properties would be significant enough to warrant a refusal of the application.

Properties to the east of the application site along King Street are located at a perpendicular angle to the application site with the development not visible from within these properties. Whilst some views of the development would be possible from the amenity spaces of the dwelling given the separate distance of 15 metres with existing boundary treatments reducing the impact of the development, it is not considered that the proposal would result in a significant impact upon the amenity of these properties.

It is however noted that the plans submitted lack detail with regard to the proposed levels of the site. As such, for clarity and to ensure that the proposal does not result in an adverse impact upon the amenity and privacy currently enjoyed by neighbouring occupiers a condition is recommended below for the submission of existing and proposed levels should members be minded to grant consent.

Finally, existing residents living close to the site will have experienced the impact of the day-to-day operation of the property in its previous guise. As such, whilst it is considered that the operation of the new care home may result in some intensification of the site given its greater scale, it is not considered that the level of noise and disturbance would exacerbate existing levels experienced by neighbouring occupiers.

It is also noted that no letters of objection have been received following consultation with surrounding occupiers. As such, taking the above into account, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

Highway Safety and Parking Provision

The Council's Transportation Section were notified during the consultation period in order to assess the suitability of the scheme with regard to highway safety and parking provision. The following response was received which raised no objection to the proposal:

Access

Vehicular access to the site is currently obtained from Colwyn Road to the north and Smith Street to the east.

Colwyn Road is a single carriageway road which routes east-west to the north of the site, serving the site and the local Ysgol Gynradd Gymraeg Bronllwyn primary school to the west. It extends for a short distance between Smith Street and Bronllwyn Road (B4223), measures approximately 6m in width within the vicinity of the site access and is subject to 20mph speed limit. It has street lighting along its length and footways on the southern side fronting the site. Colwyn Road serves as a primary pedestrian route to the north of the site and primary school to the west. Colwyn Road links to the B4223, which routes in a north-south direction.

Smith Street is a single carriageway road which routes north-south to the east of the site and serves one of the main routes through Gelli. It measures approximately 7.2m in width within the vicinity of the site and accommodates on-street parking. It has a speed limit of 20 mph with priority junctions and crossroads along its length. Vehicles are restricted from routing west along Bronllwyn Road, although vehicles can continue north along the B4223 and east. Smith Street forms a junction with the B4223 and Gelli Road to the north of the site, which provide an east-west link at this location. This is the main road to and from Gelli that routes west towards Ton Pentre and east towards Ystrad. It has single and double yellow line markings along its length. There are footways either side of the carriageway with streetlighting along its length.

On street parking is possible on both sides of streets within the vicinity of the site including Colwyn Road, Llanfair Hill and Smith Street. There are no parking restrictions or parking bays nearby the site.

It is noted that the vehicular access serving the car park from Smith Street has a sub-standard access point with radii kerbing and potential trip hazards for safe pedestrian movement. Therefore, a condition has been suggested for provision of a vehicular crossover to promote walking in accordance with PPW 11th Edition.

SPG Access, Circulation & Parking 2011.

Special Purpose Housing	1 space per 2.5 sqm	1 space per 2.5 sqm
Other residential uses (e.g. flats, care homes)	1 space per 4 sqm	1 space per 4 sqm
Commercial and industrial uses	1 space per 4 sqm	1 space per 4 sqm
Public and community facilities	1 space per 20 sqm	1 space per 20 sqm
Public and community facilities (e.g. schools, libraries, sports centres)	1 space per 20 sqm	1 space per 20 sqm

The parking standards for RCTCBC are provided within the 'Delivering Design and Placemaking: Access, Circulation and Parking Requirements' SPG (2011). The site is within a Zone 3 location, based on the guidance in the SPG. The parking standards

for Special Purpose Housing, which includes care homes, are the same for Zones 2, 3 and 4. The standards state that for an elderly persons and/or nursing home the maximum requirements are 1 space per 3 non-resident staff and 1 visitor space per 4 beds.

A review of similar residential care home sites within the Trip Rate Information Computer System (TRICS) software has been undertaken to estimate the potential level of staff on the site. This has used the sites utilised within the trip generation analysis in Section 5 of this report. The sites had an average of 1.2 employees per bed, which would equate to 17 employees for the proposed 14-bed facility.

Based on the standards within the SPG, this would equate to a maximum requirement of six spaces for staff and four spaces for visitors.

The proposals will provide 10 car parking spaces on-site, two of which are to be provided as disabled car parking spaces. The proposed level of parking is therefore in accordance with the maximum standards.

The car parking spaces are provided within dimensions of 2.4m x 4.8m and 6m aisle widths.

The proposed accords with the council's car parking standards and is therefore acceptable.

Cycle Parking

The requirements for cycle provision are also provided in the SPG. It states there should be one long stay and one short stay stand per 20 bed spaces. This would equate to a provision of two cycle parking spaces.

The proposed site plan shows three Sheffield stands located within the northern car parking area, providing a total of six cycle spaces. This level of provision is in excess of the standards demonstrating the commitment to encouraging sustainable travel.

The proposed accords with the council's cycle parking standards and is therefore acceptable.

Conclusion

The proposed development of the extra care centre is served off the existing access points serving the existing care facility. The proposed development will increase from a 12 bed facility to a 14 bed facility with ancillary uses within the building. The proposed slightly increases the number of bedrooms with potential for additional visitors which will have minimal impact on the existing highway network and is therefore acceptable. Nevertheless, as the proposed site is adjacent to a primary school and on this basis a condition limiting HGV movements to outside the peak trips to the school has been suggested.

Ecology

The application is supported by The June 2022 Preliminary Ecological Appraisal identified the buildings on site as having moderate bat potential. As such, two emergence surveys were then undertaken as detailed in the July 2022 Bat Activity Survey which found no evidence of bat use. The findings of these reports were considered acceptable following a review by the Council's Ecologist who set out that no further survey work is required and a protected species licence is not required.

In their consultation response, the Council's Ecologist also indicated that should the scheme gain consent that the recommendations set out in section 5 of the PEA report and section 4 of the Bat Activity Survey should be conditioned.

In light of the above the application is considered compliant with the requirements of policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Public Health and Protection

A search of Public Health records relating to potentially contaminating past land uses has shown that an electrical substation formerly occupied the site and the site is also within 250m of Gelli Quarry Landfill. As such, the application has been accompanied by Phase 1: Contaminated Land and Geotechnical Desk Study Report which has been reviewed by the Council's Public Health and Protection Division who provided the following comments:

The report summarises in section 4.2.1, that present day and historical uses of the surrounding area within influencing distance of the site, have numerous potential contamination sources, including historical mine waste from the quarry to the southeast and that due to the extensive nature of historic mining within this region, the presence of contaminated mine waste being placed on the site cannot be ruled out as a potential source of contamination. Within the Preliminary Human Health and Environmental Risk Assessment, subsurface soil has been identified as a potential source of on-site and off-site contamination and assessed as low/moderate risk to human health, due to potential presence of mine waste and the existing electrical substation on site. The presence of ground gas was considered unlikely due to the absence of any influencing active or historic landfills, underlying organic material (e.g., peat) and significant Made Ground. Additionally, we have reviewed the 'Coal Mining Risk Assessment (CMRA)' Report undertaken by Terra Firma (South) in May 2022 (Report No. CA-22-005-CMRA). In summary, it was considered that the risk to surface stability at the site from shallow unrecorded workings was low." Neither Reports appear to identify or discuss the possibility of mine gas as a potential risk to human health. It is not clear from the proposed report whether mine gas has been considered as a potential source of contamination and how has this potential risk to human health been assessed. However, following the submission of further information from TerraFirma with regard to Mine Gas which sets out the risk to be provisionally low based on evidence. It is set out by the Council's Public Health Team that the Desk Top Study element of the contamination condition can be dispersed.

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

Drainage

Following consultation, the Council's Flood Risk Management Team and Welsh Water raised no objection to the application. However, both consultees requested a condition be attached to any consent with regard to surface water drainage from the proposed development. Nevertheless, as this development would require separate SAB approval it is not considered that these conditions would be necessary or required.

In their response Welsh Water also requested a condition with regard to a grease trap which has been attached below should Members be minded to approve the application.

Other Issues

Further to the above considerations no objection was raised or conditions recommended following consultation with the Natural Resources Wales, The Coal Authority and South Wales Police.

National Sustainable Placemaking Outcomes

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

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

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

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

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

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

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014, and the scheme is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended.

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

Conclusion

Based on the above, it is considered that subject to conditions, the development proposed would not have a significantly detrimental impact on the character and appearance of the area, the residential amenity of those living closest to the site, highway safety or ecological value of the area. The application is therefore considered compliant with the requirements of the policies of the Rhondda Cynon Taf Local Development Plan and recommended for approval subject to conditions:

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
- 6525-P-0001
 - 6525-P-0100
 - 6525-P-0110
 - 6525-P-0200
 - 6525-P-0201
 - 6525-P-0202
 - 6525-P-0203
 - 6525-P-0710
 - 6525-P-0711
 - 6525-P-0712
 - 6525-P-0740

and documents received by the Local Planning Authority on 01/12/22, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Before the development is brought into use the means of access, together with the parking facilities, shall be laid out in accordance with the submitted site plan 6525-P-0100 and approved by the Local Planning Authority. The parking spaces shall be surfaced in permanent material and retained thereafter for the parking of vehicles.

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

4. Prior to the development being brought into use, a vehicular footway crossing shall be provided for vehicular access off Smith Street in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development on site commencing.

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

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

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,

- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

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

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

- 6. During the construction phase of development no HGV vehicles shall access or leave the site between the hours of 08:30-09:30 am and 14:45-15:45pm on weekdays.

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

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

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

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

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

- 1. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be

commenced until a desk-top study has been completed satisfying the requirements of paragraph (i) above.

2. 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 LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

10. The development hereby permitted shall not be brought into beneficial use until the measures approved in the scheme referred to in Condition 9 have been implemented and a suitable validation report of the proposed scheme is submitted and approved by the Local Planning Authority. Any validation report shall be carried out by a competent person.

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

11. 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 LPA prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

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

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

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

13. The development hereby approved shall be carried out in accordance with the methods and recommendations set out in Section 4 of the Saltys Brewster, Bat Activity Survey – Addendum Report, dated July 2022.

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

14. The development hereby approved shall be carried out in accordance with the methods and recommendations set out in Section 5 of the Saltys Brewster, Preliminary Ecological Appraisal Report, dated September 2022.

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

15. The approved use shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted to and approved in writing by the local planning authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

9 March 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1453/10 (AM)
APPLICANT: Mr R Green
DEVELOPMENT: Domestic garage with storage area
LOCATION: LLOYD STREET, GELLI, PENTRE
DATE REGISTERED: 12/01/2023
ELECTORAL DIVISION: Ystrad

RECOMMENDATION: GRANT

REASONS: The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the potential impact it would have 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 construction of a detached domestic garage with storage area at first floor level to the western end of Lloyd Street, Gelli, on vacant land adjacent to no. 27. This is a resubmission of previous application ref. 22/0854/10 which proposed a larger, two-storey garage in the same position, and which was refused due to its visual impact and as a result of the public footpath having to be altered to provide access which would have resulted in a detrimental impact to the safety of all highway users.

The revised submission has seen a reduction in height to 5.6 metres at the ridge and 3.3 meters at the eaves. The garage would measure 6.6 meters in width at the front and 4.7 metres to the rear, with a depth of 7.9 metres. The garage would accommodate two vehicles and have space within the loft area for storage accessed via a hatch and loft ladder. Externally the garage would be finished in a dash or cement sand render with cream coloured paint. The roof will comprise of interlocking roof tiles and roof lights on the rear roof slope. The principle (southern facing) elevation would feature metal roller shutter doors and a pedestrian entrance door.

To the rear of the garage there would be further space for parking one vehicle. This hardstanding would measure a maximum width of 5 metres and a depth of 6.5 metres.

SITE APPRAISAL

The application site is located within a triangular plot of land at the western end of Lloyd Street in close proximity to Gelli Park. To the rear of the site is an access lane serving the rear of the properties on Lloyd Street which allows for a secondary access point to the site. Within the vicinity are a number of single-story domestic garages of varying design and scale.

The site is bound by neighbouring properties to the south and east with Gelli Park to the north and west. The surrounding area is residential in character being made up of predominantly terraced properties. The site is located within settlement limits and is unallocated.

PLANNING HISTORY

22/0854/10	Domestic garage with storage area.	Refuse	30/10/2022
09/1204/10	Construction of new end of terrace two storey house (amended plans received 15/04/10)	Grant	04/06/2010
08/0137/10	Construction of new end of terrace two storey house. (Additional information and amended description received 17/12/09)	Withdrawn	06/01/2010
07/1272/10	Proposed single garage	Grant	24/08/2007

PUBLICITY

The application has been advertised by direct notification to 5 neighbouring properties and a site notice. Three letters of objection have been received from neighbouring residents. Their comments are summarised below:

- Resembles something from an industrial estate.
- Reduce the kerb appeal on my property.
- Constant noise pollution from the opening and shutting of the garage door.
- Small gap between house will make it impossible for any maintenance work to be carried out.
- Limited parking withing street.
- If the garage will be used as a workshop will there be deliveries and customer vehicles.
- Loss of light would impact on mental health increasing PTSD episodes.

- Is there a contingency plan to compensate for the loss of light such as removal of trees.
- Structure remains unchanged to that previously refused with only minimal revisions.

CONSULTATION

Highways and Transportation:

No objection raised; conditions suggested.

Flood Risk Management:

No objection raised; conditions suggested.

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 Pentre and is unallocated.

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

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 all planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

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

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

Other national policy guidance considered:

PPW Technical Advice Note 12 – Design

PPW Technical Advice Note 18 – Transport

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application seeks consent for the construction of a domestic garage and a hardstand. It is acknowledged that a recent application for a similar development at this site has been refused, however, it is considered the earlier concerns have been overcome through appropriate amendments. Therefore, with the proposal to be used for domestic purposes only in this residential area, the principle of development is considered acceptable.

Impact on the visual amenity of the area

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

The proposed garage would have a similar roof type to dwellings within the vicinity, with external materials also matching neighbouring properties. Further, sited at the end of the street and largely screened from view, the structure would not be overly prominent in the street scene. As such the design and materials of the garage would blend well within the locality and would not detriment the visual amenity of the site or wider area.

Additionally, whilst it is accepted there are no detached garages in this section of Lloyd Street, there are many similar garages within the vicinity of the site that feature a range of scales and designs, including roller shutter doors. As such it is not considered the proposal would be out of context at this site.

Overall, the proposal is not considered to have a detrimental impact on the character and appearance of the existing site or the wider area and the application is therefore considered acceptable in this regard.

Impact on residential amenity

In terms of residential amenity, the proposed garage would be sited at the end of the terrace adjacent to the blank side elevation of the neighbouring property, no. 27. As such it would have no undue overshadowing or overbearing impact to this dwelling. Further, sited approximately 11 metres away from the front elevations of neighbouring properties at the opposite side of the street and to a maximum height of only 5.6 metres, it is not considered the structure would have any undue impact to these properties either in respect of overbearing or overshadowing. Additionally, with no window openings there would be no opportunities for overlooking.

It is accepted the garage would result in a degree of noise and disturbance to surrounding properties, but with domestic use only any associated noise would be comparable to any other domestic garage in the area and would not be so detrimental as to warrant refusal.

Subsequently, whilst the objector's comments are acknowledged, it is not considered the development would have any adverse impacts on the existing residential amenity or privacy standards currently enjoyed by the surrounding properties. The application is therefore considered acceptable in this regard.

Impact on highway safety

The proposed garage would be served off Lloyd Street where there is a high on-street parking demand restricting traffic flow to one way. However, the site provides an existing vehicle crossover which is proposed to be utilised for the garage which is considered acceptable.

There is concern that the parking area to the rear may be surfaced in non-permanent materials, to the detriment of the highway and pedestrian safety, and no details of the tie-in here have been submitted. However, it is considered appropriate materials and a suitable tie-in could be implemented and therefore a suitably worded condition has been suggested accordingly.

There is some concern that surface water run-off from the proposed may discharge onto the public highway, however this could be controlled condition.

As such no highway objection is raised and the scheme is considered acceptable in this regard.

