



**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 at the **Council Chamber, The Pavilions, Cambrian Park, Clydach Vale, Tonypany, CF40 2XX** on **THURSDAY, 21ST JULY, 2022** 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, 19 JULY 2022, 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.

APPLICATIONS RECOMMENDED FOR APPROVAL BY THE DIRECTOR OF PROSPERITY & DEVELOPMENT

4. **APPLICATION NO: 21/0747**

Variation of Condition 1 of planning ref. 17/0195/13 to permit a period of a further 3 years for the submission of reserved matters (Ecological Review Rec. 24/03/22) **LAND TO THE REAR OF SION TERRACE, CWMBACH, ABERDARE, CF44 0AT**

7 - 20

5. **APPLICATION NO: 21/1283**

Change of use of the ground floor from Use Class A2 (Betting Office) to Use Class A3 (Takeaway) and the installation of extraction flue to the rear elevation of the property to facilitate the new use (Amended Plans Received 01/11/21) (Noise and Odour Assessment Received 01/02/22) **LADBROKES PLC, 45 YNYSHIR ROAD, YNYS-HIR, PORTH, CF39 0EL.**

21 - 30

6. **APPLICATION NO: 21/1641**

Rebuild of rear extension, installation of new front entrance door, raising the ridge height, creation of enclosed yard area and general refurbishment of property. **FORMER BUTE ARMS, LLANTRISANT ROAD, PONT-Y-CLUN, PONTYCLUN, CF72 9DP.**

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7. **APPLICATION NO: 22/0044**
 Car parking facility on land opposite nos. 11-16 Brithweunydd Road (Retrospective). **LAND AT BRITHWEUNYDD ROAD, TREALAW, TONYPANDY**
 41 - 48
8. **APPLICATION NO: 22/0138**
 Conversion of former Conservative club into 9 self-contained apartments (Revised elevation drawing and Bat Survey Report received 19th June 2022) **51 - 52 YSTRAD ROAD, PENTRE, CF41 7PH.**
 49 - 60
9. **APPLICATION NO: 22/0220**
 Non material amendment to application 18/0204/10: Amended facing materials to elevations. **THE DRAGON INN (FORMERLY THE BRIDGE INN) & NO. 1 SARON STREET, TREForest, PONTYPRIDD, CF37 1TF**
 61 - 68
10. **APPLICATION NO: 22/0263**
 Conversion of the basement to a self-contained studio flat 2 **SCRANTON VILLAS, HIGH STREET, CYMMER, PORTH, CF39 9EU**
 69 - 76
11. **APPLICATION NO: 22/0413**
 2-storey classroom block to be built out as Phase 1 incorporating 4no. classrooms at ground floor level, and Phase 2 incorporating 4no. classrooms at first floor level, and associated works. (Amended Travel Plan and Transport Statement received 12/4/22, CMRA received 15/6/22) **Y PANT COMPREHENSIVE SCHOOL, COWBRIDGE ROAD, TALBOT GREEN, PONTYCLUN, CF72 8YQ**
 77 - 90
12. **APPLICATION NO: 22/0492**
 Hard standing (retrospective) and dropped down kerb access over public footpath. **36 ABER-RHONDDA ROAD, PORTH, CF39 0BB**
 91 - 96
13. **APPLICATION NO: 22/0597**
 Proposed extension and enlargement of the existing Sigma 3 (Kitchens) Ltd premises, along with associated works. (Revised landscaping plan and EIA received 20th June 2022) **SIGMA 3 KITCHENS LTD, LLANTRISANT BUSINESS PARK, LLANTRISANT, PONT-Y-CLUN, PONTYCLUN, CF72 8LF**
 97 - 108

APPLICATIONS RECOMMENDED FOR REFUSAL BY THE DIRECTOR OF PROSPERITY & DEVELOPMENT

14. APPLICATION NO: 21/1070

Renovation and restoration of farm house (amended red line boundary and updated Structural Report rec. 01/04/22) **CYNLAS FARM, RHIGOS ROAD, RHIGOS, ABERDARE.**

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INFORMATION REPORT

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

To inform Members of the following, for the period 27/06/2022 – 08/07/2022.

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

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16. 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 W Owen, Councillor J Smith,
Councillor L A Tomkinson, Councillor D Williams, and Councillor R Williams

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

PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0747/15 (KL)
APPLICANT: CJC Estates Ltd
DEVELOPMENT: Variation of Condition 1 of planning ref. 17/0195/13 to permit a period of a further 3 years for the submission of reserved matters (Ecological Review Rec. 24/03/22)
LOCATION: LAND TO THE REAR OF SION TERRACE, CWMBACH, ABERDARE, CF44 0AT
DATE REGISTERED: 21/05/2021
ELECTORAL DIVISION: Cwmbach

RECOMMENDATION: Approve, subject to conditions and S106 Agreement.

REASONS: Although there has been a change in national planning policy since the approval of the previous outline consent (ref. 17/0195/13), the main thrust of planning policy remains the same in that residential development is supported within sustainable locations and within defined settlement boundaries. Nothing has changed in terms of the position of the site in that it remains within the settlement boundary of Cwmbach and it is therefore still considered to be a highly sustainable location. As such, the proposal is still considered to be acceptable in principle. Furthermore, the extant outline consent for up to 15 dwellings is considered to carry significant weight and, when balanced against the absence of a change in circumstance at the site and lack of objections from consultees, the greater weight lies in favour of granting approval for an extension of the timescale in which reserved matters may be submitted.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

This application is submitted under Section 73 of the Town and Country Planning Act 1990 and seeks to vary Condition 1 of a previous outline planning application (ref.

17/0195/13) for the construction of 15 residential dwellings on land at the rear of Sion Terrace, Cwmbach, Aberdare. The original application was originally refused by the Planning and Development Committee on 27th June 2017 however, it was later allowed at appeal on 15th June 2018. A number of conditions were added to the consent with condition 1 of that permission being as follows:

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

b) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this decision.

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

The current application relates to part (b) of the condition and specifically seeks a variation to permit a period of a further 3 years for the submission of reserved matters, although a reserved matters application has been submitted alongside the Section 73 application and is currently being considered. Both applications were submitted before the expiration of the original outline application however, the applicant has indicated that the purpose of this Section 73 application is to protect the original outline approval should the reserved matters application be refused.

The original application indicated that 15 dwellings would be constructed on land at the rear of Sion Terrace. All matters except for access were reserved for future consideration however, an indicative site layout plan was provided to demonstrate how the development may be laid out.

The indicative site layout indicates that each dwelling would have minimum and maximum dimensions consisting of the following:

- Height (to ridge): Min. 7m; Max. 9m.
- Width: Min. 4m; Max. 12m (which can be combined to make a building of up to 25m wide)
- Depth: Min. 5m; Max. 12m.

Each garage would be between 4m and 5m high to ridge, between 3m and 7m wide (street frontage) and between 6m and 7m in length.