Other issues

With regard to the objections raised by neighbouring residents and interested parties that have not been covered above, further comments are provided below:

Concerns were raised in regard to future maintenance between the neighbouring property and the proposed garage. Any future maintenance issues would be a private matter between the two parties that the Council could not enter in to. As such, while these concerns are acknowledged and it is accepted the siting of the garage would prevent access between the two structures, it is not considered the issue is significant enough to warrant refusal of the application.

In terms of the proposed use, the applicant has stated, and the submitted plans show that the garage would be used only for the parking of their personal vehicles and domestic storage within the roof space. It is considered domestic use in this residential location would not result in a significant impact to the amenities of surrounding neighbours. However a condition has been suggested below to ensure no trade or business shall be carried out nor shall the garage be converted to living accommodation to ensure any potential impact is minimised.

In terms of impacts on kerb appeal / neighbouring property values, this is not a material planning consideration.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

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

- Proposed site plans, elevations & section – Received 13/12/2023

received by the Local Planning Authority, 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. 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.

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

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.

5. Prior to any works commencing on site design and detail of the proposed parking area to the rear to be surfaced in permanent material along with details of the tie-in with the adopted side lane shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial use of the garage and be retained as such in perpetuity.

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

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2022-2023:**

**PLANNING AND
DEVELOPMENT COMMITTEE
9th MARCH 2023
REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

Agenda Item No. 13

APPLICATION NO: 10/0845/34 -

Comprehensive phased development comprising: residential development of up to 1,850 dwellings; neighbourhood centre to include Class D1 and D2 community/leisure facilities, Class D1 medical centre, Class D1 primary school, Class A1, A2 and A3 retail/services/food and drink floorspace; B1 office/commercial floorspace; new drainage, services, transport and highways infrastructure, strategic landscape areas and public open space (all matters reserved). Full details for new spine road and access onto A473, drainage infrastructure and the creation of development plateaus to serve the first phase of the development (Amended plans and Supplementary Environmental Information (SEI) received 13 June 2011)(Further amended plans and updated DAS received 21 June 2011).

**LAND AT FORMER OPEN CAST COAL
SITE AND LAND TO THE NORTH OF THE
A473, LLANILID**

1. PURPOSE OF THE REPORT

Members are asked to consider the proposed Deed of Variation (DoV) to the Section 106 agreement (S106) attached to the above planning permission.

2. RECOMMENDATION

That Members consider the report in respect of the DoV and approve the revision having regard to the advice given.

3. BACKGROUND

The above planning application was approved on 28th January 2016. It formed a 'hybrid' scheme that sought a combination of both outline and full planning permission for a large scale development at the former Llanilid Open Cast Coal Site together with land to the north of the A473, comprising the following:

1. Residential development of up to 1850 dwellings.
2. A new village/district centre to include:
 - i. new primary school
 - ii. class D1 medical/health centre (up to 800sqm)
 - iii. class D2 community uses (up to 800sqm)
 - iv. class A1 food store (up to 2,000sqm)
 - v. other class A1/A2/A3 retail units (up to 1,000sqm)
 - vi. pub/café
 - vii. residential flats/apartments on upper floors
 - viii. class B1 offices (up to 500sqm).
3. Strategic landscape areas.
4. Public open space.

All matters in respect of appearance, landscaping, layout, scale and access were submitted in outline for the entire site, with the exception of the full details that were provided for the access road required to facilitate the first phase of development.

Reserved matters approval has subsequently been gained for Phases 1, 2, 3 and 4 of the residential element. Applications for the reserved matters approval for Phases 5, 6, 7 and 8 of the residential element, the mixed use area and the new primary school phases have been submitted but are yet to be determined.

The original hybrid planning permission was subject to a S106 (the subject of this report) requiring the following:

1. Rail contribution.
2. Local road contribution.
3. 10% affordable housing provision.
4. Provision of on-site primary school.
5. Landscape and scheme maintenance, community facilities, local employment and village centre.
6. Dedicated habitat management land for nature conservation, recreation and public access, and 25 year maintenance of that land.
7. A community building and 2 sports pitches.
8. Local employment policy.
9. A village centre.

This report relates only and specifically to point 6 above and the Developer's proposal to amend that section of the S106 through a DoV.

4. PLANNING ASSESSMENT

Areas of habitat management land (HML) were allocated and agreed within the wider development site as part of the original hybrid planning permission. Each were proposed to link with one another and their

future maintenance/monitoring be controlled by the S106. The provision/method of ecology mitigation was assessed and considered acceptable by all parties at the time.

However, in recent discussions between the developer and Natural Resources Wales (NRW) in respect of the necessary, separate European Protected Species Licences (EPSL) required, NRW have raised concerns that they no longer consider the HML originally allocated is sufficient to mitigate against the loss of habitat in the area. These concerns relate primarily to dormouse habitat, but also ecology/biodiversity in the area in general.

NRW therefore consider additional HML is required and have refused to grant any further EPSL at the site until this is provided, essentially stopping any future phases coming forward.

In light of the above discussion has been held between the developer, NRW and the LPA in an attempt to overcome the concerns. This has resulted in the developer agreeing to allocate additional land outside of the approved red line boundary which is under their ownership for further HML (south of the main development site). The developer has also agreed to manage these additional areas of HML for a period of 25 years.

This proposal is in addition to the HML already agreed inside the approved red line boundary which would not alter in any way.

Both NRW and the Councils Ecologist consider the additional land and future maintenance scheme appropriate and sufficient to ensure suitable ecology/biodiversity mitigation and enhancement measures are included as part of this development going forward; but that these measures would need to be controlled through a legal agreement to ensure they are carried out / monitored.

The above would require the original S106 amended to include the additional HML and future maintenance program through a DoV. As a consequence the application is reported back to Committee for further consideration and Members are asked to authorise a DoV to the existing S106 in the terms described above.

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RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022-2023:

**PLANNING AND
DEVELOPMENT COMMITTEE**

9th MARCH 2023

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

	Agenda Item No. 14
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	APPLICATION NO: 22/0690 – Reserved matters approval of the appearance, landscaping, layout and scale of residential development (460 units), local centre development pursuant to outline planning permission 20/1196, with open space and associated drainage works; together with the discharge of conditions 3, 4, 8, 9, 10, 11, 15, 16, 26, 28, 30 and 32 as imposed on outline planning permission 20/1196. (Revised details received 07/09/22, 01/11/22 and revised site layout plan received 07/02/23). LAND WEST OF A4119, CEFN YR HENDY, LLANTRISANT
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1. PURPOSE OF THE REPORT

Members are asked to determine the above planning application

2. RECOMMENDATION

That Members **approve** the reserved matters subject of this application, subject to the revised two conditions as set out below in this report. In addition, approval be granted for the discharge of conditions, 3, 4, 8, 9, 10, 11, 16, 26, 28, 30 & 32 as imposed on the associated outline planning permission 20/1196. However, details submitted in respect of conditions 15 are not sufficient and are not discharged.

3. BACKGROUND

This application seeks an approval of reserved matters with an associated discharge of conditions pursuant to the outline planning permission 20/1196. The application was initially reported to the meeting of the Planning and Development Committee held on 26th January 2023 with a recommendation that permission be granted. A copy of the original report forms **Appendix 'A'** to this report.

At the meeting, Members expressed concerns regarding the relationship of the development (specifically plots 1-4) to the rear of existing properties in Bryn Dewi Sant (*as no doubt Members will recall the owner/occupier of 16 Bryn Dewi Sant orally addressed the Committee expressing his objections to the development in respect of the adverse impact on his property, prior to consideration of the application*). Given Members concerns Committee resolved to defer further consideration and determination of the application in order to give the applicant the opportunity to revise the scheme in order to address these concerns.

A revised site layout was subsequently submitted on 7 February 2023. This removes plots 1-4 as originally proposed, to the rear of Bryn Dewi Sant.

The total number of dwellings proposed will remain at 460no. and it is proposed that the four 're-located' dwellings be accommodated as follows:

- an additional unit has been added adjacent to what was unit 123;
- an additional unit has been added adjacent to what was unit 460;
- the previously proposed larger dwelling on plot 383 has been re-planned to provide two dwellings (so a net increase of one);
- the three plots, 5-7 on the original layout have been replaced with four smaller house types (which now become plots 1 - 4 on the revised layout), so again a net increase of one.

Plots 5-7 on the original layout, which it is proposed as plots 1-4 on the revised layout did and still do lie adjacent to the boundary with Bryn Dewi Sant. However, these do not extend further south than the parking court which lies to the side of nos. 17 and 18 Bryn Dewi Sant. No new house is no proposed from the roundabout junction on the main estate distributor road up to and past the rear boundary of 16 Bryn Dewi Sant. (*Plans clearly showing the original and revised proposals at this part of the site and the relationship with properties in Bryn Dewi Sant will be shown at the meeting*).

Following the receipt of the revised proposals a further neighbour re-consultation was undertaken with those existing neighbours who could be impacted by the changes. No objections have been received in response to this.

The revised scheme now presented for Committee's consideration and determination continues to propose 460 units and remains in accordance with the parameters established in the original grant of outline planning permission and its subsequent renewal under application 20/1196.

The submitted base site layout for the proposed development has been necessarily updated as a result of the alterations outlined above. In addition other plans based on the now revised layout are updated to maintain consistency. This also necessitates that the approved plans condition, as set out in the 26 January 2023 report (as attached at Appendix 'A') is in need of updating to the following:

1. The development hereby approved shall be carried out in accordance with the approved plans and documents listed below unless otherwise

amended by other conditions of this consent

- Planning layout drawing no. edp_6879_d018a1
- Site plan drawing no. edp_6879_d020b
- Boundary treatment plan drawing no. edp_6879_d030f
- Ambleford B edp6879_d004-A
- Brambleford edp6879_d005-A
- Keford B edp6879_d006-A
- Aynesdale edp6879_d007 -B
- Aylesford edp6879_d008-A
- Colford edp6879_d009-A
- Rightford R edp6879_d010-A
- Hubham B edp6879_d011-A
- Kitham C&R edp6879_d012-A
- Wayford R edp6879_d014-A
- Winterford C&R edp6879_d015-B
- Appleford B edp6879_d019-A
- 2.7 affordable house drawing no. edp_6879_d025a
- 3.1 affordable house drawing no. edp_6879_d026a
- 4.2 affordable house drawing no. edp_6879_d027a
- 1BF affordable house drawing no. edp_6879_d028b
- Appleford R edp6879_d031-B
- Aynesdale B edp6879_d034-A
- Ayleford R edp6879_d035-A
- Colford R edp6879_d036-A
- Keeford R edp6879_d037-B
- Brambleford R edp6879_d038-B
- Brambleford S edp6879_d039-B
- Ambleford C edp6879_d040-B
- Rightford B edp6879_d041-B
- Rightford C edp6879_d042-B
- Rightford S edp6879_d043-A
- Kitham C&B edp6879_d045-B
- Kitham R edp6879_d046-B
- Kitham B edp6879_d047-B
- Hubham R edp6879_d048-B
- Hubham S edp6879_d049-B
- Winterford R edp6879_d051-B
- Winterford S edp6879_d052-B
- Wayford C&R edp6879_d053-B
- Aynesdale C edp6879_d055-B
- Brambleford C edp6879_d056-B
- Hubham C edp6879_d057-A
- Keeford C edp6879_d058-A
- Plumdale S edp6879_d059-B
- Garages drawing no. edp6879_d061a
- Retail unit and elevations drawing no. edp_6879_d069a
- Retail unit site plan drawing no. edp_6879_d070c
- Arboricultural Impact assessment (incorporating Tree Protection measures) edp6879_r003f

- Arboricultural addendum statement edp6879_r006
- Desk study report (integral geotechnique February 2022)
- Site investigation report revision A (integral geotechnique October 2022)
- Addendum Geotechnical Site Investigation Report (intégral géotechnique, 03 November 2022)

Reason: For the avoidance of doubt as to the approved plans and documents.

Additionally, the applicants have also requested that the wording of condition 2 (as set out in the 26 January 2023 report, copy as attached at Appendix 'A') be revised to reflect the fact that the development is to take place on a phased basis and to allow required site investigations to take place through the phases rather than deal with the entire site prior to any works commencing. There is no planning objection to the alteration sought and it is considered will reflect the proposed phased nature of the development.

Accordingly, the revised condition 2, as set out below is recommended:

2. Prior to the commencement of any works within a given phase of development a further site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The report shall be sufficiently detailed to establish any further ground precautions required within that phase of development, due to the geology of the underlying limestone conglomerate and shall fully justify the choice of foundation design to serve the proposed development within that phase of development

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

Members are advised that details for the first phase of the development are effectively already under consideration with the submission of application 23/0147 which seeks, amongst other things, the discharge of condition 12 of outline approval 20/1196.

Members are further advised that as a consequence of the revisions, as outlined above, the Community Infrastructure Levy (CIL) due to be paid also alters slightly. As a result of the alterations made to the layout there is an increase in the amount of residential floor space to be built of 26.72 sq.m. and this leads to the total CIL liability for the development increasing to £6,121,288.05

The position in respect of the discharge of conditions sought with the current application remains as originally reported on 26 January 2023.

It is considered that the revised proposals do respond positively to the concerns that were raised by Members (and the local resident who spoke) at the 26 January meeting of the Planning and Development Committee. In the view of officers the proposed revisions represent an improvement over the original scheme presented. As such, it is further recommended that approval of the proposals with the required amendments to condition be granted.

Recommendation

That the reserved matters subject of this application, subject to the revised two conditions as set above in this report. In addition, approval be granted for the discharge of conditions, 3, 4, 8, 9, 10, 11, 16, 26, 28, 30 & 32 as imposed on the associated outline planning permission 20/1196. However, details submitted in respect of conditions 15 are not sufficient and are not discharged.

PLANNING & DEVELOPMENT COMMITTEE

26 January 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0690/16 (GD)
APPLICANT: Taylor Wimpey South Wales
DEVELOPMENT: Reserved matters approval of the appearance, landscaping, layout and scale of residential development (460 units), and local centre development pursuant to outline planning permission 20/1196/15, open space and associated drainage and landscaping including the discharge of conditions 3, 4, 8, 9, 10, 11, 15, 16, 26, 28, 30 and 32. 20/1196/15 (revised details received 7th September 2022 and 1st November 2022)
LOCATION: LAND WEST OF A4119, CEFN YR HENDY, LLANTRISANT
DATE REGISTERED: 08/09/2022
ELECTORAL DIVISION: Pontyclun East

RECOMMENDATION: Approve

REASONS: The principle of the proposed development has been established under the original grant of outline planning permission 16/1385 and its subsequent renewal under 20/1196. The details submitted in respect of reserved matters are considered acceptable as are those relating to the discharge of conditions other than as stated in the report below.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

The proposals currently under consideration seek reserved matters approval for the appearance, landscaping, layout and scale for 460 dwellings and a local centre at the site. There are a wide variety of house types proposed with a mix of link, semidetached and detached houses across all phases of the development as follows: -

- 2 bedroom Appleford
- 3 bedroom Ambleford
- 3 bedroom Brambleford
- 3 Bedroom Keeford
- 3 bedroom Aynesdale
- 4 bedroom Ayleford
- 4 bedroom Plumdale
- 4 bedroom Colford
- 4 bedroom Hubham
- 4 bedroom Rlghtford
- 4 bedroom Kitham
- 5 bedroom Wayford
- 5 bedroom Wlnterford

These will deliver a total of 368 houses for private sale

- 2 bedroom Appleford
- 3 bedroom Ambleford

These will deliver a total of 30 affordable housing intermediate units

- 1 bedroom walk up flats
- WHQS 2.7 - 2 bedroom house
- WHQS 3.1 – 3 bedroom house
- WHQS 4.2 – 4 bedroom house

These will deliver a total of 62 social rented properties

The houses will be finished in a red multi brick with detailing in aggregate Bradstone Silver Grey and white through colour render. Additionally other detailing employed will be Cedral weatherboarding in forest or slate grey. Roofs will be finished in either a dark or light grey roof tile. Roads will be in tarmac with private drives in brindle block paving and paths completed in Sureset resin. Members should also note that photovoltaic panels will be applied to the front and rear elevations of properties to meet Building Regulations requirements.

The commercial unit would comprise a single storey pitched roof construction of some 200 sq. m of floorspace finished in a combination of Bradstone and rendered walls and a grey tiled roof. It would be located in the 4th phase of development.