Access to the site will be served via a new access road between 6 and 7 Crown Row.

SITE APPRAISAL

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

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

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

PLANNING HISTORY

21/0855	Land at the rear of Sion Terrace, Cwmbach	Application for reserved matters approval (appearance, landscaping, layout, access and scale) in respect of 15 dwellings and associated works (pursuant to outline planning approval: 17/0195)	Pending
19/1236	Land at the rear of Sion Terrace, Cwmbach	Outline application for 5 no. self-build plots with all matters reserved	Pending (S106 agreement)
17/0195	Land at the rear of Sion Terrace, Cwmbach	Outline planning application for residential development of approximately 15 dwellings, open space, landscaping, drainage features and associated infrastructure with all matters reserved except access.	Refuse 27/06/17 Allowed at Appeal: 15/06/18

PUBLICITY

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

Two letters of objection have been received and are summarised as follows:

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

CONSULTATION

The following consultation responses have been received:

Countryside, Ecology and Landscape: No objection subject to the conditions of the previous outline planning consent being re-imposed.

Highways and Transportation: No objection, subject to the conditions of the previous outline planning consent being re-imposed.

Flood Risk Management: No objection

Public Health and Protection: Does not wish to make any comments on the proposal to extend the time period for a further 3 years.

South Wales Fire and Rescue: No objection raised. Makes recommendations for the provision of adequate water supplies on the site for firefighting purposes and provision of access for emergency firefighting appliances.

Welsh Water: No objection subject to any drainage conditions imposed on the original outline consent being brought forward.

No other responses have been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

Policy CS4 – Housing Requirements: defines housing land requirements

Policy CS5 – Affordable Housing: requires provision of affordable housing

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

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

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

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

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

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

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

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

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

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

Supplementary Planning Guidance

Design and Placemaking

Affordable Housing

Nature Conservation

Planning Obligations

Access Circulation and Parking

National Guidance

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

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

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

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

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 9 – Resilient Ecological Networks – green infrastructure/ecology

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing
PPW Technical Advice Note 12: Design
PPW Technical Advice Note 15: Development and Flood Risk
PPW Technical Advice Note 18: Transport
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The key consideration in the determination of this application is that planning policy remains supportive of the proposed development within the terms laid down by the adopted Rhondda Cynon Taf Local Development Plan.

Applications made under 73 of the Town & Country Planning Act 1990 allow the Local Planning Authority to do one of two things when an applicant seeks to vary the condition. It can:

- a) Grant consent either with or without conditions; or,
- b) Refuse

In that the Council can approve with or without conditions, it is also appropriate to consider, if planning permission is to be renewed, the extent and nature of all the previous conditions and amend them to reflect current circumstances and requirements.

In this instance, the applicants are seeking to extend the period of time within which reserved matters can be submitted for the consideration of this Authority. In such circumstances, it is appropriate to consider whether there has been any change in policy or any other material circumstance that might affect the proposal; however, it is not appropriate to challenge the heart of the consent itself.

The Local Development Plan (LDP) remains the key policy consideration in this application however, national policy has changed with the publication of PPW11 and Future Wales – The National Plan 2040. Whilst this is a change since the approval of the previous application, there is still a clear emphasis for residential development in sustainable locations and within defined settlement boundaries. Nothing has changed in terms of the position of the site in that it remains within the settlement boundary of Cwmbach. It is therefore still considered to be a highly sustainable location and the proposal is still considered to be acceptable in principle. Furthermore, the extant outline consent for up to 15 dwellings is considered to carry significant weight and, when balanced against the absence of a change in circumstance at the site and lack of objections from consultees, the greater weight lies in favour of granting approval for an extension of the timescale in which reserved matters may be submitted.

On this occasion, the application to renew planning permission has drawn two objections from the public which predominantly relate to highways and drainage issues. Both of these issues were fully considered in the approval of the outline consent and Members should note that the Transportation Section and Flood Risk Management team have not raised any objections to the proposal, subject to the re-imposition of conditions that were applied to the previous consent.

It must be noted that the Preliminary Ecological Appraisal (dated September 2016) submitted to support the original application had expired by the time of the submission of the current Section 73 application. As such, an Ecological Review (dated 30th June 2022) has been submitted to support the current application and this has been assessed by the Council's Ecologist. The review indicates that since the original report, the site has been cleared and contains large areas of bare earth. It notes that small areas of bramble scrub, tall ruderal vegetation semi-improved grassland, improved grassland, Japanese Knotweed and fly-tipping were present around the

periphery of the site. As a result of this, conditions within the site have inevitably changed since the 2016 survey and the review indicates that the main considerations are now, the protection of the Ancient Semi Natural Woodland (ASNW) which lies to the north of the site, nesting birds, foraging and commuting bats, adequate protection of retained trees and treatment of Japanese Knotweed. The report makes several recommendations in relation to these issues. The Council's Ecologist concurs with these recommendations and considers that the condition imposed upon the original consent is still relevant and appropriate. A further Section 106 Agreement is also considered necessary to secure the long-term ecological management of the site, with details to include an annual work programme, monitoring, annual reporting to the Local Planning Authority and details of those responsible for delivering the plan (as per the original consent).

Community Infrastructure Levy (CIL) Liability

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

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

Section 106 Contributions / Planning Obligations

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

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

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

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

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

The Section 106 requirements in this case

The earlier application relating to the development of this site was subject to a Unilateral Undertaking which required the owner of the land to provide:

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

These issues are still considered to be relevant and the applicant will therefore need to enter into a deed of variation to carry forward the previous S106 agreement.

Conclusion

In conclusion, the principle of a residential development remains acceptable under the current Local Development Plan and in the context of Planning Policy Wales 11, in light of this, the current application should be supported.

RECOMMENDATION: Approve, subject to conditions and the applicant entering into a Section 106 agreement to secure 10% affordable housing and a long-term ecological management plan.

1. a) Approval of the details of the appearance, landscaping, layout and scale (hereinafter referred to as “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before the development begins and the development shall be carried out as approved.

b) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this decision.

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

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

2. The development shall be carried out in accordance with the following approved plans and documents: JPW0585-001 Site Location Plan – dated

December 2016; ASP1448-01 Topographical Survey – dated March 2015; and SK06 Preliminary site access Plan – dated May '15.

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

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

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

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

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

5. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the residential use of the development and retained in perpetuity.

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

6. No development shall take place until a Species, Tree and Habitat Protection Plan for Construction has been submitted and approved in writing by the local planning authority. The plan shall include:

- a) An appropriate scale plan showing Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;

- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed;
 - d) Details of specific species and habitat mitigation measures (including bat, nesting bird and reptile);
 - e) Details of wildlife sensitive lighting proposals;
 - f) Details of water pollution control measures;
 - g) Details of invasive plant control and removal;
 - h) Details of trees and hedgerow protection; and
 - i) An agreed scheme of progress reporting to the Council during the construction programme. Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions (Ecological Clerk of Works);
 - iii) Installation of physical protection measures and management during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Specific species and Habitat Mitigation measures; and
 - vii) Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.
- All construction activities shall be implemented in accordance with the approved details and timing of the plan.