The principal means of access to the proposed development has already been approved in the original grant of outline planning permission and its subsequent renewal under planning applications 16/1385 and 20/1196 utilising the existing roundabouts on Ffordd Cefn Y Hendy. A site distributor road will forge through the site linking the two roundabouts and the new development will be formed either facing directly on to the distributor road and through a series of cul de sacs served off it.

The current submission also seeks the discharge of conditions pertinent to the grant of outline planning permission as follows: -

Condition 3 Phasing – the housing and local centre to proceed in four phases with relevant lengths of the spine road provided within relevant phases of housing.

Condition 4 landscaping – submitted plans illustrate details of landscaping across the site in respect of areas of public open space and individual residential plots.

Condition 8 Wildlife Protection Plan – ecological baseline information has been updated and informed the Wildlife Protection Plan submitted with the application

Condition 9 Habitat Management Plan – the updated baseline ecological information has informed the Habitat management Plan submitted for consideration.

Condition 10 Site Levels – the applicants have submitted details of existing and proposed levels for consideration.

Condition 11 External Finishes – the applicants have submitted details of the external finishes they intend to use in the development, and these are described above.

Condition 15 Drainage – requires that no development on any phase of development shall commence until details of foul and surface water drainage have been agreed and such details are submitted with this application, and they take into account details of discussion undertaken with the SuDS Approval Body.

Condition 16 Protected Species Mitigation – is covered by the submitted Ecological Assessment and Ecological Mitigation and Management Plan.

Condition 26 Public Rights of Way (PROW) improvements – public footpath ANT/ 314 will enter and leave the site in the same locations as at present though its route within the site is amended to reflect the proposed layout, running alongside a retained hedgerow and area of public open space for the majority of the route and to be delivered before the completion of 200 dwellings as it falls within phase 1 of the proposed development.

Condition 28 Noise – an updated Environmental Noise Assessment has been submitted based on the housing layout now under consideration clarifying the required location of acoustic barriers

Condition 30 Construction Environmental Management Plan – is submitted with the application containing appropriate information.

Condition 32 EV charging – the condition requires the submission of electrical vehicle charging points with the retail floorspace to be provided. An EV charging point will be provided at the retail outlet covering a standard and disabled standard parking bay, which is in excess of the Future Wales minimum standard.

In addition to the submitted application forms and plans, the application is accompanied by the following:

- Design Compliance Statement

- Arboricultural Impact Assessment (incorporating Tree Protection Measures)
- Environmental Noise Assessment
- Ecological Assessment
- Wildlife Protection Plan
- Ecological Mitigation & Management Plan
- RCT Highways Construction Details Booklet
- Construction & Environmental Management Plan

SITE APPRAISAL

The application site is comprised in some 19.8 hectares of land formed in an L shape around and to the north of the established residential development at Cefn y Hendy, Miskin. The site is situated between Coed Yr Hendy on its western and some of its northern boundary with the remainder of the northern boundary only defined by hedgerow and trees. The eastern boundary is largely defined by the A4119 save for where it tracks around Ty Cefn Parc, and the southern boundary is otherwise defined by the established residential development in the area. The topography of the area can best be described as undulating with principal falls from south to north for the majority of the site with the eastern part of the site falling from west to east. The highest part of the site lies in the western part of the site with the lowest in the east.

The site is comprised of a series of fields defined by hedgerow and some key mature trees.

At present vehicular and pedestrian access to the site is gained through Ffordd Cefn Y Hendy the principal road serving as access to the existing estate. A public right of way crosses the site in a northerly direction towards Llantrisant and a second Public Right of Way runs through the woodland adjacent to the western boundary of the site

The estate itself is a relatively recent development that has come forward over the last 25 30 years for the most part. The estate is typically a combination of detached or semi-detached properties finished in brick and render combinations with conventional roof tiling and occasional feature detailing such as cast lintels and cils. The estate is also home to Ysgol Gynradd Gymunedol Gymraeg Llantrisant.

In the wider area, and within approximately half a mile of the site boundary, there are a number of amenities such as the Glamorgan Vale Retail Park and Talbot Green Shopping Park and its adjacent town centre whilst alternative shopping options are available to the south west in Pontyclun. The Llantrisant Leisure Centre is a little further away from the site at Southgate.

The site is affected by a number of designations directly adjacent to it. The Local Development Plan designates the woodland and open space as both a special landscape area (SLA) and site of importance for nature conservation (SINC). There are also designated regionally important geological sites (RIGS) to the north and east

of the site. The site is not subject of an air quality management designation though the Mwyndy Air Quality Management Area lies nearby.

PLANNING HISTORY

20/1196	Variation of condition 1(b) extension of time of planning permission 16/1385	Approved 14/05/21
20/0606	Discharge of conditions 8 Wildlife protection plan and 30 Construction Environmental management Plan planning application 16/1385	Approved 15/09/20
20/0462	Non Material Amendment to vary the wording of conditions 1(a) Reserved matters, 2 site investigation, 3 phasing, 8 wildlife, 10 levels, 11 external materials, 12 contamination, 16 protected species, 19 historic environment mitigation, 21 alignment of site distributor road, 22 engineering details, 28 noise, 29 glazing, 30 CEMP.planning application 16/1385	Approved 29/06/20
16/1385	Outline planning application for the construction of up to 460 dwellings, primary school, local centre (up to 200 sq. m net sales) open space, and associated drainage and landscaping	Approved 08/02/18
03/1674	19.1 hectare mixed use development comprising B1 business development and residential units	Allowed at appeal 23/10/08

PUBLICITY

The application was initially advertised by means of press notice, site notices and neighbour notification letters and this has generated 49 responses commenting/objecting to the proposals, following revision to the proposals a further round of public consultation was undertaken in the same manner which generated a further 16 objections. The issues identifies below relate to both rounds of consultation:

Planning Policy Issues

- The Local Development Plan states that phase 1 of the development would be low density housing and the proposed layout makes a mockery of the Local Development Plan process and is a breach of trust by RCT.

- The outline application documents confirm that a green wedge would be placed between new and existing properties and this is not included in the current layout
- Local Development Plan Policy AW5 requires that development should have no significant impact upon the amenities of neighbouring occupiers and that development should be compatible with other land uses in the area., the current design is incompatible with other uses in the locality and a new resident arguing nuisance as a result of agricultural activity would have an adverse impact on the amenities of the resident of Cefn Parc farmhouse with a potential that it could end over 150 years of agricultural activity at the property. The design adjacent should be reconsidered to meet the objectives of compatibility with the adjacent use.
- The replacement Local Development Plan is yet to be delivered and to comment on this application in isolation of those details and still further approval is premature.
- The site is designated green belt and should not be built upon

Highways & Transportation Issues

- The access point to the proposed development opposite the YGGG Llantrisant represents an unnecessary danger to children, particularly at school drop off and pick up times, with large trucks and heavy machinery passing the school and through a heavily populated area. The safety of children, parents and residents should be paramount over and above financial gain.
- Surely, it would be far safer to create access from the eastern spine roundabout. With the development progressing from east to west, which would avoid conflict through the existing development and with the school.
- The intended phasing plan requires site traffic to travel along Ffordd Cefn Y Hendy through the existing estate creating noise dust pollution and a danger to pedestrians Site traffic will enter the site off the mini roundabout by YGGG Llantrisant endangering the lives of pupils and parents. It would be beneficial to all if the proposed phasing were reversed.
- During certain times of the day there is on street parking along the spine roads which combined with development traffic will exacerbate pollution.
- The A4119 and its supporting infrastructure cannot cope with increased traffic particularly if volumes increase significantly. The Church Village by pass was reduced to single lane from a dual carriageway and any gain it brought has been absorbed by additional development along its route
- The roundabout on to the M4 does not encourage a constant flow and this needs to be looked at regardless of the current planning application. Similarly, the traffic lights at Groesfaen need redesigning to maintain flow on the A4119.
- There is insufficient designated parking to serve the proposed flats, which will lead to increased on street parking, obstruction and road safety issues.
- Original plans included traffic calming on the A4119 and plans for a footbridge near the Arthur Llewelyn Jenkins facility which has now been removed putting more lives at risk
- The potential cut through to Maes Y Wennol shows a road in the layout close by and reassurance is sought that this will not become a through road as it

could not cope with the increased traffic and would be to the detriment of children who use the existing play facility.

- Additional housing will put further pressure on commuting facilities at Pontyclun Station, the car park at Heol Orsaf is full by 9am and the stations second phase has not yet been realised leading to overspill parking on adjacent streets and gridlock.
- Residents are concerned that at the potential for increased traffic and the parking of contractors vehicles during the construction phase along existing roads leading to increased congestion and danger.
- Will there be a separate access to serve the development.
- Will residents have input into any impact assessment on access/egress during the construction phase? What plans are in place to ensure access/egress to people's homes will not be impacted during construction?
- In terms of post construction when will impact assessment take place and how residents can input regarding traffic levels, noise and air quality on the estate and in the surrounding area.
- A plea is made for the provision of a crossing point possibly supervised close to the school.
- Ffordd Cefn Y Hendy would benefit from traffic calming measures even at present few motorists adhere to the 20mph speed limit.
- The development description does not include access and it is the understanding of residents that infrastructure improvements to the A4119 and connecting roads will be undertaken as part of the build programme - no document to support this is provided and as such to comment on layout and scale is not possible
- One resident offers support for the phased approach proposed as it will prevent a build-up of traffic entering the site from the road opposite BETS for longer than necessary
- For the extra amount of housing proposed the extra pressure on already congested roads there is no mention of any added relief roads to take the additional traffic

Amenity Issues

- The layout has been changed from the plans submitted at the outline stage and for some this has resulted in a higher density of development adjacent to some existing dwellings to the detriment of their amenity.
- The level of the fields is being raised giving cause for concern which was not disclosed under the original planning application and it gives concern in respect of drainage of the site and privacy.
- Submitted plans are unclear as to what boundary treatments will be placed between existing and proposed housing there is no indication of height or materials it would be unacceptable to have no clear boundary. A number of residents have expressed some concern at the potential for the removal of existing and well established boundary hedges to their properties.
- The submitted boundary treatment plan does not confirm the distance between the close boarded fence and the boundary hedge at Cefn Parc Farmhouse to allow for hedge cutting and wall maintenance and this requires clarification on the southern or western boundary

- Many residents work from home and how will noise be controlled during the construction period.
- A number of residents express concern at the proximity of some of the proposed dwellings to existing properties
- The proposed levels for the development are raised above those of adjacent fields that will result in existing properties being overlooked.
- Proposed open space on phase 1 of the proposed development is close to the established play facility at Maes Y Wennol open space should be placed in other areas to the greater benefit of the new development particularly with regard to phase 1.
- Could the side windows of plots 54 & 55 be obscurely glazed as they overlook adjacent property?
- What times of the day and week will construction works be allowed and how will the Council/developer protect the environment and residents homes in terms of noise, air quality, dust and pollution during the construction. It is also suggested that normal operating times should be further considered whilst work takes place in proximity to the school
- The density of development is much higher than on other estates built by the applicants
- Consideration should be given to the elevation and positioning of any new houses to allow existing residents to retain some of the views and will also limit any encroachment by new properties.
- Many residents will experience a loss of view.
- On plots 1 to 4 the proximity of the houses (within 10m) and garages (within 5m) at a level approximately 4m higher than the adjacent garden and property is completely unacceptable. This is a sharp contrast with much of the rest of the proposed development where no garages are placed close to boundaries with established property and generally garden areas sit back to back. Even with the amendments finished floor levels would remain 4m above adjacent property and 3m above existing ground levels – they need to be lower to lessen their impact on existing homes.
- The location of garages on plots 1-4 have an overbearing impact on garden areas immediately adjacent similarly the houses with finished floor level approximately 4m above adjacent gardens – the consequence is a garage ridge height above 8m high on the boundary along with a house ridge height in excess of 12m. The relocation of the garages in the revised plans is an improvement but is still far from ideal. However, the amendments represent a slight improvement.
- How will the drainage ditch between the development and Bryn Dewi Sant be maintained – this is concerning as failure to maintain this feature will lead to flooding of established property
- The properties on plots 1-4 need to lower their floor levels to be more respectful of established development.
- The relationship of plots 1-4 with existing property is overbearing, overburdening and adversely impacts light, privacy and the right to personal enjoyment of property
- The layout plans are at odds with the no build zone illustrated in the applicant's constraints and opportunities plan that would prevent new development in close proximity to established homes as the applicant is proposing on the layout plan.

- The lack of rear boundary treatments for plots 1-4 will exacerbate overlooking of existing properties and add the loss of privacy.
- The design compliance statement provided by the applicants indicates that development on plots 1-4 to be a medium density area. Given the close proximity to established homes and the school it should be low density?
- The site section drawings imply that there will be trees between plots 1-4 and the properties at Bryn Dewi Sant - the trees are not there.
- Large retaining walls sitting on the boundary with established dwellings is unacceptable. Though the amendments represent a slight improvement
- It is suggested that the removal of the first 4 -7 plots (i.e. plots 1-7 on the layout) would help reduce traffic congestion, and provide an amenity to the community in the form of open ground
- Cefn Parc Farmhouse is an active smallholding with poultry, pigs and cattle present and the density of the housing adjacent within the urban core is incompatible with agricultural activity further indicating that development adjacent to this property should be considered rural edge.
- The existing community relies heavily on the development site as green space and its development will force existing residents to travel further to access green space.
- The environment act places an obligation to reduce emissions how can this be achieved when the development removes carbon neutral green space and replacing it with housing and traffic?
- Will the Welsh development quality standards be met by this development - housing should be sustainable carbon neutral and of a high standard.
- Could the site compounds shown on the submitted plans be relocated further away from existing development?

Health Issues

- The access being where it is proposed also presents a threat to health through emissions from plant, heavy machinery and trucks running close to the school and residential areas.
- Healthcare provision in the area is overstretched and allowing further development will only exacerbate the situation that has worsened through the covid pandemic.
- The loss of open space will be detrimental to the physical and mental health of residents.
- There has been previous dumping of toxic waste by Purolite, fuel ash and non-degradable construction waste on the site and building close to or on this area is a danger to human health.
- The development is not proportional with too many houses proposed for the land area involved more cars equals more emissions in an area that already exceeds Welsh Government emissions target levels and the development will exacerbate this.
- What steps are being taken by the developer to protect air quality through the course of construction? The noise and dust associated with new development has the potential to adversely affect physical and mental wellbeing.
- What actions will the Council take post construction to evaluate its impact on air quality following the completion of construction?

- What assurance can be given That Radon gas levels in the area have been fully evaluated and that the impact can be appropriately mitigated
- Can it be confirmed that the assessment of this being “agricultural land” in the Taylor Wimpey Construction and Environmental Plan – despite the well-known presence of mining activity – hasn’t meant that studies and surveys that would be required under usual circumstances from the land being designated as industrial haven’t been ignored or passed over due to this apparently incorrect status classification

Design Related Issues

- The Construction Environmental Management Plan (CEMP) illustrates surface water flows heading towards properties in Bryn Dewi Sant with a slit trench adjacent to the boundary this is a concern given the difference in levels given the potential for surface water run off to discharge into existing property causing flooding.
- Regarding detention basin 4 can confirmation be given that Cefn Parc Farmhouse is not at risk of flooding if its ground levels are below it, that the basin will not have a negative impact on the water table resulting in wet conditions within the property grounds or ingress into its cellar and that construction work will not affect the water quality of the natural spring located within the property?
- The high pressure water main would be located in a number of proposed gardens and this raises concerns in respect of how it will be accessed should maintenance be required and the potential damage that it would cause to new homes should it fail.
- Engineering layout drawing does not allow scale measurements and confirmation is sought that plots 316-318 have habitable room windows facing Cefn Parc Farm, 317 at a distance of less than 21m, these plots are built in a continuous terrace resulting in decreased light levels with a risk of overshadowing.
- The treatment of the southern boundary at Cefn Parc Farmhouse due to the density of plots 312 – 319 is such that over a distance of 60m only 6m of space for light to penetrate is available between building structures. The current density of housing proposed on the property’s southern boundary will result in further loss of light as it is already affected by properties to the north
- The design and compliance document designates land to the southern boundary of Cefn Parc Farmhouse as urban core, which is inconsistent with the charter principles set out in the introduction which sets out to integrate the development into the wider rural edge landscape the boundary should be designated rural edge. As Cefn Parc Farmhouse dates from the 19th century and is part of the areas rural history and photographic evidence from the 1950’s & 60’s shows many of its buildings unchanged from that time. Further the Councils Supplementary Planning Guidance Design and Placemaking refers to respecting natural heritage and how design should respond to the character of the landscape - the buildings at Cefn Parc Farm are traditionally built agricultural buildings which typify the rural landscape and the density design and orientation of the plots adjacent do not respect this heritage and fail to respond to the character and landscape around Cefn Parc Farmhouse

- The design and compliance document in relating to character and approach designates rural edge on the western boundary of Cefn Parc Farmhouse which is inconsistent with other boundaries being classed as urban core.

Physical Infrastructure Issues

- Mine surveys from earlier application need to be reconsidered and development could have serious environmental and Health & Safety consequences. The applicants should produce evidence that shows the new housing to be safe. Concern is expressed that the site might be unsuitable for development due to the presence of old mine workings close to the surface, particularly in relation to the ridge area of the site. It is noted that The Coal Authority has raised objection to the initial submissions.
- The proposed layout takes no account of recorded mine workings within the site and this has resulted in the recommendation from The Coal Authority that the application be refused. There is documented subsidence and property damage in the area caused by old mine workings - the land is unstable. Previous developments have been prevented because of this planned houses close to the Welsh School never came forward and the potential effect on existing properties is unknown
- Parts of Newmill Gardens appear to have already been built in high risk coal areas and residents seek reassurance that the development would not affect the stability of their own properties
- The proposals will result in the loss of a well-used footpath from the western end of the site which joins the existing PROW running from Maes Y Wennol to Penygawsi.
- The public right of way is used daily and must remain accessible throughout the build - this also relates to proposals under planning application 22/0689 for the construction of the drainage ditch
- Some concern is expressed as to where sewage disposal from the development will go.
- It is noted that Dwr Cymru Welsh Water have also objected to the discharge of condition 15 on drainage.

Social Infrastructure Issues

- Pontyclun Primary School is oversubscribed and losing outdoor space to the provision of new classrooms and school provision to serve the development needs to be reconsidered.
- The placement of social housing close to the play park at Maes Y Wennol is inappropriate.
- The development will remove well used open space and there is insufficient open space/green areas incorporated in this design.
- Original plans included proposals for a community centre, doctor's surgery and a school, there remains a desperate need for these facilities in the community as existing facilities at Talbot Green and Pontyclun are insufficient.

Ecology Issues

- No decision on the application should be made until summer 2022 ecology survey and especially the bat survey is reported and made public
- The removal of trees and hedgerows gives insufficient consideration to the impact on ecology, wildlife and the environment.
- The wildlife protection plan clearly favours the developer residents have witnessed field mice, bats, and birds of prey using the site and to suggest there is no evidence is simply wrong
- The loss of two oak trees designated low and medium quality is challenged as they have provided shelter learning and play for generations and their loss will depreciate the quality of the local environment which is not in keeping with Welsh Government plans.
- The public claim that they were previously assured that the oak tree would not be removed and would be integrated as part of the plans but this does not now appear to be the case, the tree supports wildlife and has bats roosting in it.
- A swathe of ancient woodland will be removed adjacent to the A4119/A473 roundabout what is being done to mitigate this loss?
- Where is the documentation that evaluates the impact of the proposed development on the woodland bat colony?
- In the middle of a climate emergency all trees should be preserved.
- The land is very biodiverse and in constant use as a village green
- The environmental mitigation commitments of the developer may be sincere but the reality can be very different.

Other Matters

- A number of residents express concern over the proposed location of social housing throughout the development and suggest it should be located elsewhere or that there is an over concentration of provision in certain parts of the site and there should be greater pepper potting throughout the wider site.
- Why are there a higher number of one bedroom flats in this development than in other Taylor Wimpey developments in adjoining authorities
- The application site lies within a low area of deprivation and clustering social housing in phases 3 and 4 could lower the areas positioning in the Welsh Index of Deprivation Quintiles
- It is also suggested that the current arrangements in the provision of social housing as it will lead to anti-social behaviour.
- Residents are aware that a quantity of World War II ordnance was abandoned on the site and this needs to be properly investigated.
- A number of properties on Newmill Gardens have benefitted from unfettered access to the fields since 2001 and the layout plan is not clear as to what the developer's intentions are with regard to this.
- The introduction of solar panels or ground/air source heating pumps is objected to for noise and nuisance reasons as they would be located too close to existing properties
- It is claimed that the plans do not accurately reflect the boundary between the site and a number of properties at Maes Y Wennol with the applicants claiming land that is part of established gardens to some houses.
- It is claimed that the boundary hedgerow at Maes Y Wennol is protected by covenant

- Residents have planted trees in the hedgerow and seek reassurance that they will not be removed as part of the development.
- What oversight will the Council put in place to ensure the developer the developer delivers against agreed plans and who should the residents contact to discuss any concerns.
- The land designated for a school is not included in the current submission, as there is no longer a need for a school is there an opportunity to put something else of benefit to the community there (green space, park ,allotments)?
- A small strip of land between 12 Oaklands and plot 53 is shown on the layout plan but its purpose is not clear.
- Concern is expressed at the potential use of PV panels on roofs might create a reflective nuisance for existing residents
- Similarly, if the applicant intends to employ air source heat pumps concern is expressed at the level of noise that they might generate
- The application form indicates that the developer has not consulted with neighbours or the local community, which is at odds with good planning practice. there appears to be no commitment to this within the documentation which would be welcome by local residents
- Loss of property value.
- The grass in the fields has not been cut this year and is very high and there is concern at what it might become if left unattended for a number of years or what might take up residence there
- Will the developer provide compensation or payment for existing residents to clean windows patios, cars etc. throughout the build process?
- Did the planning department ever consider using the redundant supermarket site on the A473 for housing development? It would create far less disruption to existing residents and be well positioned for access.
- The acquisition of top rate council tax would be high on the list of considerations for RCT whilst existing residents pay and get nothing in return.
- Reference is made to one resident who has an autistic grandchild and the adverse impact that change would have for that individual who currently finds peace in watching the fields and finds change difficult to cope with

CONSULTATION

Transportation – raise no objection to the approval of reserved matters and recommend that condition 30 is discharged due to sufficient information being provided.

Flood Risk Management – Raise no objections to the proposed development itself but advise that condition 15 not be discharged due to a lack of information in respect of discharge rates.

Public Health & Protection – regarding condition 28 of the outline planning permission the Environmental Noise Assessment dated 14/04/2022 and the boundary treatment plan addresses the matters required by that condition. All noise mitigation measures as specified in the Environmental Noise Assessment should be implemented prior to the first occupation of any dwelling that the measures are intended to serve.

Structural Engineer – The report by Integral Geotechnique, Ref: 12976/JJ/22/SI dated September 2022, makes several recommendations for further works to understand or mitigate the identified risks. We would recommend that these further works are undertaken

Education & Children's Services – No objections

Rights of Way Officer – Regarding application 22/0690, it appears that the line of Footpath 314 Llantrisant is affected. The applicant will need to supply a site layout plan or drawing showing the existing line of the footpath, and the proposed new line or the length of footpath to be stopped-up, so that we can see how the footpath is being dealt with. They will need to submit a public path diversion or extinguishment order under the provisions of the Town & Country Planning Act 1990 depending on the intended effect of the proposal.

If the proposal is to maintain or divert the line of the footpath through the development, the applicant must submit the footpath construction details for approval by the Council's Countryside Section.

A temporary path closure may be required during construction.

For guidance or further information, the applicant is advised to contact the Council's Public Rights of Way Officer.

Natural Resources Wales – no objections subject to the imposition of conditions on any consent that might be issued.

Dwr Cymru Welsh Water – Offer support for the application seeking approval of reserved matters but cannot support the discharge of condition 15 (drainage) and advise that the applicant continue to liaise with them on hydraulic modelling for the site.

Western Power Distribution – If the applicant requires a new connection or service alteration they will need to make a separate application to WPD

Wales & West Utilities – advise that the developer contact them directly with regard to the location of their assets in the vicinity of the application site.

South Wales Fire & Rescue Service – no response received.

Cadw – the proposals will have a low but not significant impact on the setting of scheduled monuments GM065 Rhiw Saeson Caerau and GM074 Llantrisant Castle.

The Coal Authority – no objection to the revised scheme.

South Wales Police – Initially expressed some concern at the permeability of the site given the footpath links that the developer was showing between various streets – the applicant has now addressed those concerns and standing advice in respect of the development of this site applies.

Glamorgan Gwent Archaeological Trust – the reserved matters addressed or conditions discharged in this application do not relate to any archaeological constraints or conditions. As such, GGAT have no further comments to make on this application

Sport Wales – No response received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS2 - promotes sustainable growth in the Southern Strategy Area, that benefits Rhondda Cynon Taf as a whole, to be achieved by, residential development with a sense of place that respects the principal towns, focusing development within settlement boundaries and realising the importance of Talbot Green / Llantrisant for social and economic growth.

Policy CS3 – Allocates strategic sites, including Mwyndy – Talbot Green for large scale residential, employment, retail and recreational purposes. The same policy also requires proposals for the strategic sites to have regard to the indicative concept plans.

Policy CS4 – Allocates the Mwyndy – Talbot Green strategic site for 500 dwellings (400 at Cefn Y Hendy and 100 at Cowbridge Road).

Policy CS5 – Requires the provision of affordable housing.

Policy AW1 – Defines the sources of land for new housing including the allocations in the Local development plan and the provision of affordable housing.

Policy AW2 – Defines sustainable locations for development including sites within settlement boundaries, sites with good transport accessibility, sites with good access to services and facilities, sites that support principal towns key settlements and smaller settlements, sites that support strategic sites and sites that are well served by infrastructure.

Policy AW4 – provides for the securing of planning obligations.

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 AW7 – requires that developments which affect Public Rights of Way to enhance or replace that public right of unless there is no need for it.

Policy AW10 – requires development proposals to overcome any harm to public health, the environment or local amenity as a result of air pollution, noise pollution, light pollution, contamination, landfill gas, land instability water pollution or flooding.

Policy SSA8 - for the Mwyndy-Talbot Green strategic site states that it is allocated for construction of:

- 500 dwellings (400 at Cefn-yr-Hendy and 100 at Cowbridge Road),
- 15 hectares of employment land,
- retail and leisure development,
- a new primary school,
- library-community facility and
- Informal amenity space in a landscape setting.

Policy SSA11 – Seeks a minimum housing density of 35 dwellings per hectare.

Policy SSA12 – Seeks an affordable housing contribution of no less than 20%.

Policy SSA13 – Gives general criteria for the consideration of housing development taking place within settlement boundaries, including that any proposed development does not prejudice the development of strategic sites.

Relevant Supplementary Planning Guidance

- 1 Design and placemaking
- 5 Affordable housing
- 6 Nature conservation
- 8 Access, circulation and parking
- 10 Flats
- 11 Employment skills.

National Guidance

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

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

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.
- Policy 9 – Resilient Ecological Networks – green infrastructure/ecology
- Policy 12 – Regional Connectivity – active travel/metro/electric vehicles

SE Wales Policies

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 16: Sport Recreation and Open Space;
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:

As this application seeks the approval of reserved matters and the discharge of certain planning conditions associated with the outline planning permission and its subsequent renewal, Members need to consider the suitability/ appropriateness of appearance, landscaping, layout and scale in terms of the acceptability of the details

submitted. Details of access in terms of the key access points to the site have already been agreed in the details approved under earlier applications

Principle of the proposed development

The principle of development **is not** under consideration as it has already been established in the grant of outline planning permission and its subsequent renewal under applications 16/1385 and 20/1196

Planning Policy Issues

Members will note that since the grant of outline planning permission and its subsequent renewal, the latest iteration of planning Policy Wales (PPW11) has been issued along with the National Plan Future Wales 2040 (FW2040). It is considered that these policy updates do not fundamentally alter the soundness of the principle of residential development on this site.

Notwithstanding issues of principle, public consultation in respect of this development has resulted in residents choosing to comment on policy issues and the following comments are offered with regard to the issues raised.

The adopted Local Development Plan indicates that phase 1 of the site should be low density and it is not under the current proposals. Whilst this is true, this issue was addressed at outline application stage and it is well documented that the successful development of this site would require a greater variety in the density of the development and that is reflected in the current proposals. In any event, the change in density is necessary to deliver the other more important Local Development Plan objective of delivering 35 dwellings per hectare and making the best and most efficient use of development land.

A claim is made that outline application documents showed a green wedge placed between new and existing properties. Members are advised that the plans submitted at outline stage were illustrative only and the applicants are not bound by that. Moreover, the illustrative masterplan submitted at outline stage showed extensive back to back arrangements between new and existing houses along the shared boundaries.

The Owner of Cefn Parc Farm cites Local Development Plan Policy AW5 in the context that the proposed development might if allowed lead to conflict between land uses due to the impact his facility might have on future occupants of the site. This presumes a worst-case scenario that might never arise particularly as future occupiers of the proposed development will be acquiring their property knowing what sits next door to them.

The suggestion that the development of the site would be premature in the absence of a new Local Development Plan holds no weight. The site is allocated for residential in the current Local Development Plan and Members are referred to the comments on its status above.

The site is not greenbelt as suggested and is designated for residential development in the Local Development Plan.

In conclusion, on this issue the policy issue the proposals are consistent with planning policy as contained in the Local Development Plan, Planning Policy Wales and Future Wales 2040.

Ecology Issues

The proposals have also drawn considerable concern with regard to ecology, which is unsurprising given that in addition to seeking approval of reserved matters the current proposals also seek to discharge conditions 4, 8, 9, 16 and 30 all of which have an associated ecological element.

Concerns are expressed in respect of the timing of survey work, removal of hedgerow, anecdotal evidence of residents being at odds with the findings of survey work, the loss of any trees and particularly some of the oak trees when we are in a climate emergency, impact on the woodland bat colony, loss of the biodiversity of the site, and the delivery of environmental mitigation at the site.

Members should first note that in light of the updated information provided in September Natural Resources Wales (NRW) have not raised any objections to the proposals as submitted. The concerns that NRW had with regard to the proposed development related principally to protected species namely dormouse and bat. Their concerns in respect of both have been assuaged by the updated content of the Ecological Assessment, Ecological Mitigation and Management Plan and Wildlife Protection Plan During Construction. NRW are satisfied with the content, findings and recommendations of those documents and advise that condition 16 can be discharged. NRW also refer back to earlier correspondence where they indicated that following the results of further surveys, the Ecological Assessment, Ecological Mitigation and Management Plan, and Wildlife Protection Plan During Construction be updated to reflect the results of these surveys. The applicant's agent has confirmed that the September updates to these documents do precisely that. Similarly with regard to the most recent update the Council's ecologist is now content with the submitted detail and what it will achieve and as such the proposals are considered acceptable in this respect and relevant conditions can be discharged.

Members should also note that since the submission of the reserved matters application the Operational Tree and Allotments Officer has issued a Tree Preservation Order relating to the woodland group on the northern fringe of the site and the oak tree that has been the subject of much concern from residents. As such, there is a suitable level of protection afforded to the most valuable features of the site and the proposals for other features such as hedgerows and trees contained in the landscaping scheme are acceptable in visual terms and in terms of what they will contribute to the mitigation and enhancement of the ecology of the area.

In conclusion, on the ecology issue it is considered that the proposals, as a whole are consistent with the requirements of Local development Plan Policy AW8 and the wider objectives of Planning Policy Wales and Future Wales 2040. The submitted detail clearly illustrates that the site can be developed in a manner that has due regard to

existing elements of ecological importance and can deliver enhancement on and off site. Not only does this make the reserved matters acceptable in an ecological context it also means that the ecology conditions that form part of this submission can also be discharged.

Impact on the character and appearance of the area

The impact of the proposed development on the character and appearance of the area is broadly reflective of and responsive to many of the concerns that have been raised in respect of this issue. The proposed development is contiguous with the existing built form of Cefn Y Hendy though also distinct from the existing as a deliberate result of the character areas that the applicants have developed and the approach to layout and boundary treatments that have been employed. . the current proposal represents a sympathetic and coherent extension to the village with a clear relationship with existing development brought about through the links to and between existing and proposed housing along with the provision of public open space and play areas, the location of street frontages, key buildings and access routes is not dissimilar from earlier iterations of the masterplan provided for the outline planning application which illustrates how the proposed development connects with established development. Similarly, the proposals react and respond to earlier concerns in respect of achieving an appropriate density of development whilst at the same time varying and reducing it moving northwards through the site leading to the buffer zone on its northern boundaries. Finished levels at the site though higher slightly than established ground levels would not adversely impact the character and appearance of the area.