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

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

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

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

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

9. No development shall commence until a scheme has been submitted to and approved in writing by the local planning authority of 'intrusive site investigations' and shall include:
- a) A programme for the undertaking of that scheme of intrusive site investigations;
 - b) The submission of a report of findings arising from the intrusive site investigations; and
 - c) The submission of a scheme of remedial works for approval in writing by the local planning authority.

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

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

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

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

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

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

12. HGV's used as part of the development shall be restricted to 09:30am to 3.00pm weekdays, 09:00am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays.

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

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

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

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

14. The Developer shall provide the occupier of each dwelling with a Travel Plan / Welcome Pack which should contain the following:
- a) Bus/Train Service providers, their contact details, frequency of service, timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport;
 - b) Park and Ride/Park and Share facilities and associated costs and restrictions on use of such facilities;
 - c) Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure;
 - d) Local and national cycle routes; and
 - e) Any other measures that would encourage use of sustainable modes of travel.

Reason: In the interests of promoting sustainability and Active Travel.

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PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1283/10 (JE)
APPLICANT: Mr Syed Zain Ummar
DEVELOPMENT: Change of use of the ground floor from Use Class A2 (Betting Office) to Use Class A3 (Takeaway) and the installation of extraction flue to the rear elevation of the property to facilitate the new use.(Amended Plans Received 01/11/21)(Noise and Odour Assessment Received 01/02/22)
LOCATION: LADBROKES PLC, 45 YNYSHIR ROAD, YNYS-HIR, PORTH, CF39 0EL
DATE REGISTERED: 01/02/2022
ELECTORAL DIVISION: Tylorstown and Ynyshir

RECOMMENDATION: APPROVE

REASONS: The principle of the change of use is acceptable and the proposal would bring a vacant unit back into beneficial use. Further, it is not considered the proposed use would have any undue impact upon the amenity, privacy or operation of the neighbouring properties, or upon highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the change of use from a betting office (Use Class A1) to a takeaway (Use Class A3) at Ladbrokes PLC, 45 Ynyshir Road, Ynyshir, Porth, Cf39 0EL.

The proposed change of use would be facilitated largely through internal alterations to the property in order to better assist in the running of the takeaway. Whilst no external changes are proposed to the shopfront, the proposal would see the installation of extraction equipment to the rear of the property in the form of a flue.

The proposed flue would be constructed of galvanized steel and would measure a height of 2.6 metres, protruding 1 metre above the eaves level of the property.

The following opening hours are proposed:

Monday to Friday:	11:00 – 21:00
Saturday:	11:00 – 23:00
Sunday and Bank Holidays:	15:00 – 21:00

The application is accompanied by the following:

- Noise Impact Assessment
- Odour Impact Assessment
- Design and Access Statement

SITE APPRAISAL

The application property is a single storey semi-detached commercial premises located within Ynyshir, Porth. The property directly fronts Ynyshir Road which is the main highway through the village. It is currently vacant however has previously operated as a betting shop. The property benefits from a commercial style frontage, large display windows and has space for associated fascia signage. To the south of the property is Ynyshir Cenotaph and associated enclosed garden which separates the site from Ynyshir Hotel beyond, which is currently vacant. The area to the west of the site is significantly elevated with a large retaining wall located along the western boundary. As such, the hall used by Ynyshir Brass Band located to the west is significantly elevated above the site.

Whilst the area surrounding the site is predominately residential, its location within the retail centre results in a number of other commercial uses being located in the vicinity along Ynyshir Road.

PLANNING HISTORY

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

PUBLICITY

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

5 No. letters of objection from neighbouring occupiers have been received following consultation. The points raised have been summarised below:

- The extraction flue will vent out over the cenotaph gardens which will destroy the features of this cherished monument.
- The discharge of the flue into the cenotaph is disrespectful.

- A large number of takeaways in the surrounding area.
- Will result in indiscriminate parking along Ynyshir Road due to limited parking in the vicinity of the site.
- Site is in close proximity to a bus stop and zebra crossing and visitors parking outside may impact upon these features creating safety issues and traffic congestion.
- Increase in traffic will likely be detrimental to air quality.
- Use as a takeaway would result in a risk of littering and discarded food.
- Smell created by the use.
- Fumes from flue will impact upon band hall to the rear and result in all windows needing to be closed.

CONSULTATION

Transportation Section: No objection raised or conditions suggested.

Public Health and Protection: No objection subject to conditions.

Flood Risk Management (Drainage): No objection raised or conditions suggested.

Dwr Cymru/Welsh Water: No objection subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

The application site lies within the settlement boundary for Ynyshir and is located within the retail centre of the village which is allocated as a Local and Neighbourhood Centre.

Policy CS1 – sets out the criteria for development in the Northern Strategy Area.

Policy AW2 – supports development in sustainable locations.

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

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

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

Policy NSA18 – sets out the retail hierarchy in the Northern Strategy Area with Ynyshir classed as a Local and Neighbourhood Centre.

Supplementary Planning Guidance

- Design and Placemaking;
- Access, Circulation and Parking Requirements.

National Guidance

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

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

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

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

Other national policy guidance considered:

PPW Technical Advice Note 12: Design

PPW Technical Advice Note 18: Transport;

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application seeks the change of use of an existing commercial premises from a betting office (Use Class A2) to a takeaway (Use Class A3).

Out of the existing 10 units within the Ynyshir retail centre 1 is A3. The proposal would see this increase to 2 with a percentage of 20%. As such, whilst the objectors have commented that the use would result in a high number of takeaways in the area, it is not considered the proposed change of use would lead to an overconcentration of A3 uses in the village, and it would in fact make a valuable contribution to the local area, complying with the objectives of Policy CS1 which seeks to promote sustainable growth within the Northern Strategy Area.

Policy NSA18 recognises that A2 and A3 uses add to the vitality of a retail centre by attracting customers and increasing footfall. It does however aim to avoid an over-concentration of such uses as they inevitably detract from the established retail character of the area. The policy seeks to create a sufficient day and evening economy but states that A3 uses, such as hot food takeaways (which are generally closed during the day), make a rather limited contribution to the centre and create areas of day-time inactivity in the retail frontage. In this instance the applicant seeks opening hours of 11:00 – 21:00 Monday to Friday, 11:00 to 23:00pm Saturdays and 15:00 – 21:00 on Sundays, therefore it is considered that this proposal complies with the requirements of Policy NSA18 in adding to a vibrant day and evening economy and is consequently acceptable in principle.

Further, the site is in a highly sustainable location, within the defined retail centre of Ynyshir, and in close proximity to a number of bus stops and within walking distance from a large residential area. The proposal would also be compatible with surrounding uses and can attract footfall to the centre. The proposal therefore complies with Policy AW2.

It is therefore considered that the change of use would be compliant with the relevant policies set out in both the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales and the development is acceptable, in principle.

Impact on the character and appearance of the area

In terms of the extraction equipment, given its location to the rear of the property, it is not considered the flue would form a significant addition to the street scene at Ynyshir Road. Whilst some views of the flue would be possible, given its relatively minor scale, it would not create an addition that would dominate the overall appearance of the property.

Furthermore, the proposal simply seeks renovation and improvement works to the existing property and does not propose any increase to the footprint of the building or any external works to the shopfront. Consequently, it is not considered that the proposed change of use would result in any undue impact upon the character and appearance of the property or the wider surrounding area. The application is therefore considered acceptable in this regard.

Impact on residential amenity and privacy

Whilst the objectors concerns regarding the impact upon residential amenity through increased noise and disturbance are acknowledged, the proposal will utilise an existing commercial unit that is located within the designated retail centre of Ynyshir, where a degree of noise and disturbance would be expected and the general level of activity would be greater than that in solely residential area. As such residents residing in such areas must accept that this is a consequence of living in a retail centre.

Nevertheless, there are a number of residential properties within the vicinity and there will inevitably be a degree of impact upon the amenity of the occupiers of these properties. As such, the application is supported by Noise and Odour Assessments that were requested following initial consultation with the Council's Public Health and Protection Division. The reports set out that the proposed use would result in a low impact in these regards, and this claim was not disputed following a review by the Council's Public Health and Protection Division who raised no objection to the proposal.

Therefore, it is not considered that the proposed change of use would result in a degree of impact upon the amenity of the surrounding properties significant enough to warrant refusal of the application. It is also noted that there is a public house and an existing A3 takeaway in the vicinity of the site, and it is not considered the proposal to operate an A3 use at this property will significantly increase the current levels of disturbance with customer comings and goings being similar in number to the nearby uses.

Consequently, whilst it is acknowledged that there will inevitably be a degree of impact from the A3 use, on balance, it is not considered that the proposed operation of the unit under Use Class A3 would result in the amenity of the occupiers of the surrounding properties being materially affected to a degree that would warrant refusal of the application. It is, however considered a condition should be added to any consent to restrict the opening hours in this case to ensure any impact is minimised. The application is therefore considered acceptable in this regard, subject to the condition detailed below.

Impact on highway safety

Whilst the objector's comments with regard to the impact upon parking and highway safety are acknowledged, no objections were raised following consultation with the Council's Transportation Section. In their consideration of the scheme the Transportation Section gave the following response:

The property is served off Ynyshir Road, which has a carriageway width of 7.3m with 1.8m footways which is acceptable to serve the proposed use. There is a TRO on the opposite side preventing on street car parking with limited on-street car parking available on the development side. There is a zebra crossing to the north with zig zag line traffic regulations to prevent on-street car parking maintaining sight lines to the crossing point.

In accordance with the Council's SPG Access, Circulation & Parking 2011 there is a requirement that service and customer vehicles can park in the vicinity without affecting highway safety and free flow of traffic. There are traffic regulations in place on the opposite side preventing on-street car parking with limited parking only on the development side due to existing demand. Taking into account the width of carriageway which can accommodate parking on one carriageway lane without impacting on the free flow of traffic, on-balance the proposed is acceptable. The existing use as a betting shop would have also generated a number of trips to and from the proposed by both vehicle and on foot.

There is some concern that takeaways by their nature encourage indiscriminate on-street car parking. However, taking into account the existing road width 7.3m with restrictions preventing on-street car parking on the opposite side to maintain free flow of traffic, on-balance the proposed is acceptable and no highway objection is raised.

Other points raised by the objectors

A number of the objectors raised concerns that the original proposal would see the flue directly discharge into the adjacent war memorial garden. Members should note that given the objectors concerns the flue was subsequently relocated to the rear of the property with amended plans being received on the 01/11/21. As such, further consultation was undertaken with the neighbouring residents, but the objectors did not remove their comments regarding this issue.

Public Health & Protection

The Council's Public Health and Protection Department have also recommended that a number of conditions be attached to any consent in relation to construction noise, waste and dust. Whilst these comments are noted, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary.

In addition, it was also noted that there is a potential for issues to arise in respect of food waste entering the drainage system. Nevertheless, it is advised that this issue can be overcome through the installation of specialist equipment and therefore no objections have been raised subject to conditions being added to any consent in this respect.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The principle of development is supported, and the change of use is deemed to have an acceptable impact upon the character and appearance of the area, the amenities of nearby properties and highway safety within the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan as highlighted above.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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

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

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

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unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The public opening hours for the business hereby approved shall be as follows:

Monday to Friday:	11:00 – 21:00
Saturday:	11:00 – 23:00
Sunday and Bank Holidays:	15:00 – 21:00

Reason: To define the scope of the permitted use and in the interests of the amenity of neighbouring occupiers in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to commencement of any development on site, details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial operation of the business and shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the integrity of the foul drainage system in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1641/10 (JE)
APPLICANT: Mr M Williams
DEVELOPMENT: Rebuild of rear extension, installation of new front entrance door, raising the ridge height, creation of enclosed yard area and general refurbishment of property.
LOCATION: FORMER BUTE ARMS, LLANTRISANT ROAD, PONT-Y-CLUN, PONTYCLUN, CF72 9DP
DATE REGISTERED: 08/02/2022
ELECTORAL DIVISION: Pontyclun Central

RECOMMENDATION: APPROVE

REASONS: The works would improve a tired and dated existing commercial property within the village's retail centre, bringing it back into beneficial use which will generate footfall both during the day and evening, improving the vitality and viability of the centre. In addition, the application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, impact upon amenity, highway safety and ecology.

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 rebuild of the rear extension, installation of new front entrance door, the raising of the roof height, creation of an enclosed yard area and general refurbishment of the property at the Former Bute Arms, Llantisant Road, Pontyclun.

The proposed rear extension is located at the site of a previous extension/addition which has been partially demolished other than the northern boundary wall at ground floor level and the rear most area towards the access lane. On the ground floor the

proposed extension would be fully enclosed whilst on first floor the extension would be narrower in depth and include a roof terrace.

The new entrance door would be located centrally within the eastern elevation facing Llantrisant Road utilising an existing window opening. The entrance door would serve the takeaway counter with the existing entrance proposed to serve the restaurant.

The increased ridge height of the property relates to the main roof structure of the property which has been raised approximately 0.5 metres in height.

The enclosed yard area would be located towards the rear of the property towards the junction of Station Approach and the unnamed rear lane. This area would be enclosed by 1.8 metre high feather edge timber fencing.

The general refurbishment of the property consists of the conversion of the public house to a restaurant with associated takeaway counter and fish counter.