The Public Right of Way will within its boundaries, be absorbed into the layout of the proposed development though its path will take it past many of the open spaces within the site. Beyond the site, it will follow its current route and will still afford users access to open countryside and green space. In this respect the applicants have done as much as is reasonably achievable.

The landscape and visual impact of the proposed development was considered in some detail at the outline planning application phase and the details submitted in respect of reserved matters do not alter the conclusion arrived at that the impacts are overall acceptable. The density is appropriate and lessens in a northerly direction, the approach is underpinned by a strong landscaping scheme, and the Tree Preservation Order recently imposed on the northern boundary of the site.

As such, the proposals remain compliant with Local Development Plan policies CS3, AW1, AW2, AW5, AW6, SSA8 and SSA11 in as much as they relate to this issue

Impact on residential amenity and privacy

The details submitted currently, broadly accord with the illustrative details submitted at the outline application stage, though with the requirement to provide sustainable drainage the layout has altered from that originally envisaged. The site remains well defined with strong natural boundaries and the proposals exploit that where appropriate. The proposals maintain adequate distances between established and proposed properties and between the new properties under consideration. The site

does give some cause for concern in relation to levels between existing and some of the properties proposed and this is dealt with in greater detail below.

Some residents have indicated that the layout has changed from the plans submitted at outline application stage and that the higher densities involved is to the general detriment of their current experienced amenity. The introduction of new housing will affect the amenity of established property the effects in this case are though considered acceptable in planning terms. It has also been asserted that the density of development proposed is higher than that on other developments that the applicant is involved with. No evidence is offered to support the claim and in any event, the density of development is considered acceptable in this instance reflecting as it does policy requirements.

The development of the site will mean that its levels will be altered to facilitate the new housing this is inevitable. In most cases, the changes are relatively minor particularly along the main southern boundary of the site where it sits immediately adjacent to the established residential areas. Under the current submission, this will not result in any unacceptable overlooking or impact on drainage etc. One area where the impact of levels is of greatest concern is on plots 1-4 on the western side of the site adjacent to one of the principal entrances off the western roundabout. The initial proposals showed substantial retaining walls on the boundary to the effect that garden levels as initially proposed would be 4m higher with garages on the boundary and the houses also sitting close to the site boundary. The applicant has subsequently revised the proposals reducing the height of the boundary retaining wall to between 1.5 and 2m terracing up to the houses. The house type has been altered on plot 3 with the smaller Keeford house type replacing the Aylesford and it having no garage, and the garages on other plots moved forward and .moved further away from the boundary. This represents a substantial improvement over the initial submission. For their part the applicant points out that there is a need to raise the land in the area of plots 1 – 4 in order primarily to achieve an acceptable and adoptable gradient on the access/distributor road and that they have reduced this as far as it is possible to do so in the circumstances. Other contributory factors in this include storm and foul drainage where the former has to be designed to ultimately discharge into the River Clun and the latter requires minimum gradients for adoption. Whilst the residents concern that this results in a development that is overbearing and overburdening towards existing adjacent property and that it will lead to a loss of privacy is understood the current revised arrangement is the best that can be achieved without sacrificing this part of the site all together. The no build zone referred to by the objector is now clear of development other than for the required retaining walls which have been reduced in size. Revised boundary treatments and landscaping will also help to reduce this impact. The objector is correct in pointing out that the removal of these properties has the potential to reduce congestion and provide an amenity space for the community but the developer has also made their best endeavours to deliver a form of development on this site that is acceptable in planning terms. The retaining walls on the boundary will have weep holes but the applicant's agent has confirmed that this would be the full extent of any drainage to be employed. There will be not slit trenches but there will be a silt trap employed to catch such material through the course of development.

The application is accompanied by full details of all boundary treatments to be employed across the proposed development and these are considered acceptable. Some residents have raised issues at the appropriateness of the proposed boundary treatment finishes. Whilst this would not form a reason to be refusing the current application the applicant's agent has confirmed that the developer will endeavour to continue engagement with neighbours on a case by case basis as to whether or not they would want any approved fence and within reason will be willing to accommodate them. Residents have also expressed some concern over a perceived ambiguity with regard to the developer's intentions in respect of boundary treatments along the southern boundary of the site (existing development northern boundary). To this end, the agent has confirmed that existing resident's fences will be untouched, that they will be erecting 1.8m close boarded fence parallel with but north of the existing boundary and planting hedge between residents existing boundary and the proposed new fence.

One resident references noise through the construction period potentially affecting their ability to work from home. Whilst the development will have some noise above and beyond what would normally be expected within an area of housing through the course of construction, it is a short term issue and would not be a substantive reason for refusing this planning application. Moreover, should noise from development works prove to be a statutory nuisance other legislation is available to address it. More generally, concern has been expressed by established residents in respect of noise, air quality, dust and pollution as a result of development this is largely controlled by other legislation and the developer is subject to a Construction Environment Management Plan (CEMP) the purpose of which is to minimise these effects.

Comment has been made that some of the proposed public open space is too close to the playground at Maes Y Wennol. Under the layout now proposed there will be housing between Maes Y Wennol and any new Public Open space. Moreover, the public open space nearest to Maes Y Wennol is one of a number that will be provided across the development to serve the various phases proposed the overall arrangement of which is acceptable in planning terms

The positioning of windows in plots 54 and 55 as originally submitted was questioned by residents in respect of the initial layout as it showed flats with secondary living room windows in proximity to established dwellings. This has been addressed in the revised layout plan and is no longer an issue.

Loss of view is often cited as an objection to proposed development as a loss to the amenity of existing residents and this is again the case here. However, loss of a private view is not a material planning consideration.

The suggestion that the presence of Cefn Parc Farmhouse and smallholding should see the character area designated rural edge ignores the proposed layout placing settlement ponds and open space in close proximity to that property other than on its southern boundary where a substantial hedge is already established.

A number of objectors have referred to existing residents relying heavily on the site as an area of green space claiming its development would lead to them having to travel further to access green space. This would be an inevitability of developing the site. Members should note though that the site has been allocated for residential

development for a number of years and that the established site is well served by open space as things stand and that the proposed development will also deliver a commensurate amount of public open space of its own.

A number of residents draw attention to the requirements of the Environment Act and the associated obligation to reduce emissions making the point that the development removes carbon neutral green space and replaces it with housing and traffic. This cannot be considered an overriding factor as if it were it would be a reason to build nothing on green field sites. Emissions are reduced over time by building modern housing that gives off lower emissions (in some cases houses can be made carbon neutral over their life time) and by using renewable energy sources. The point is that this is something we move towards as a society and it is not something that becomes the automatic default for refusing planning permission. Similarly, Welsh Design Quality Requirements will be met insofar as the developer is obliged to do so in this particular case.

Residents have also suggested that the site compounds be relocated further away from existing development this though is a matter for the developer and not one that can influence a decision as to whether or not planning permission should be granted.

Whilst some established areas and homes will be subject to greater impacts than others because of the development, overall the proposals remain compliant with Local Development Plan Policies CS3, CS4, AW5 and AW6 inasmuch as they relate to this issue.

Design Detail related Issues

A number of existing residents have raised issues of design detail that they believe may affect their own properties and these are addressed below.

The applicants have indicated that there is no intention to provide drainage through or beyond any retaining walls (other than any necessary weep holes to retaining walls) and as such properties at Bryn Dewi Sant will not be affected in the manner suggested by the objectors, though retaining walls, as is conventional, will out of necessity have weep holes.

The possible impacts of the detention basin 4 are raised however the applicant points out in the sectional detail at sections G-G and H-H, that given the difference in levels indicated that such possibilities are unlikely and the Council's drainage section have raised no objection to the approach adopted. In the final analysis, this issue will be resolved through the SUDs process rather than the planning process

The high pressure water main does run through a number of gardens on the eastern side of the site. This of itself is not unusual and the line of the water main is subject of an easement for maintenance that future residents will be made aware of.

The nearest properties facing Cefn Parc Farm are plots 314-316 and at their nearest they are over 22m from any of the buildings in the farm complex and this is considered sufficient particularly as the sectional detail provided indicates very little difference in levels between the two. Similarly, claims made in respect of loss of light on the

southern boundary as a result of terracing and other built development proposed would only have a very minor effect that would not be substantial enough to warrant a refusal of the planning application. See also comments in respect of boundary treatments above.

Notwithstanding any argument or inconsistency in the applicants supporting documentation as to whether the land around Cefn Parc Farmhouse has a designation as rural edge or urban core and giving due regard to its history and heritage, in the final analysis the proposed development is in accordance with the principles established at the outline planning application stage. In this respect, Members should also have regard to the comments made above in respect of much of the land bordering Cefn Parc Farm not being built upon but used for recreational and/or drainage purposes, which in itself is consistent with a transition from rural to urban regardless of labelling.

The development for the most part attempts to maintain a distance of 21m between existing and proposed development where it sits back to back. There are exceptions to this notably plot 106 has a lesser distance of just over 19 metres this though is a consequence of the developer meeting the requirement to provide a LEAP and LAP to the north which have minimum off set distances of 30m and 10m respectively. . Plots 185 – 191 are more that 21m from the main elevations of existing properties though single garages and conservatory extensions make the situation appear less distant.

The plans and supporting documentation are considered acceptable on their own terms and the proposed development is therefore considered acceptable in terms of Local Development Plan Policy AW6.

Physical Infrastructure Issues

Members will note that The Coal Authority initially raised objection to the proposed development due to certain dwellings on the site being located too close to certain mining features. This has been rectified with some minor alterations to the internal proposed layout of the site and The Coal Authority were re-consulted and they have dropped the holding objection to the proposed development and this is reflected in the recommendation. The councils structural engineer has also been consulted and advises that the revised layout mitigates the risk from man made items and that the natural risks from the underlying limestone conglomerate remains and on this basis recommends further work be undertaken to fully characterise the nature of the issue and proposed design solutions. Members should note that condition 2 of planning approval 20/1196 is discharged inasmuch as detailed ground investigation reports have been submitted with this reserved matters application and should this application be approved the developer will still need to address additional detail . This is referenced in the reports themselves, which recommend further investigation of trial pit results as the anomalies revealed require further study and the recommended foundation type (raft foundation) require further justification. As it stands there is sufficient comfort in the detail provided to date to allow this reserved matters application to progress to a positive determination, subject to the inclusion of a further condition on any consent that might be issued to address these outstanding issues.

Much of the original development at Cefn Y Hendy including elements of Newmill Gardens are built in high risk coal areas and residents seek assurance that the development would not affect the stability of their own properties. This presumes that there is a potential causal link between the two without offering any evidence to support such a position. Moreover, the stability of existing property better rests with it having been built appropriately in the first place having regard to underlying ground conditions rather than what might happen on adjacent land.

Reference is made to a footpath that runs parallel with the boundary on the northern side of existing development. This is not a registered Public Right of Way though it is well used by local residents including as a link to the actual Public Right of Way. The route the path follows will be accommodated within the street layout of the proposed development and will still link with the registered Public Right of Way that leads to Penygawsi. Turning to the Public Right of Way it is well-used and residents have indicated that it should remain open and unaltered by the development. The development of the site means that some of the route will change as it is absorbed into the proposed street network and the remainder will be largely unaffected other than where the impacts of the drainage ditch proposed under application 22/0689 bear upon it. In any event, proposals to realign or temporarily stop up the Public Right of Way as a part of this development are subject to a separate consenting regime.

Some concern is expressed as to where foul sewage will be disposed. The intention of the applicant is that foul drainage will be taken to the mains sewer. Members should note that under consultation Dwr Cymru Welsh Water have indicated that the point of connection for the proposed development with the main sewer has not been agreed with the applicant and as such if Members are minded to approve the application it is recommended that the discharge of condition 15 referenced above is not agreed. Storm, roof and Yard water will be subject to the SUDs consenting regime whilst highways will have an entirely separate drainage solution.

Social Infrastructure Issues

Residents have raised problems associated with Pontyclun Primary School as an issue for the proposed development. However as it is not to be the English Language Primary that will serve the proposed development it has no impact on the determination of this application for the approval of reserved matters.

The proposed street, which links with the footpath from Maes Y Wennol, does contain a mixture of social housing and low cost home ownership properties. The objector makes no argument as to why this arrangement might be more inappropriate next to a play park than private housing and there is no substance in such an argument that would warrant the refusal of the application on this basis.

Issues relating to the loss of open space have previously been addressed at the outline planning application stage and at its subsequent renewal. Members are reminded that the site is allocated for residential development under the current Local Development Plan. Further, the current proposals make sufficient provision of public open space to serve the development in accordance with planning policy and that land to the north of the development site remains a designated SINC and public open space.

A claim is made that original plans included proposals for a community centre, doctor's surgery and school all of which there is a desperate need for in the locality. The school needs will now be met elsewhere and the Local Development Plan does not allocate land at this site for a doctor's surgery or community centre, though it does indicate that a library/community facility could be provided within the wider allocation. The current proposals do not prevent the provision of such facilities on unused land remaining within the current allocation..

Health Issues

Objectors suggest that the location of the access close to the school and residential areas is a threat to health through emissions from plant heavy machinery and trucks. No evidence is offered to support this assertion and it also needs to be kept in mind that as this development progresses the areas for development will move further away from established properties lessening any affect that there might be.

Healthcare provision being stretched is a national issue and by no means unique to this area, of itself it is no reason to refuse this application, particularly as the Local Health Board were consulted in respect of the earlier applications and raised no objections at that time.

The loss of open space it is claimed would be detrimental to the physical and mental health of existing residents. Notwithstanding a lack of evidence to support the claim the application site is not and never has been public open space, the development will provide formal and informal areas of public open space and the land to the north of the development site remains designated a SINC and public open space under the Local Development Plan.

Regarding toxic waste fuel ash and ordinance, no evidence is offered to support the claims made as to where the alleged dumping has taken place in respect of toxic waste or ordinance. The site has been subject of geo-environmental investigation that identifies an area to the south east of the site that is not part of the current housing proposals as the location of pulverised fuel ash; and the site can be developed in accordance with its findings.

Objectors have equated new houses with increased numbers of cars in the area and therefore increased car borne pollution in the area, with emissions already exceeding healthy levels. Members should note that the Air Quality Management Area is restricted to parts of the A4119 corridor only and that Public Health and Protection have not raised the matter as an issue. As far as noise and air pollution through the course of development are concerned it should be noted that the development of the site is subject of a Construction Environment Management Plan and that any exceedances are better dealt with through enforcing Public Health legislation. There is no obligation on the Council to evaluate air quality post construction.

Though Radon gas is an issue for the proposed development site, it is managed through the Building Regulations rather than the planning process.

As mentioned above, reports prepared to investigate ground conditions take into account previous uses as well as current designations.

Access and highway safety

The principle of the development and traffic impact on the local and strategic highway network was assessed and considered at outline application 16/1135 and measures and requirements to mitigate adverse impact on the local and strategic highway network were secured by conditions.

Access to the development is proposed from existing roundabouts at Ffordd Cefn-Yr-Hendy.

Limited information has been submitted with regard to the Western access to the development, (Drawing 10329-S111-Rev E), and whilst the proposals are acceptable in principle the information provided falls well below the full engineering design required to allow discharge of the appropriate element of condition 21, however, such deficiencies in the submitted information can be addressed through the discharge of the conditions imposed at the outline application.

Information submitted outside of the planning process including swept paths indicates that the geometry and lane widths would accommodate turning manoeuvres by public service vehicles and larger delivery and service vehicle that would be expected to service the proposed development.

The access is proposed via a new arm on the existing roundabout to provide a 6.1m carriageway and bus route with 3m wide shared path to one side and a 2m footway to the other. Again limited information has been submitted, (Drawing No 10329-S111-2-101 Rev F), which again falls well below the level of information required to allow the discharge of the appropriate element of condition 21.

Information submitted outside of the planning process including swept paths indicates that the geometry and lane widths would accommodate turning manoeuvres by public service vehicles and larger delivery and service vehicle that would be expected to service the proposed development.