SITE APPRAISAL

The application site is a prominent building that historically operated as the Bute Arms Public House, located within the Local and Neighbourhood Centre of Pontyclun. The property is an end of terrace building located at the junction of Llantrisant Road, the main highway through Pontyclun, and Station Approach which provides access to Pontyclun Railway Station. The main structure is traditional in appearance being finished in Pennant Stone with brick window surrounds. At the time of the Officer's site visit significant works had commenced at the property with the framework and roof of the proposed rear extension in place; the increase to the roof height already undertaken; and the opening for the new entrance door already installed.

The surrounding area consists of Pontyclun Train Station 50 metres to the south west, the Brunel Arms 10 metres to the west, the attached property 3 Llantrisant Road which operates as a hot food takeaway directly to the north, the Windsor Public House 25 metres to the east, and the main retail centre of Pontyclun to the south.

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.

2 letters of objection have been received following consultation; the points have been raised summarised below:

- Works have commenced without planning permission.

- Building works have restricted access along Llantrisant Road, Station Approach and Bute Lane.
- Parking issues created by the proposed use.
- Impact upon the amenity of surrounding neighbouring properties.
- Close proximity to a number of existing licensed premises.
- Raised roof height would result in an impact to amenity and visual outlook.
- Surface water from the proposed development will be directed towards no.3 Llantrisant Road.
- Structural damage to neighbouring property.

CONSULTATION

Highways and Transportation: No objection raised or conditions suggested.

Public Health and Protection: No objection subject to conditions.

Dwr Cymru Welsh Water: No objection.

Countryside (Ecology): No objection although condition recommended.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

The application site lies within the settlement boundary for Pontyclun and is located within the retail centre of Pontyclun.

Policy CS2 – sets out the criteria for development within the Southern 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 AW8 – only permits new development where it is shown that there will be no harm to locally designated sites or an unacceptable impact upon features of importance to landscape or nature conservation.

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

Policy SSA16.3 – sets out the hierarchy of retail centres in the Southern Strategy Area. Pontyclun is defined as a local and neighbourhood centre by the policy. The policy goes on to state that proposals for retail development or changes of use within defined boundaries which would maintain or enhance a centre’s position in the retail hierarchy will be permitted.

Supplementary Planning Guidance

- Design & Placemaking
- Design in Town Centres
- Access, Circulation & Parking

National Guidance

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

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

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

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

Other national policy guidance considered:

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application seeks permission for the retention and completion of an extension and other external works at an existing commercial property within the retail centre and settlement boundary of Pontyclun.

Whilst the resulting renovation will result in the building changing from a public house to a restaurant, both uses fall within Class A3 and therefore no change of use would take place.

The works would simply improve a tired and dated existing commercial property within the village's retail centre, bringing it back into beneficial use which will generate footfall both during the day and evening, improving the vitality and viability of the centre.

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

Impact on the character and appearance of the area

By virtue of its design and scale, the proposed extension is considered to form an attractive and sympathetic addition to the property. The extension would be similar in scale to the previous extension and is therefore unlikely to result in a dominant feature within the surrounding area. In addition, the previous extension was rundown in appearance, and it is considered that the replacement would result in a positive impact upon the appearance of the property.

With regard to the increased roof height, when considering the scale of the property and the fact that the original roof design did not match that of the attached property, no.3 Llantrisant Road (it was considerably higher), it is not considered an increase of 0.5 metres is readily noticeably in the context of the site or results in any adverse impact upon the character and appearance of the property. Furthermore, the

increased roof height also appears in-keeping with surrounding end of terrace properties in the area which are generally larger in scale and height compared to other properties within the row.

Other works such as the creation of the new entrance door and rear enclosure are not considered to result in any significant impact upon the overall character and appearance of the property.

As such, it is considered that the proposals will not detract from the character or appearance of the building or the surrounding area and are considered acceptable in this regard.

Impact on residential amenity and privacy

Whilst the objectors have raised concern with regard to the impact upon the amenity of neighbouring occupiers associated with the proposed use, this application does not seek to change the existing Class A3 use of the property which has historically operated as a public house. Therefore, whilst these concerns are acknowledged, any impact arising from the change in operation cannot be considered during the determination of this application.

With regard to the increased roof height which has been noted as resulting in an overbearing impact and a loss of visual amenity by the objectors, the increase of only 0.5 metres is considered to be relatively minor in nature and when considering that the extension largely replaces a similar previous extension at the property, it is not considered any impact upon neighbouring occupiers would be significantly more than previous levels experienced. Furthermore, it is also noted that the majority of neighbouring properties within the vicinity are commercial in nature.

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 objectors raised concern with regard to the parking demand created by the proposal. The Council's Highways and Transportation Section were notified during the consultation period in order to provide comments on the suitability of the application in respect of highway safety impacts. Their comments are as follows:

As an established public house within a sustainable area, the property both before and after its alteration relied / will rely entirely on an open pedestrianised entrance and egress, with no dedicated off-street parking provision in evidence.

As a proposed restaurant of some 600sqm, this lack of parking provision is a major point of concern. However, the proposal is located centrally within Pontyclun, with good rail and bus links and in an inherently sustainable location. In addition, there are

also several public car parks within walking distance of the establishment. As such no objections are raised or conditions suggested.

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

Public Health & Protection

Given the proposed use, the Council's Public Health and Protection Division have noted that there is a potential for issues to arise in respect of noise, smell and waste disturbances however no details have been submitted with the application in this respect. It is advised however that these issues can be overcome through the installation of specialist extraction equipment and therefore no objections have been raised subject to conditions being added to any consent to control odour and food waste.

The Public Health and Protection Division also recommended a number of conditions in relation to construction noise, waste and dust. Whilst these comments are noted, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary.

Ecology

Members should note that given the nature of the works, significant loft and roof works, ordinarily a Preliminary Ecology Assessment (PEA) would have been required for this application. However, the removal of the roof had taken place prior to the submission of the planning application and therefore the Council's Ecologist set out that a PEA would no longer be required. Nevertheless, to ensure that the development results in a positive impact upon biodiversity in-line with Planning Policy Wales, a condition has been recommended below to require the submission of biodiversity enhancement measures as requested by the Council's Ecologist.

Other issues raised by objectors

The objectors set out that the proposed development is in close proximity to a number of existing licenced properties and that the cumulative impact could have an adverse impact. Whilst this fact is not disputed, the application property benefits from a longstanding Class A3 use established by the previous use as a Public House. Therefore, no change of use is proposed as part of this application and the concentration of such uses is not a consideration of this application.

Also raised within the letters of objection are concerns associated with structural damage to neighbouring properties and the discharge of rainwater into a neighbouring property. Whilst these points are noted, these are civil matters between the relevant parties and do not form material planning considerations. Consequently, they cannot be taken into account during the consideration of this application.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The works would improve a tired and dated existing commercial property within the village's retail centre, bringing it back into beneficial use which will generate footfall both during the day and evening, improving the vitality and viability of the centre. In addition, the application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, impact upon amenity, highway safety and ecology.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby approved shall be carried out in accordance with the approved plans
 - Drawing No. 1 Rev B – Received 04/02/22
 - Drawing No. 2 Rev B – Received 08/02/22,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. Prior to the restaurant, the works to which this consent relates, being brought into beneficial use, details of a flu/extraction system, including equipment designed to control the emission of fumes and odour from the premises, together with details of any provisions to reduce its operating noise, shall be submitted to and approved in writing by the Local Planning Authority. All equipment shall be installed in accordance with the approved scheme prior to beneficial use and shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

Reason: In the interests of public health and amenity in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

3. Prior to the restaurant, the works to which this consent relates, being brought into beneficial use, details of a system designed to prevent cooking oil, fat, grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. All

equipment shall be installed in accordance with the approved scheme prior to beneficial use and shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

Reason: In the interests of public health and amenity in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Details of site ecology mitigation, including a minimum of no.3 swift bricks, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented at the site prior to beneficial use and retained in perpetuity.

Reason: To ensure that the development results in a net gain of biodiversity in accordance with Planning Policy Wales Edition 11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0044/10 (LJH)
APPLICANT: Precise Engineering ltd
DEVELOPMENT: Car parking facility on land opposite nos. 11-16
Brithweunydd Road (Retrospective).
LOCATION: LAND AT BRITHWEUNYDD ROAD, TREALAW,
TONYPANDY
DATE REGISTERED: 08/03/2022
ELECTORAL DIVISION: Trealaw

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

REASONS: The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, the impact it has upon the amenity of the neighbouring properties, as well as highway safety within the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to the Planning and Development Committee as three or more objections have been received.

APPLICATION DETAILS

Retrospective planning permission is sought to retain a car parking area on land opposite nos. 11-16 Brithweunydd Road, Trealaw. The car park area has been constructed and is currently in beneficial use.

The application is accompanied by a layout plan which indicates that access to the land has been created on the northern boundary of the site via 3 no. sliding gates with the central gate marked as for emergency access only. The car park provides staff vehicle parking for employees and customers of Precise Engineering Ltd and Layland House Company directly to the north-west. The car park has a site frontage of 41.1 metres with a maximum depth of 9.2 metres and has been finished with consolidated stone hardcore. The proposal includes:

- Retention of car parking area;

- Retention of vehicular site entrances;
- Retention of 1.2m high sliding gates and chain-link fencing to northern boundary.

SITE APPRAISAL

The site is located to the south-east of Precise Engineering Ltd along the southern side of Brithweunydd Road. The site is a roughly rectangular parcel of land with a semi-circular shaped plateau along the boundary with Brithweunydd Road. It is this plateau that accommodates the car park. The plateau measures a maximum of 41.1m x 9.2m with an area of approximately 378sqm. It is bound to the north by Brithweunydd Road and to the east and west by scrubland. To the south the site slopes down to the railway line between Tonypany and Dinas Rhondda stations.

PLANNING HISTORY

There are no records of any recent planning applications at the 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 have been received; they are summarised as follows:

- There is already a bus stop along that side of Brithweunydd Road which takes away space for on-street parking.
- The car park accesses create further restrictions for on-street parking.

CONSULTATION

Highways: No objection subject to conditions.

Flood Risk Management: No objection raised.

Public Health & Protection: No objection however conditions are suggested with regards to potentially contaminated land at the site.

Countryside – Ecologist: No objection raised.

POLICY CONTEXT

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

The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the

specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020.

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

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Tonypany and is unallocated.

Policy CS1 – sets out criteria for development in the Northern Strategy Area.

Policy AW2 – supports development in sustainable locations.

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

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

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

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

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

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking
- 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), WGs current position on planning policy at regional and national level.

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

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

- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council and /Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Other national policy guidance considered:

PPW Technical Advice Note 12 - Design

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application seeks consent for the retention of a car park which is used by staff and customers of Precise Engineering Ltd and Layland House Company which are located to the north-west of the site. The application site is unallocated and is located within the defined settlement boundary. As such, the application complies with Policies CS1, AW2 and NSA12, all of which support suitable development on unallocated sites within the Northern Strategy Area.

Ecology

The Council's Ecologist was consulted as part of the application and has commented that there is no vegetation or ecology on the plateau area and as such there is no ecological concern with this application.

Impact on the character and appearance of the area

It is not considered that the development has a significant impact on the character and appearance of the street scene or wider area. It is acknowledged that the development is visible from the highway at Brithweunydd Road, however it is relatively minor in nature, simply comprising the covering of a grassed area with a hard surface and the erection of low level security fencing, and therefore it is not overly prominent. Further, Brithweunydd Road is the main thoroughfare through the village and developments of this type are not uncommon along such main roads.

Impact on residential amenity and privacy

It is acknowledged that the site is located in close proximity to residential dwellings, however, it is not considered that the development gives rise to any significant impacts upon residential amenity or privacy.

Given the use as a car park where occupants of vehicles do not stay for long periods of time, there is no loss of privacy. Further, while there may be a degree of noise/disturbance from its use, given the siting of the residential properties' opposite – along the main road through village – it is considered residents would be accustomed to a degree of disturbance that a small scale car park used during day time hours only would not significantly exacerbate.

In addition, the Council's Public Health and Protection Section have not raised concern with regards to noise impacts and it is also acknowledged that there have been no adverse comments received from residents in this respect as part of the consultation exercise.

The application is therefore considered compliant with the relevant criteria of policy AW5 of the Rhondda Cynon Taf Local Development Plan in this regard.

Highways

Consultation has been undertaken with the Council's Highways and Transportation Section with a view to assessing any potential impacts upon highway safety at and within the vicinity of the site. Their comments conclude that there is concern regarding the location of the centre gate marked as emergency only with access / egress in close proximity to the existing bus stop, but that the stopping up of this access point would alleviate any concerns. As such a condition requiring the centre access be blocked off has been suggested.

There is also some concern that the visibility splays for the eastern access point are sub-standard with on-street parking on both sides of the access point and therefore a condition requiring access only from the eastern point with egress only from the western point which has increased vision splays is also suggested.

With regard to the concerns of the objectors, it is commented that the application is for a secure controlled car park which provides the opportunity for vehicles associated with commercial uses in the vicinity of the site to park off-street in an area where there is considerable demand with limited opportunity to park off-street due to the nature of terraced streets. In addition, the site is served by two existing vehicular crossovers and therefore the accesses have not removed any on-street spaces in this area.

In light of the comments received from the Council's Highways and Transportation Section, the application is considered acceptable in this regard.