Furthermore, the submitted drawings do not reflect the requirements set out within condition 20 part iii for the provision of a shared use path to link the development to the unnamed road; however, such deficiencies in the submitted information can be addressed through the discharge of the conditions imposed at the outline application.

The limited information provided with regard the internal estate roads falls well below the full engineering design and detail required to allow discharge of the appropriate element of conditions.

The S38 Drawings include dimensions, which indicate that the spine road corridor would comprise a 6.5m carriageway, bounded by a 2m wide raingarden and with a 3m wide shared use. Pedestrian/cycle route along the eastern/northern edge and a 2m footway along the western/southern edge.

Rain Garden features which are to be adopted and maintained as a sustainable drainage feature by the Sustainable Drainage Approving Body (SAB) are provided alongside the carriageway to cater for carriageway drainage in lieu of traditional road gullies.

The arrangement of extensive rain gardens alongside the carriageway will restrict places where pedestrians can cross the spine road, however, in response to concerns raised the proposals have been amended crossing points incorporating flush kerbs and tactile paving which is considered acceptable in principle and can be further refined at detailed design stage to allow discharge of the appropriate conditions.

The layout of the spine road and drainage features removes potential short term on street parking provision for calling service and delivery vehicles and visitors, however, the drawings have been amended to indicate potential on street parking locations and parking bays with direct access to the footway. Considering the further ability to utilise vehicle crossovers as a link between the carriageway and the footway/ dwellings and the lack of published guidance in this regard the proposals are considered to provide a reasonable balance between the requirements for SUDS, pedestrians and access to the dwellings.

There is concern with regard the arrangement with a large number of vehicle accesses to dwellings and private shared accesses over the shared use path and potential conflict between emerging pedestrians and cyclists. With no information provided to indicate how the potential conflict and accident risks to users of the shares use path would be mitigated.

In response to concerns raised with regard the provision of public transport infrastructure, the amended plans indicate the omission of some sections of raingarden to provide suitable areas for bus stops and the detailed arrangement to incorporate bus boarder kerbs, shelter; pole and flag can be addressed as part of the detailed design and discharge of conditions.

Submitted drawing 10329-SAB-02 Rev C provides details with regard the rain gardens proposed to drain the spine road and side roads. The proposal includes concrete quadrants at the kerb side opening and is acceptable in principle; however, there is scope to further refine the details in collaboration with the Sustainable Drainage Approval Body (SAB) body and approval as part of the full engineering design and detail required for as set out within conditions 21 and 22.

The S38 drawings indicate that the approach roads/ Culs-de-Sac/side roads would consist of a 5.5m wide carriageway, with a 1.25m wide rain garden and a 2m footway provided on both sides. The carriageway width is in compliance with the Rhondda Cynon Taf CBC Design Guide for Residential, Commercial and Industrial development and the Common Standards for Residential, Industrial & Commercial Estate Roads promoted by the Welsh Government and National House Builders Federation. There are some concerns that vehicles parked on street adjacent to the rain gardens may be

parked further from the kerb to allow pedestrians to enter or exit the vehicle, however, this would be mitigated to a degree by an acceptable level of parking provision for each dwelling and the increase of the side road width from 5m to 5.5m.

It is noted that the rain garden inlets at a number of side roads are not located at the lowest point at the end of the road and areas where the road contours indicate low spots where no rain garden is proposed or road gully shown. In such areas a supplementary road gully will be required to ensure surface water run-off from the highway is captured and it does not result in ponding or direction of run-off onto private land. The details can be considered as part of the detailed design process in consultation with the SAB.

The swept path information provided on submitted drawing Nos 10329-110-01 Rev C, 10329-110-02 Rev C and 10329-110-03 for refuse vehicles and Nos 10329-111-01 Rev B & 10329-111-02 Rev B, for public service vehicles.

The amended drawings indicate minor changes to the arrangement of the turning heads and with the widening of the side-roads from 5m to 5.5m the swept paths provided indicate that the largest refuse collection vehicle would be able to turn with minimal impact on the fabric of the estate road.

The horizontal alignment of the spine road has been refined at the 90-degree bend adjacent to Plots 7 and 8 to incorporate widening of the carriageway to permit two buses or similar sized vehicles to pass safely. The swept paths indicate that the horizontal design of the spine road can accommodate passing of a refuse vehicle and a bus with a vehicle speeds of 20mph which is considered to be a realistic reflection of vehicle speeds along the spine road in light of the alignment which has been designed to constrain speed and the Welsh Government default 20mph speed limit which will come into effect before the spine road is completed.

It is noted that private shared accesses have been amended to incorporate turning facilities in accordance with the RCT Design Guide and Common Standards for Residential, Industrial & Commercial Estate Roads. It is noted that it is not possible to provide compliant turning facilities at the private shared accesses serving plots 198-202 and the adjacent private shared access serving plots 244-247 due to the constraints of the housing layout, and ecological constraints which require retention of the original hedgerow.

Turning facilities at these locations are adequate to accommodate turning manoeuvres by a small delivery vehicle such as a transit type van/ supermarket delivery vehicle which would be more likely to make frequent use of the turning area. Deliveries by larger vehicles would be much less frequent and it would be likely that the occupiers of the dwellings would be able to advise the delivery agent in advance to ensure that deliveries are made to the entrance to the private shared access or that vehicles can be advised to reverse into the private shared access with guidance from the occupier or additional delivery personnel. As large deliveries would be an exception and the impact can be mitigated the departure from the guidance provided within the Council's design guide is considered acceptable in light of the ecological constraints.

Bin collection areas have been shown at each private shared access, however, not all are located immediately adjacent to the proposed adopted highway to accommodate refuse and recycling bins awaiting collection, however, the locations can be agreed at the detailed design stage.

Pedestrian link paths are shown on the highway drawings that link between private shared accesses. Such links cannot be adopted by the Council unless there is a dedicated pedestrian link between adoptable roads and it is therefore unclear how these link paths will be maintained. The developer has noted the Highway Authority's requirements and has advised that the paths would be maintained by a management contractor as part of the maintenance of open space and landscaped areas located within the development.

Parking provision for the development as whole derived from the amended highway layout drawings nos. 10329-100-01 Rev E and 10329-100-02 to 08 Rev D- is summarised within the Table 1 below :-

Table 1 Summary of Parking Provision

House Type	Beds	Total Units	Parking per dwelling SPG	SPG Max Req'd	Provided per dwelling	Spaces provided	Difference
Private and Affordable							
Appleford	2	48	2	96	2	96	0
Ambleford	3	41	3	123	2	82	41
Brambleford	3	47	3	141	3	141	0
Keeford	3	53	3	159	2	106	53
Aynsdale	3	35	3	105	2	70	35
Ayleford	4	17	3	51	3	51	0
Plumdale	4	8	3	24	3	24	0
Colford	4	18	3	54	3	54	0
Hubham	4	24	3	72	3	72	0
Rightford	4	22	3	66	3	66	0
Kitham	4	56	3	168	3	168	0
Wayford	5	8	3	24	4	32	-8
Winterford	5	21	3	63	4	84	-21
Social							
1 Bed Flats	1	28	1	28	1	28	0
WHQS 2.7	2	18	2	36	2	36	0
WHQS 3.1	3	10	3	30	2	20	10
WHQS 4.2	4	6	3	18	2	12	6

Visitor Parking		92	0	0	92
Totals	460	1258		1142	

* Over provision of parking associated with 4-bed dwellings due to provision of double driveway in front of double garages

Table 1 indicates that the parking provision is not in accordance with the maximum provision set out within the Council's SPG; Access, Circulation and Parking (March 2011). The lower parking provision can be seen to be associated with the smaller 3-bed house types.

It is noted that the larger 5-bed dwellings exceed the maximum parking provision contrary to Welsh Government Policy, however, these large dwellings benefit from double garages which are served by a double width driveway resulting in excess parking, however, it is considered unlikely that this would not result in significant increased car ownership within the development beyond that normally associated with larger dwellings.

In some areas parking bays appear to be located to the front of adjoining properties, eg parking for plots 291-302 which would inevitably result in disputes between neighbours and prevent or create difficulties should property owners wish to provide EV charging facilities for their vehicles, however, this is not a highway issue that would warrant objection but should be considered by the developer in the interests of their customers /end users.

There is also an issue with regard access to the parking provided at plot 45 which appears to require access over the raingarden to the front of the property and where there appears to be no positive drainage from the low point of the road, however, these issues a can be addressed as part of the detailed design process.

In response to concerns raised with regard lack of visitor parking exacerbated by the substandard width of the side roads and presence of extensive Suds features the developer has increased the carriageway width and indicated on the submitted drawings areas of proposed highway where short term on street visitor parking and deliveries could be accommodated 92 locations are identified. Measures including localised widening of the carriageway/ narrowing of the rain gardens are proposed at 40 of these locations to permit occupants to step from their vehicle onto the carriageway instead of the adjacent rain garden and whilst some aspects of these proposals require refinement they indicate that short term parking visitor parking can be accommodated on street. The final form and detail of the narrowed rain gardens can be agreed in collaboration with the SAB as part of the detailed highway design process.

The retail unit indicated would have a GFA of 200m² and the parking requirements in accordance with the council's SPG would be 1 space per 60 m² giving a requirement of 4 spaces and 1 commercial vehicle space.

The proposal provides for 3 spaces including a disabled space with an EV charging point with potential to serve the disabled space and adjacent parking off the side road between the retail unit and the spine road and a further 2 spaces to the south of the retail unit and pumping station access. Whilst the split in parking locations is not considered ideal the overall parking provision is in accordance with the Councils SPG.

It is likely that customers will also utilise the pumping station access for parking which may not be considered desirable by the statutory undertaker taking ownership of the asset.

There is no provision for commercial vehicle parking or information indicating how the retail unit would be serviced, however, the improved turning head and road width would accommodate deliveries by a distributors vehicle adjacent to the units and there would be scope for a small trader to service the unit with a small van utilising one of the parking spaces provided.

Drawing No. edp6879_d070c indicates provision of 4 'Sheffield' type cycle stands with capacity of 8 bicycles which is considered acceptable.

No details of how the EV charging provision would be operated, managed and maintained has been provided

The phasing and house types within each phase are summarised as set out below:-

House Type	Bed	Phase 1	Phase 2	Phase 3	Phase 4	Totals
Private Sales						
Appleford	2	6	10	11	11	38
Ambleford	3	6	7	4	4	21
Brambleford	3	11	20	2	11	44
Keeford	3	18	18	11	9	56
Aynesdale	3	14	9	5	7	35
Ayleford	4	2	8	4	3	17
Plumdale	4	3	1	1	5	10
Colford	4	5	5	4	4	18
Hubham	4	17	2	0	5	24
Rightford	4	6	9	2	6	23
Kitham	4	22	15	6	12	55
Wayford	5	2	4	1	0	7
Winterford	5	6	8	3	3	20
Affordable						
Appleford	2	3	3	4	0	10
Ambleford	3	8	4	6	2	20
Social						

1 bed Flat	1	4	0	20	4	28
WHQS 2.7	2	0	0	10	8	18
WHQS 3.1	3	4	2	2	2	10
WHQS 4.2	4	0	0	2	4	6
		137	125	98	100	460

On the basis of the phasing drawing and conditions imposed at the outline planning application, (condition 21), requires delivery of the through route along the spine road is to be delivered prior to the completion of the 350th dwelling that will occur during Phase 3. Condition is clear that the spine road link must be completed prior to the completion of the 350th dwelling, therefore the spine road within Phase 4 will need approval at the appropriate stage to allow the works to be undertaken at the appropriate time to ensure compliance.

It is noted from the phasing plan that temporary turning facilities are not provided at the end of each phase to facilitate turning of residents and service vehicles associated with the completed dwellings on each phase. The provision of temporary turning facilities can be incorporated into the engineering design and detail to be approved for each phase and therefore there is no highway objection to the discharge of condition 3

The Highway related element of Condition 30 imposed at outline application 16/138 states: -

30 Other than in respect of phase 1 details of which have already been agreed, no development shall take place on any identified phase of the development until a phase specific Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council.

The Plan shall provide a construction method statement for:

- a) the means of access to 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 construction 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 otherwise agreed in writing with the local planning authority.

In response to concerns revised with regards to the adequacy of the CEMP dated 27th October 2022 an amended document dated 1st December 2022 has been submitted.

The amended CEMP indicates: -

- i) The primary means of access for all construction traffic will be via the A4119 and Ffordd Cefn Yr Hendy and the Western Roundabout to minimise the impact of construction traffic on residential streets.
- ii) Deliveries of plant and materials will be timed to avoid School drop-off and pick-up times and a procedure to manage deliveries will be implemented.
- iii) Confirmation that all deliveries of plant and materials will take place within the development site.
- iv) Warning signs will be provided as appropriate along Ffordd Cefn Yr Hendy to warn of construction traffic.
- v) The developer will adopt best practice to liaise with local residents and plan and execute works to minimise adverse impact and publicise contact numbers and a formal complaints handling process to ensure issues are addressed.
- vi) Condition Survey of the access route via Ffordd Cefn Yr Hendy pre and post development and an undertaking to address any damage caused by construction traffic.
- vii) Measures are outlined to ensure that mud and debris from the site are not tracked onto the adjacent highway and for sheeting of lorries entering and leaving the site where required.
- viii) Sufficient parking to be provided within two site compounds site to cater for anticipated demand by construction staff and visitors including the sales office/show home.

The proposed measures outlined with the amended CEMP are considered acceptable to allow the pre-commencement approval of the highway elements of the condition 30 to be discharged.

Geotechnical report numbered 12976/JJ/22/SI/Rev A Titled Land at Cefn-Yr-Hendy, Miskin, dated October 2022, has been submitted in support of the reserved matters application.

The report highlights the requirement for provision of measures to mitigate potential impact of long term settlement and sinkholes by inclusion of geo-grid reinforcement within all roads within the site. Detailed proposals with regard the provision or extent of additional measures to mitigate the impact of the underlying ground conditions can be addressed as part of the approval of the spine road and side roads as part of the detailed design and discharge of conditions on a phase by phase basis.

Details of stabilisation and capping of shafts under or adjacent to the access roads and measures to address dissolution features beneath the proposed access roads will need to be provided as part of the phase by phase approval of engineering design and detail and discharge of conditions for both the spine road and side roads.

Highways summary and conclusions

Matters relating to traffic generation, trip distribution were addressed as part of the outline application 16/1385/08.

The overall form and layout of the spine road and internal access roads is acceptable in terms of alignment and width and any remaining minor issues can be addressed at

detailed design, and with consultation with the SAB outside the planning process. Therefore, the key elements of the reserved matters application with regard to the overall appearance, landscaping, layout and scale of the proposed development are considered acceptable in highway terms.

A number of objectors raise concern that the principal access is located opposite the primary school this though has been agreed in the grant of outline planning permission and its subsequent renewal and cannot be considered further. Members should also note the conditions that restrict working practices at school drop off and pick up times associated with the outline planning permission and that the distributor road linking the east and west roundabouts will be completed on completion of the 350th dwelling. It has been suggested that the development should run east to west but the expressed preference of the developer is west to east and there is no legitimate highway reason to object to that approach, this would also be relevant in respect of issues raised relating to noise and pollution in this context. Whilst concerns about pollution have concentrated more in relation to the A4119, no consultee has raised this as an issue that would affect the positive outcome of this application.

Concerns relating to the impact of the development on the A 473, A4119 and the M4 access roundabout were fully considered at the outline planning application stage and a full programme of improvements that would ameliorate the impact of the development in respect of the A4119 was agreed under the conditions of consent and associated section 106 agreement. Matters relating to the impact of the development on the M4 roundabout are a matter for the Welsh Government. In addition, earlier plans for the development of the site did not involve the provision of a footbridge, though it was initially proposed as part of the strategic site allocation, the applicants were able to demonstrate that it was/is not necessary.

The proposals do not involve the provision of a road link between Maes y Wennol and the new development though the public footpath will remain.

The issue of the impact of the proposed development on Pontyclun Railway Station was addressed at the outline planning application phase and cannot be revisited. Members should also note that the S106 agreement involves a substantial financial contribution to improving that situation.

Traffic impact of the proposed development was assessed initially by the Transport Assessment submitted at the outline planning application stage and has been supplemented by the details submitted with this reserved matters proposal. Public consultation undertaken as part of the planning process presents the opportunity to comment on that. Members should also note that deliveries for development vehicles are restricted by condition. Traffic Impact Assessment has already been undertaken and there are no proposals for any post development assessment.

Current proposals do not involve the provision of any crossing point close to the school as no requirement for one has been established.

There are no proposals for a relief road, as existing arrangements with the proposed improvements are deemed adequate and acceptable.

Other Issues:

- The matter of location of social housing has been resolved through the issue of the revised layout plans showing a consistent distribution of social housing and low cost housing across the phases of the site. The housing strategy team have no issues with the revised arrangements.
- The number of one bedroom flats in this development reflects the level of need identified by the housing strategy team
- Even if the social housing as provided by the developer does affect the position of the locality in the Welsh Index of Deprivation Quintiles this is not a planning consideration.
- Though it is suggested that the provision of social housing as proposed might lead to an increase in anti social behaviour no evidence is offered to support such a stance.
- World War II ordnance was raised as an issue when the outline planning permission was renewed, and is raised again now. The issue was taken up with the applicant previously who advised that they could find no evidence to support the allegation and neither have the residents objecting to the proposals. Site investigation would have identified the likely presence of such material and has not.
- Whether or not residents of Newmill Gardens have benefitted from unfettered access to the application site for any number of years is a matter between them and the developers rather than a planning issue.
- The use of solar panels on roofs is proposed as part of the proposed development and has become a regular feature in new home construction and it is not considered that they would represent any sort of nuisance. The applicants have confirmed that they will not be installing air source heat pumps.
- The allegation that the proposals will include garden areas of Maes Y Wennol and does not accurately reflect the existing situation is a land ownership rather than a planning issue that would need to be resolved between the developer and the affected individuals Members should also note the applicants approach to boundary treatments outlined above.
- If the hedgerow boundary at Maes Y Wennol is protected by covenant then any proposals to remove that would need to pursue the appropriate action.
- If residents have planted trees in the hedgerow then they should seek guarantees from the developer that they will remain there.
- When any site is developed, it should be in accordance with approved plans. Should there be any variation then the Council has the option/discretion to take enforcement action should the need arise.
- The current proposals do not affect anything in terms of the part of the site designated for the development of the school and any future use proposed for the site would be the subject of future proposals.

- The potential for reflective nuisance from solar panels is minimal given that their purpose is to absorb energy rather than reflect it.
- As this application seeks approval of reserved matters and discharge to conditions there would have been no further obligation on the developer to undertake any further public consultation beyond that undertaken at the outline planning application stage
- Loss of property value is not a planning consideration
- The fact that the field lies fallow and grass has grown does not affect the consideration of the planning application. However, the matter along with residents' concerns at a perceived fire risk have been passed on to the applicant's agent and the matter has been resolved.
- Compensation for cleaning through the course of construction is outside the scope of the planning merit of the case and is a matter for the developer.
- The application should be considered on its planning merit and not based on a hypothetical question relating to whether or not the Council has considered developing housing on the undeveloped retail site to the north.
- Similarly, the application needs to be determined on its planning merit and the amount of Council Tax that a development may or may not deliver to the Council's coffers simply does not influence that.
- Whilst there is every sympathy for the potentially disproportionate effect that development might have on the wellbeing of a single individual this would not form a sufficient basis for refusal of the application particularly as it does not directly relate to the approval of reserved matters currently sought.

Discharge of Conditions

In addition to seeking approval of reserved matters, the current submission also seeks to discharge a number of conditions associated with the grant and subsequent renewal of outline planning permission. The requirements of the conditions seek to agree technical detail and should they prove successful their discharge would be reflected in an updated version of the outline planning permission (as renewed) rather than on any consent that might be issued in respect of reserved matters.

Condition 3 Phasing –this ties in with the previously approved non material amendment. Rather than the previously agreed 5 phases the developer now wants to undertake the development over 4 phases. As the applicant has confirmed that the provisions of condition 21 of the outline planning permission requiring the completion of the site distributor road prior to the 350th dwelling will be adhered to this condition can be discharged.

Condition 4 Landscaping – submitted details are deemed acceptable by consultees and as such, the condition can be discharged.

Condition 8 Wildlife Protection Plan – submitted details are deemed acceptable by consultees and as such, the condition can be discharged

Condition 9 Habitat management Plan – submitted details are deemed acceptable by consultees and as such, the condition can be discharged

Condition 10 levels –the finished levels submitted in support of the application for the approval of reserved matters are considered acceptable and the requirements of this condition can be discharged.

Condition 11 external finishes – the details submitted in respect of external finishes in support of the application for approval of reserved matters are adequate to discharge the requirements of this condition

Condition 15 drainage – As the applicants have not yet agreed a connection point for drainage from the site with Dwr Cymru Welsh Water and have not supplied Flood Risk Management colleagues with discharge rates; it is recommended that this condition not be discharged at this point in time.

Condition 16 – protected species mitigation - submitted details are deemed acceptable by consultees and as such, the condition can be discharged

Condition 26 Public Right of Way – the submitted details show the existing line of the Public Right of Way and the intended route for its realignment as such and given that the applicants will need to make a separate application for the diversion of the Public Right of Way, the requirements of the condition can be discharged.

Condition 28 noise – As Public Health & Protection officers have confirmed the adequacy of the report in terms of its conclusions and recommendations this condition can be treated as discharged to the point where development can proceed full compliance can only be achieved by the implementation and construction of the noise attenuation barriers that the report recommends.

Condition 30 Construction Environmental Management Plan - submitted details are deemed acceptable by consultees, as such the condition can be discharged in terms of pre commencement requirements

Condition 32 EV charging – provision for an EV charging point will be made within the site for the commercial element of the proposed development and this is sufficient to meet the requirements of this condition.

National Sustainable Placemaking Outcomes

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

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

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

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further above, a brief outline of how the proposed development is considered to align particularly well with the national sustainable placemaking outcomes is set out below:

Creating and Sustaining Communities: The development would provide new housing in accordance with the current Local Development Plan including the requisite amount of social housing.

Growing Our Economy in a Sustainable Manner: The development would have but positive effect in terms of construction jobs and employment in the construction phase.

Making Best Use of Resources: The development accords with the policy requirement of the Local Development Plan albeit on a greenfield site but would employ sustainable building practices/materials and includes some energy production from renewable sources

Maximising Environmental Protection and Limiting Environmental Impact: The development would include suitable tree/landscape planting and biodiversity enhancement measures.

Facilitating Accessible and Healthy Environments: The application site is designed to facilitate access by public transport providers and aims to maintain and enhance existing walking routes.

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 CIL liable under the CIL Regulations 2010 (as amended). In this respect, the full CIL liability for the site including the A1 retail development is £6,117,771.97 though this might be subject to reduction if the applicants claim a social housing exemption.

Section 106 Contributions / Planning Obligations

The Section 106 agreement in respect of this site was concluded at the outline planning application stage (application 16/1385) and renewed with the subsequent Section 73 application (application 20/1196). The S106 agreement requires the following.

- The provision of 20% affordable housing
- The provision of a local centre
- The agreement of a long term management plan for the management of open space to the north of the site and the ecologically sensitive areas of the site.

- Provision of green space and play areas for management and maintenance in accordance with the Council's supplementary planning guidance
- The agreement of an employment skills training plan, and
- A financial contribution of £90,000 towards the provision of additional park and ride facilities at Pontyclun railway station.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the key characteristics requiring consideration in this application for approval of reserved matters. Members will note that the public have raised a wide range of issues in respect of these proposals many of which were addressed at the outline planning application stage. In this instance however the planning balance falls in favour of approving these submitted details as the proposal is considered to meet the key policy requirements in relation to appearance, landscaping layout and scale, and are also deemed reasonable in terms of all other material planning considerations. As such, in terms of the approval of reserved matters members are advised to accept the recommendation below. Members will note that the application also seeks to discharge certain conditions associated with the discharge of conditions pertinent to the earlier grant of outline planning permission and it's a recommended they be approved or not approved as described.

RECOMMENDATION: Approve all reserved matters subject of this application and that the details submitted to support the discharge of conditions, 3,4, 8, 9, 10, 11, 16, 26, 28 30 & 32 relating to application 20/1196 are accepted and the conditions discharged. Details submitted in respect of conditions 15 are not sufficient and are not discharged.

1. The development hereby approved shall be carried out in accordance with the approved plans and documents, unless otherwise amended by other conditions of this consent.
 - Planning layout drawing no. edp_6879_d018a1
 - Site plan drawing no. edp_6879_d02b
 - Boundary treatment plan drawing no. edp_6879_d030e
 - Ambleford B edp6879_d004-A
 - Brambleford edp6879_d005-A
 - Keford B edp6879_d006-A
 - Aynesdale edp6879_d007 -B
 - Aylesford edp6879_d008-A
 - Colford edp6879_d009-A
 - Rightford R edp6879_d010-A
 - Hubham B edp6879_d011-A
 - Kitham C&R edp6879_d012-A
 - Wayford R edp6879_d014-A
 - Winterford C&R edp6879_d015-B
 - Appleford B edp6879_d019-A
 - 4.2 affordable house drawing no. edp_6879_d027a

- 1BF affordable house drawing no. edp_6879_d028b
- 2.7 affordable house drawing no. edp_6879_d025a
- 3.1 affordable house drawing no. edp_6879_d026a
- Appleford R edp6879_d031-B
- Aynesdale B edp6879_d034-A
- Ayleford R edp6879_d035-A
- Colford R edp6879_d036-A
- Keeford R edp6879_d037-B
- Brambleford R edp6879_d038-B
- Brambleford S edp6879_d039-B
- Ambleford C edp6879_d040-B
- Rightford B edp6879_d041-B
- Rightford C edp6879_d042-B
- Rightford S edp6879_d043-A
- Kitham C&B edp6879_d045-B
- Kitham R edp6879_d046-B
- Kitham B edp6879_d047-B
- Hubham R edp6879_d048-B
- Hubham S edp6879_d049-B
- Winterford R edp6879_d051-B
- Winterford S edp6879_d052-B
- Wayford C&R edp6879_d053-B
- Aynesdale C edp6879_d055-B
- Brambleford C edp6879_d056-B
- Hubham C edp6879_d057-A
- Keeford C edp6879_d058-A
- Plumdale S edp6879_d059-B
- Garages drawing no. edp6879_d061a
- Retail unit and elevations drawing no. edp_6879_d069a
- Retail unit site plan drawing no. edp_6879_d070c
- Arboricultural Impact assessment (incorporating Tree Protection
 - measures) edp6879_r003e
- Arboricultural addendum statement edp6879_r006
- Desk study report (integral geotechnique February 2022)
- Site investigation report revision A (integral geotechnique October 2022)

Reason: for the avoidance of doubt as to the approved plans and documents.

2. Prior to the commencement of any works on site a further site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The report shall be sufficiently detailed to establish any further ground precautions required due to the geology of the underlying limestone conglomerate and shall fully justify the choice of foundation design to serve the proposed development.

Reason: the site may be unstable and as such, a further report on the identified issues is required in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2022-2023:**

**PLANNING AND
DEVELOPMENT COMMITTEE
9th MARCH 2023
REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

	Agenda Item No. 15
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APPLICATION NO: 22/0886 – Outdoor Hospitality Area to rear, MID RHONDDA WORKING MENS CLUB AND INSTITUTE, 32-33 COURT STREET, TONYPANDY, CF40 2RQ

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 26 January 2023 meeting of the Planning and Development Committee with an officer recommendation of refusal. A copy of the original report is attached as **APPENDIX A**. At that meeting Members were minded to approve the application contrary to the officer recommendation as they considered that the proposed development would not be of detriment to the residential amenity of the area, subject to a condition restricting the hours of operation to 9.00pm (Minute No. 187 refers).

As a consequence, it was resolved to defer determination of the application for a further report from the Service Director of Prosperity and Development to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

4. PLANNING ASSESSMENT

The officer considerations in respect of the impacts upon neighbour amenity are set out in the original Committee report, however a brief summary is set out below:

Although the proposal would include 1.8 metre high screening along its eastern boundary with the adjoining dwelling in an attempt to limit overlooking here, the proposal would only see a 1.1 metre high balustrade at the rear that would still allow for direct views of the neighbouring

properties/gardens from a considerable height which is considered unacceptable. Furthermore, at a combined height of 4.7 metres above ground level the elevated deck and associated screening would result in a loss of outlook from the adjoining dwelling, an overbearing impact, and some shadowing.

Whilst it is noted that the existing arrangement might see patrons of the Club using the adjacent outside area to smoke and congregate, it is considered that the establishment of a formal raised outdoor terrace would exacerbate the existing levels of noise and disturbance to the detriment of general amenity standards currently enjoyed by the occupiers of the neighbouring properties, especially so as its scale would promote a number of people sitting/standing out on it for a considerable amount of time, late in to the evening each day, resulting in noise/disturbance to surrounding residents.

Members are advised however that the impact of any development upon the amenity of neighbouring occupiers is subjective. The original considerations were an 'on balance' recommendation, highlighting that whilst the proposal would impact upon residential amenity, neighbouring occupiers would have become accustomed to an existing level and noise and disturbance created by the Club. In addition, the proposal does include mitigating factors such as screening along its side elevation to restrict the most harmful overlooking.

Following the Committee meeting representations were received from Councillor Gareth Hughes which set out that during his 6 years of being a Councillor no complaints have been received with regard the operation of the Club. In addition, the response also sets out the following comments on the application:

- Overlooking has been addressed via the addition of screening.
- This addition would be insignificant when considering the mass and scale of the existing building.
- The car park area to the rear has been used previously as a beer garden which results in a more intrusive impact upon neighbouring properties in comparison to the proposed area.
- The car park at the club is privately owned and could be restricted at any time. However, the proposal would see a minimal loss of spaces with additional parking available located at a nearby Council carpark.

The above highlights that it would be entirely reasonable to conclude that the development would not result in a detrimental impact upon the amenity of neighbouring occupiers.

During the previous meeting Members considered that the use of a condition to restrict the hours the deck could be used could limit disturbance (11:00 to 21:00 Monday to Sunday) and result in an acceptable arrangement. Whilst it would be possible to restrict the use of the decking through the use of a condition, it would be extremely difficult to enforce as the existing club could operate outside of these hours. Nevertheless, a condition is set out below should Members be minded to approve the application.

Therefore, whilst the application is recommended for refusal, if, having considered the above advice and after further consideration, Members remain of a mind to approve planning permission, it is suggested that the following conditions should be attached to any consent:

1. 1A2 Time Limit

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. 1A5 Approved Plans

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

- Hdw/ph/mid.01
- Hdw/ph/mid.02

and documents received by the Local Planning Authority on 19/09/22, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Hours of operation

The raised terrace hereby approved shall only be used between the following hours:

Monday to Sunday: 11:00 – 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.

PLANNING & DEVELOPMENT COMMITTEE

26 January 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0886/10 (JE)
APPLICANT: The Committee of the Mid-Rhondda Working Mens Club
DEVELOPMENT: Outdoor hospitality area to rear
LOCATION: MID RHONDDA WORKING MENS CLUB AND INSTITUTE, 32-33 COURT STREET, TONYPANDY, CF40 2RQ
DATE REGISTERED: 19/09/2022
ELECTORAL DIVISION: Tonypandy

RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:

REASONS: The proposed structure, by virtue of its scale, design and elevated height, would result in an excessive and unneighbourly form of development that would directly overlook and increase noise and disturbance to the immediate neighbouring properties; and would result in a loss of outlook from and a significant overbearing impact to the occupiers of the adjoining dwelling.

As such the proposal would have a significant detrimental impact upon the residential amenity and privacy standards currently enjoyed by the occupiers of the neighbouring properties, contrary to Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the construction of an outdoor hospitality area at Mid Rhondda Workingmen's Club and Institute, 32-33 Court Street, Tonypandy. The proposed area would be located to the rear of the property towards its eastern boundary and would consist of an elevated decking and associated screening.

The raised area would measure a width of 7 metres and would protrude outwards to a maximum depth of 4.2 metres. The deck area would be elevated above ground level by a number of steel posts and would measure a maximum height of approximately 2.9 metres above the adjacent ground level. The raised area would be enclosed on its southern and western elevations by a 1.1 metre high composite decking balustrade, with a larger 1.8 metre high composite screen located along its eastern side elevation.