Public Health & Protection

The Council's Public Health and Protection Division have raised no objection to the proposal, however, conditions have been suggested in relation to potential contaminated land. Whilst these comments are appreciated, it is considered that the suggested conditions are not necessary given that the development has already taken place and the nature of development being such that works below ground were not required. It is considered an informative note with regards to potential contaminated land at the site would be sufficient.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The principle of development is supported, and the development is deemed to have an acceptable impact upon the character and appearance of the area, the amenities of nearby properties, and on highway safety within the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan as highlighted above.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan numbers SG1 01 Location plan and Block Plan, SG1 02 Proposed car park layout (retrospective), SG1 03 Proposed elevations (retrospective) - received by the Local Planning Authority on 12/01/2022 and 08/03/2022, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Notwithstanding the details shown on the submitted plans, within 2 months of the date of this consent, details of the centre access gate to be blocked up and a scheme for access only from the eastern gate with egress only from the western gate (in – out) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site within 2 months of their approval.

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

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

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

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PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0138/10 (GH)
APPLICANT: J Jones & C Chantler
DEVELOPMENT: Conversion of former Conservative club into 9 self-contained apartments (Revised elevation drawing and Bat Survey Report received 19th June 2022)
LOCATION: 51 - 52 YSTRAD ROAD, PENTRE, CF41 7PH
DATE REGISTERED: 11/02/2022
ELECTORAL DIVISION: Pentre

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS: Both local and national planning policy is supportive of developments that result in the re-use of previously developed land and buildings.

In this case, the conversion of this former club to a residential use would result in a helpful contribution towards the local housing supply and since the property occupies a prominent position in the street scene, the development would improve the character and appearance of the site and immediate locality.

Whilst the constrained site means that off-street parking cannot be provided, the new units would be within convenient walking distance to local services and public road/rail transport. Its sustainable location therefore helps to offset any parking concerns.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning consent is sought to convert the former Conservative Club at 51 – 52 Ystrad Road, Pentre, to provide 9 flats.

The accommodation would be arranged over all four floors to include the following:

Ground floor: 2 x studio flats, 1 x one-bed flat and communal cycle store and bin storage space.
First floor: 2 x one-bed flats and 1 x two-bed flat
Second floor: 2 x one-bed flats
Third floor: 1 x two-bed flat

All flats would have primary access from communal entrances at the front of the building, with two internal staircases, whilst the ground floor one-bed flat would benefit from an external yard. The remaining rear space would be cleared and maintained.

Minor changes are proposed to fenestration in the principal elevation, to include a widened doorway and the substitution of a door with a window. In addition, a box dormer is proposed to the rear facing roof plane, to enable the enlargement of the existing attic space.

However, other than for general replacement and repair works including damaged roof tiles, re-pointing, new external finishes and fittings required to bring the property back into use, no other alterations are proposed to the appearance of the building.

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

- Planning Statement
- Bat Roost Assessment
- Bat Surveys Report

Following submission of the later Bat Surveys amended elevation drawings were received to incorporate a house sparrow nest box and a bat box to provide biodiversity enhancement.

SITE APPRAISAL

The application site comprises the former Conservative Club, later and for a short period operated as the Thirsty Pelican Pub, which is located on the A4058 at the south-eastern side of Ystrad.

The property is a large semi-detached three storey building, with a two storey lean-to extension. Including the loft space, the accommodation is arranged over four floors. The principal elevation immediately fronts the highway and to the rear there is an enclosed garden area, which is retained due to the steep change in level to Pleasant View.

The site is in very close proximity to Ton Pentre Railway Station and Petrol Station; furthermore, being close to the junction of the A4058 and Church Road, the shops and services at Ton Pentre are within easy walking distance.

The existing development surrounding the site comprises a mix of current and former retail uses, with residential properties to the north and north-west.

PLANNING HISTORY

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

- 18/0595/10:** Conversion of former licensed premises into 3 flats. Decision: 16/08/2018, Grant
- 16/0853/10:** Conversion of former licensed premises into 9 flats. Re-submission of 15/1288/10. Decision: 02/02/2018, Withdrawn by Applicant
- 15/1288/10:** Extension and conversion of former licensed premises into 9 no. flats. (Internal inspection report for bats received 30/11/15). Decision: 28/01/2016, Refuse

PUBLICITY

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

No letters of objection or representation have been received.

CONSULTATION

Highways and Transportation

No objection, although there are concerns about lack of historic and future off-street parking provision, the change of use is acceptable given the sustainable site location.

Flood Risk Management

Natural Resources Wales' Surface Water Flood Risk maps have been used to review the site's surface water flood risk, as per Paragraph 8 of TAN 15. The review concluded that there is an area of low surface water flood risk on the adjacent highway.

Based on the information provided, the application proposes very limited external construction works that will not increase the structure's footprint. As such, the Lead Local Flood Authority does not envisage an alteration of the site's surface water discharge rate and there are no objections or recommended conditions.

Public Health and Protection

Conditions are recommended in respect of construction hours of operation, noise, dust and waste. However, it is considered that such issues are best controlled by powers contained within the scope of existing public health legislation.

Dwr Cymru Welsh Water

No objection, subject to an informative note regarding sewer connections.

Western Power Distribution

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

South Wales Fire and Rescue Service

No objection. The service has provided fire safety guidance for the benefit of the Applicant.

Countryside – Ecologist

The bat survey is appropriate and includes an initial PEA which identified low bat potential, and (in line with guidance) a subsequent single emergence survey undertaken at the correct time of year which did not record any emerging bats.

Section 6 of the survey report identifies standard precautionary bat measures if bats are found during works and controls/constraints on works in relation to nesting birds, which should be subject to a condition.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

The application site lies within the settlement boundary for Gelli.

Policy CS1 – the emphasis is on sustainable growth in the Northern Strategy Area and is to be achieved by promoting residential development in locations which support and reinforce the roles of Key Settlements.

Policy AW1 - This policy is concerned with the supply of new housing within the County Borough. It stipulates that the supply will be met by the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

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

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

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

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

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

Policy NSA10 – The policy stipulates that the net residential density must be a minimum of 30 dwellings per hectare, and lists criteria where lower density levels are permitted.

Policy NSA12 – The policy permits development within settlement boundaries if they demonstrate that infrastructure and car parking will not be adversely affected.

Policy NSA13 – The conversion of large buildings within the Northern Strategy Area will be permitted where there is no economically viable alternative use for the building.

Supplementary Planning Guidance

- Delivering Design and Placemaking
- Access, Circulation and Parking Requirements
- Development of Flats
- Nature Conservation

National Guidance

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

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

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

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

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

SE Wales Policies

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning

PPW Technical Advice Note 12: Design

PPW Technical Advice Note 18: Transport

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

This property is within the settlement boundary where residential development on unallocated land is supported by LDP Policy AW1, the criteria of which includes the conversion of suitable structures to provide housing.

As the preceding site appraisal noted, the property is within walking distance of the facilities and services at Ton Pentre, is on a bus route, and is located almost directly opposite the pedestrian entrance to Ton Pentre Railway Station. Consequently, in the absence of any environmental or policy designations relevant to the criteria of Policy AW2, this site would be considered to be a very sustainable location.