The decking area would be accessed from within the Club via an existing door serving as a fire escape. It would also be assessable externally from the rear of the site via the existing fire escape staircase.

SITE APPRAISAL

The application site relates to the Mid Rhondda Workingmen's Club which is located on the corner of Court Street and an unnamed access road. The property is attached to a residential dwelling (no.31 Court Street) on its eastern side and is directly bounded by the highway to the north and west. To the rear of the site is a car park area used by the Club however it benefits from no formal layout or parking bays. The nature of the area slopes from north to south with the ground level decreasing towards the rear of the site and the property appearing as 3 ½ storeys on this elevation taking into account the large rear projection. On its rear elevation the property has an existing steel fire escape and air conditions units.

The surrounding area is residential in nature and is characterised by traditional terraced properties.

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.

Three letters of objection from neighbouring occupiers have been received following consultation. The points raised have been set out below (summarised):

- Deck will remove off-street car parking in an area where there is existing high demand for on-street parking. Existing on-street parking issues will be exacerbated by users of the Club being forced to park on-street.
- Deck would attract more smokers and would be used as a beer garden in good weather which would generate more nuisance noise and disturbance to neighbouring properties than existing.
- Loss of privacy within neighbouring gardens and to rear elevations of neighbouring properties as elevated structure would directly overlook adjacent properties.

- Use of area by groups of youths who currently hang around the current fire escape.
- Existing issues around cigarette butts being flicked over the fire escape into neighbouring properties.
- Nuisance noise, odours and views of patrons spitting and coughing which are in full view of neighbouring garden.
- Development is almost at bedroom height of neighbouring properties and noise levels would almost certainly have a negative effect on property values.

CONSULTATION

Transportation Section: No objection raised or conditions suggested.

Countryside (Ecology): No objection.

Public Health and Protection: No objection although conditions suggested with regard to hours of construction, dust, waste and hours of operation.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

Policy CS1 - sets out the criteria for new 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 – confirms that development will not be permitted where it would cause or result in an unacceptable risk of harm to health and/or local amenity.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking

National Guidance

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

Planning Policy Wales (Edition 11) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out 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.

Given the potential impacts upon the amenities of surrounding residents (as set out in detail below), it cannot be considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW, the Well-being of Future Generations (Wales) Act, or FW2040.

Other national policy guidance considered:

PPW Technical Advice Note 11 - Noise
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 an outdoor hospitality area, consisting of a raised deck within the curtilage of a long established workingmen's club. Ordinarily the principle of such development could be considered acceptable, however, in this instance it is considered the proposed structure would have a significant detrimental impact to the amenities of the surrounding neighbours (as set out below).

Impact on residential amenity and privacy

It is considered a roof terrace of this elevated height and siting, given its proximity to neighbouring residential properties, would be inappropriate and would result in a significant adverse impact to the amenity and privacy levels currently enjoyed by the closest neighbouring properties. These concerns have also been expressed by surrounding residents.

Although the proposal would include 1.8 metre high screening along its eastern boundary with the adjoining dwelling in an attempt to limit overlooking here, the proposal would only see a 1.1 metre high balustrade at the rear that would still allow for direct views of the neighbouring properties/gardens from a considerable height which is considered unacceptable. Furthermore, at a combined height of 4.7 metres above ground level the elevated deck and associated screening would result in a loss of outlook from the adjoining dwelling, a significant overbearing impact, and some shadowing.

The objectors also raised a number of concerns with regard nuisance noise, odours anti-social behaviour associated with the proposed development. Whilst it is noted that the existing arrangement might see patrons of the Club using the adjacent outside area to smoke and congregate, it is considered that the establishment of a formal raised outdoor terrace would exacerbate the existing levels of noise and disturbance to the detriment of general amenity standards currently enjoyed by the occupiers of the neighbouring properties, especially so as its scale would promote a number of people sitting/standing out on it for a considerable amount of time, late in to the evening each day.

Some concern associated with the proximity to neighbouring properties was also raised by the Public Health and Protection Division, but no objection was raised and it was instead suggested that a condition restricting the hours the deck could be used could limit disturbance (11:00 to 22:00 Monday to Sunday). Whilst these comments are appreciated, it is not considered that restricting the hours of use would result in an acceptable arrangement as it would be extremely difficult to enforce.

Consequently, it is considered the siting and elevated position of the raised terrace would result in an un-neighbourly form of development that would form an unacceptable source of nuisance and disturbance to surrounding residents. Furthermore, it would result in an unacceptable loss of privacy to the neighbouring properties and a significant overbearing impact to the adjacent dwelling. It is therefore considered the proposal is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

Impact on the character and appearance of the area

Given the location of the proposal to the rear of the property, the raised terrace would not impact upon the street scene at Court Street or the main elevations of the property, although it is accepted that there would be views from the access lane to the south and unnamed highway to the west. Nevertheless, when considering the scale of the property and the siting and design of the

proposal which would adjoin an existing steel fire escape, it is not considered that the structure would form an incongruous addition that would significantly impact upon the character and appearance of the application site or the wider area.

As such, taking the above into account, the application is considered acceptable in this regard.

Highway Safety and Parking Provision

The Council's Transportation Section were notified during the consultation period in order to assess the suitability of the scheme with regard to highway safety and parking provision. The following response was received:

The property is served off Court Street which provides parking restrictions on both sides of the carriageway fronting the property. Due to the nature of terraced housing there is a lack of off-street parking facilities causing high on-street parking demand along Court Street.

The existing car park to the rear of the property is served off a one-way unnamed road to the side of the property which provides parking restrictions on both sides of the carriageway to prevent indiscriminate on-street parking. There is an existing vehicular crossover in place and the car park provides a minimum of 6 metres between parking spaces which is in accordance with the Council's standard details, allowing vehicles to safely manoeuvre to and from spaces. Therefore, vehicles would be able to access and egress the site in a forward gear which is considered acceptable.

No details of the existing layout of the building have been submitted and therefore no parking assessment can be made. However, the existing provides a car park to the rear which provides 16 spaces. The proposed will create an outdoor hospitality area on a raised balcony above the car park which is an area of approximately 24m² which increases the parking requirement of the existing by 2 spaces in accordance with SPG: Access, Circulation & Parking Requirements with none proposed, which raises some concern. There is also concern that the proposed will affect the parking of up to 3 spaces. However, taking into consideration there is sufficient space within the car park for the existing 3 spaces affected by the proposed to be set back whilst maintaining sufficient space for vehicles to safely manoeuvre to and from spaces within the car park, on-balance, the proposed is considered acceptable in this respect.

Subsequently, while there is some concern that the proposed would increase the parking requirement of the existing use with no new spaces proposed, taking into consideration that the increase in parking requirement is minimal, there are parking restrictions surrounding the property to prevent indiscriminate on-street parking and that Court Street is along a bus route, on-balance, the proposed is considered acceptable in highway safety terms.

Public Health

The Public Health and Protection Division suggested a number of conditions be attached to any consent in relation to construction noise, waste, and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation.

Neighbour Consultation Responses

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

The objector's commented that the proposal would decrease property values in the locality. While these comments are acknowledged, property values are not a material planning consideration and cannot be taken into account during the deamination 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

The development, by virtue of its scale, design and elevated height would result in an excessive and unneighbourly form of development that would have a significant detrimental impact upon the residential amenity and privacy standards currently enjoyed by the occupiers of the neighbouring residential properties. As such, the development is contrary to Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:

1. The proposed structure, by virtue of its scale, design and elevated height, would result in an excessive and unneighbourly form of development that would directly overlook and increase noise and disturbance to the immediate neighbouring properties; and would result in a loss of outlook from and a significant overbearing impact to the occupiers of the adjoining dwelling.

As such the proposal would have a significant detrimental impact upon the residential amenity and privacy standards currently enjoyed by the occupiers of the neighbouring properties, contrary to Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

9 MARCH 2023

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 13/02/2023 – 24/02/2023

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

9 MARCH 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

REPORT

OFFICER TO CONTACT

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

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

See Relevant Application File

APPEAL DECISION RECEIVED

APPLICATION NO: 22/0547
APPEAL REF: CAS-02141-B5H0S2
APPLICANT: Mrs Lambert
DEVELOPMENT: Retention of as-built fence and gate enclosing extension of garden into rear lane.
LOCATION: 13 ABERGWAWR PLACE, ABERAMAN, ABERDARE, CF44 6YR
DECIDED: 29/06/2022
DECISION: Refused
APPEAL RECEIVED: 05/09/2022
APPEAL DECIDED: 23/02/2023
APPEAL DECISION: Dismissed

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RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
Development Control : Delegated Decisions (Permissions) between:

Report for Development Control Planning Committee

13/02/2023 and 24/02/2023

Tonypandy

22/1462/10 Decision Date: 23/02/2023
Proposal: Subdivision of existing floor space to create additional flat (2 in Total)
Location: 113 DUNRAVEN STREET, TONYPANDY, CF40 1AS

Church Village

23/0017/10 Decision Date: 16/02/2023
Proposal: Single storey side extension and porch.
Location: 13 CAE'R GERDDI, CHURCH VILLAGE, PONTYPRIDD, CF38 1UQ

Cwm Clydach

23/0037/10 Decision Date: 21/02/2023
Proposal: First floor rear extension.
Location: 6 MORTON TERRACE, CLYDACH, TONYPANDY, CF40 2DP

Cwmbach

22/1481/08 Decision Date: 16/02/2023
Proposal: 1.5 High Aluminium signs, poles fixed to the ground adjacent to roundabout exits
Location: CWMBACH ROUNDABOUT, CANAL ROAD, CWMBACH, ABERDARE

Graig and Pontypridd West

22/1472/10 Decision Date: 15/02/2023
Proposal: First floor rear extension
Location: 30 DAN-Y-COEDCAE ROAD, GRAIG, PONTYPRIDD, CF37 1LS

Llantrisant and Talbot Green

22/1215/10 Decision Date: 23/02/2023
Proposal: 24 solar panels on rear roof of the Bear Inn Public House
Location: THE BEAR INN PUBLIC HOUSE, HEOL-Y-SARN, LLANTRISANT, PONTYCLUN, CF72 8DA

22/1485/10 Decision Date: 16/02/2023
Proposal: Erection of a substation, eight ultra-rapid electric vehicle charge points and associated electrical equipment.
Location: CAR PARK NEXT TO GLAM VALE RETAIL PARK, GLAMORGAN VALE RETAIL PARK, TALBOT GREEN

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
Development Control : Delegated Decisions (Permissions) between:

Report for Development Control Planning Committee

13/02/2023 and 24/02/2023

Llantrisant and Talbot Green

22/1491/30 Decision Date: 23/02/2023
Proposal: Storage for agricultural vehicles and winter feed

Location: LAND AT ERW HIR FARM, CROSS INN, LLANTRISANT, CF72 8AZ

22/1494/10 Decision Date: 20/02/2023
Proposal: Change of use from dwelling to a sandwich/coffee shop (Use Class A1) on ground floor and 2 no. bed flat at first floor.

Location: 71 TALBOT ROAD, TALBOT GREEN, PONTYCLUN, CF72 8AE

23/0025/10 Decision Date: 20/02/2023
Proposal: Single rear extension, first floor extension above existing single storey

Location: BROOK HOUSE, RHIWSAESON ROAD, CROSS INN, LLANTRISANT, PONTYCLUN, CF72 8NZ

23/0130/09 Decision Date: 20/02/2023
Proposal: Single storey rear extension.

Location: 33 HIGHDALE CLOSE, LLANTRISANT, PONTYCLUN, CF72 8QE

Llantwit Fardre

22/1439/08 Decision Date: 22/02/2023
Proposal: New vehicular turning area / cattle handling area, new access bridge

Location: CWM FIELDS, BEDDAU

22/1461/10 Decision Date: 20/02/2023
Proposal: Hardstanding

Location: 6 BRYN TERRACE, LLANTRISANT ROAD, LLANTWIT FARDRE, PONTYPRIDD, CF38 2ER

Llwyn-y-pia

23/0084/10 Decision Date: 23/02/2023
Proposal: Two storey full with extension

Location: 6 CAMBRIAN TERRACE, LLWYNYPIA, TONYPANDY, CF40 2HN

Pentre

23/0034/10 Decision Date: 20/02/2023
Proposal: Two storey rear extension

Location: 7 GRIFFITH STREET, PENTRE, CF41 7JF

Pontyclun East

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
Development Control : Delegated Decisions (Permissions) between:

Report for Development Control Planning Committee

13/02/2023 and 24/02/2023

Pontyclun East

22/1490/10 Decision Date: 13/02/2023
Proposal: Single storey extension to front elevation

Location: MAISONETTE, LLANTRISANT ROAD, GROES-FAEN, PONT-Y-CLUN, PONTYCLUN, CF72 8NQ

Porth

22/1247/10 Decision Date: 17/02/2023
Proposal: Two storey side extension, single storey side and rear extensions, replacement decking, and reinstatement of front door in place of existing window. (Amended plans received 21/11/2022, 12/12/2022, and 06/02/2023 and

Location: 52 CEMETERY ROAD, PORTH, CF39 0BL

22/1385/12 Decision Date: 17/02/2023
Proposal: Decoration / Installation of artwork to existing side elevation rendered wall.

Location: YR HEN LYFGELL, 47 PONTYPRIDD ROAD, PORTH, CF39 3PG

Ton-teg

22/1397/10 Decision Date: 16/02/2023
Proposal: Single storey pitched roof wrap around extension.

Location: 23 BROOMFIELD CLOSE, TON-TEG, PONTYPRIDD, CF38 1NU

Tonyrefail West

22/1482/10 Decision Date: 14/02/2023
Proposal: First floor extension, remodelling of the internal layout.

Location: 7 OAKDALE ROAD, PENRHIW-FER, TONYPANDY, CF40 1RS

Trallwng

22/1445/10 Decision Date: 22/02/2023
Proposal: Rear two storey extension.

Location: 47 BONVILSTON ROAD, PONTYPRIDD, CF37 4RE

Trealaw

23/0003/10 Decision Date: 16/02/2023
Proposal: Garage

Location: 317 BRITHWEUNYDD ROAD, TREALAW, TONYPANDY, CF40 2NY

Treforest

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
Development Control : Delegated Decisions (Permissions) between:

Report for Development Control Planning Committee

13/02/2023 and 24/02/2023

Treforest

22/1475/10

Decision Date: 14/02/2023

Proposal:

Open sided timber building to provide shelter during wet weather

Location:

COMMUNITY GARDENS AND WOODLAND, MEADOW STREET, TREFOREST, PONTYPRIDD, CF37 1UD

Treherbert

22/1425/23

Decision Date: 13/02/2023

Proposal:

Prior Approval - Development of modifications and widening of the existing platform at Treherbert Station.

Location:

TREHERBERT RAILWAY STATION, STATION TERRACE, TREHERBERT, TREORCHY, CF42 5HU

Treorchy

22/1480/10

Decision Date: 15/02/2023

Proposal:

Replacement shopfronts to No. 125 and No. 127

Location:

A FRASER JONES PHARMACY, 127 BUTE STREET, TREORCHY, CF42 6AY

22/1486/01

Decision Date: 16/02/2023

Proposal:

Replacement of existing fascia signs and illuminated projecting sign

Location:

A FRASER JONES PHARMACY, 127 BUTE STREET, TREORCHY, CF42 6AY

23/0022/10

Decision Date: 20/02/2023

Proposal:

Proposed garage

Location:

4 TREVOR STREET, TREORCHY, CF42 6SP

Total Number of Delegated decisions is 27

Pontyclun West

22/1392/10 Decision Date: 14/02/2023

Proposal: Solar panels

Location: TY LEW, COWBRIDGE ROAD, TALYGARN, PONT-Y-CLUN, PONTYCLUN, CF72 9JU

Reason: 1 The proposed development is considered to be contrary to the provisions of Policies AW6 and SSA23 of the Rhondda Cynon Taf Local Development Plan, as the siting is considered inappropriate to the local context which is in the countryside and in Special Landscape Area – Talygarn Surrounds

Tylorstown and Ynyshir

22/1291/10 Decision Date: 14/02/2023

Proposal: Retrospective application for rear garden timber decking

Location: TY HEB ENW, FENWICK STREET, PONT-Y-GWAITH, FERNDALE, CF43 3LW

Reason: 1 The development as constructed by virtue of its scale, design and elevated height forms 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'.

Total Number of Delegated decisions is 2

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