As the presentation photographs demonstrate, the building is not in an attractive state of repair and does not make a positive contribution to the surrounding streetscape. This development proposal would result in the beneficial re-use of the site and would be supported by policies CS1 and NSA13, as well as PPW11.

Whilst policy NSA13 requires evidence that there are no other viable alternative uses for the property, any demonstration of such is considered unnecessary given the length of time that the building has been vacant without any other proposals coming forward.

Policy NSA12 seeks that residential development does not have an adverse effect on the provision of car parking in the surrounding area. However, the site cannot physically accommodate off-street car parking spaces within its curtilage for either the established, lawful use or the residential use proposed.

On balance and subject to the consideration of specific highway and other material matters further below; it is recommended that greater weight should be given to the beneficial re-use of the building, the provision of housing and the sustainable location within the settlement boundary, such that the development is acceptable in principle.

Impact on the character and appearance of the area

The application details evidence that there would be some minor changes to windows and doors, together with the insertion of a dormer window to the rear elevation. In general, though, the overall form and scale of the building, and the appearance of its elevations, would be mostly unchanged.

Nonetheless, the refurbishment of the building would be a positive outcome, particularly given its prominent roadside location. Buildings that are clearly vacant and unmaintained can have a significant detrimental effect on the area around them and create the unhelpful perception of decline.

As a consequence, the minor works and physical improvements to the former club would greatly enhance the appearance of the site as a whole and would make a beneficial contribution to the surrounding street scene.

Impact on neighbouring occupiers

Most of the properties close to the application site are residential, with those to the north or north-west comprising traditional Victorian dwelling types. Immediately adjacent to the south-eastern side of the application property is a commercial unit, with flats above, whilst there is a petrol station on the opposite side of Ystrad Road.

In this context, the conversion of the former club to flats would be compatible with surrounding land uses, and perhaps preferable for existing residents than living close to licensed premises where there may have been greater potential for noise and disruption during opening hours.

With regard to the physical relationship between neighbouring properties, the built form of the application site would be retained and most construction work would be internal. Therefore, the outlook from other dwellings would not be affected.

Initially there was some concern about the potential for a couple of the flats to overlook the front elevation of no.50 Ystrad Road, which is directly to the north of the site. However, this neighbouring property is set into the bank between Ystrad Road and Pleasant View and occupies a much higher position.

In addition, notwithstanding that the top floor of the club was laid out as a flat with existing rear facing windows, there is quite a skew between no.50 and the former club, so the absence of direct sight lines further reduces concerns.

The development has also been considered alongside the Council's SPG for the Development of Flats, relating to access, the amenity of future occupiers, together with the availability of natural light and windows for habitable rooms. In general terms, noting that primary accesses are from the front all flats have natural light and ventilation from two aspects, the development accords with the SPG.

Therefore, in the absence of any representations from members of the public, it is considered that the development would not cause detriment to the amenity and privacy of neighbouring occupiers and is acceptable in this regard.

Access and highway safety

Access

The property is served from Ystrad Road A4058 which has a carriageway width of 7.5m and double yellow lines on both carriageway lanes. Pedestrian access is via continuous pedestrian links which are considered satisfactory to access the proposed development.

Pleasant View is located to the rear of the site and comprises a residential cul-de-sac with no turning area. A secondary pedestrian access / fire escape leads from the application site on to Pleasant View, which is also considered acceptable for safe pedestrian access.

The Council's SPG for Access, Circulation and Parking identifies that the property is located in Zone 3, close to both bus and rail services and a number of local businesses and facilities in Ton Pentre.

Parking

In terms of calculating the off-street parking requirements of the established A3 use, the plans indicate that the first two floors were used as a public house / club with the upper floor used as residential space. Therefore, in accordance with the aforementioned SPG, the established use requires a maximum of 71 car spaces and 1 commercial space, with none provided. Conversely, the proposed use requires a maximum of 18 spaces.

The Council's Highways and Transportation Section has noted that the majority of flats are 1 bed and would therefore be less likely to require the maximum off-street car parking provision of 2 spaces per flat set out by the SPG. This is particularly relevant given the limited on-street car parking available nearby and the location of both bus and rail which places less reliance on the private motor vehicle.

Nevertheless, although the proposed use requires 50 car parking spaces and 1 commercial space less than the established use, it is recognised that the majority of trips to and from the proposed public house would have taken place on foot.

Consequently, concerns remain that the proposed development could lead to potential long term indiscriminate on-street car parking along the A4058, although there are traffic regulation orders in place to prevent this. There is also a parking layby located to the north of the traffic lights which may provide some available spaces, and the Applicant has proposed secure cycle parking which goes some way to mitigate impact and promote sustainable modes of transport.

Conclusion

There is concern with regard to the shortfall in the off-street car parking provision for residents who are more likely to require long term parking than patrons of the former

club. However, taking into account the sustainable location of the site, being close to the Ton Pentre retail area and bus and train services, the proposal is on balance considered acceptable in this respect.

National Sustainable Placemaking Outcomes

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

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

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

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

- **Creating and Sustaining Communities:** The development density is appropriate for this urban location and would contribute to the overall housing requirement within the Northern Strategy Area.
- **Facilitating Accessible and Healthy Environments:** The application site is located on a bus route, close to a railway station, and benefits from many services and facilities located within walking distance. Being within the settlement boundary is considered to be a sustainable location and future residents would not have to be car dependent.
- **Maximising Environmental Protection:** The development would result in biodiversity enhancement for bats and nesting birds.
- **Growing Our Economy in a Sustainable Manner:** The development would have a positive effect in terms of construction jobs and enables easy communication via public transport links. In addition, it is noted that the plans include renewable energy in the form of air source heat pumps for each flat.
- **Making Best Use of Resources:** The development supports the prioritisation of use of previously developed land and existing buildings

In respect of the other national outcomes listed the development would not be considered to have a negative impact.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The application property is within the settlement boundary and therefore the principle of residential development would be supported by LDP Policies CS1, AW1, AW2, NSA12 and NSA13. The development would also be in general accordance with the National Sustainable Placemaking Outcomes set out in PPW11.

In respect of other material matters, the visual improvement to the appearance of the property would have wider benefits to the street scene and the residential use would be compatible with the surrounding land uses.

No other issues, in relation to highway safety or biodiversity have arisen; therefore, the recommendation to Members is that the development is acceptable.

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:

- 1351-12
- 1351-13 A
- 1351-14
- 1351-15
- 1351-16
- 1351-17
- 1351-18 A
- 1351-19 A

and details and documents received on 10th February 2021, 11th February 2021 and 19th June 2022, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The development shall be carried out in accordance with the construction protection measures, relating to bird nesting and exterior lighting, identified within Section 6 of the submitted Bat Survey Report (Abbey Sanders Ecology, issued 16th June 2022).

Reason: In the interest of biodiversity mitigation and enhancement in accordance with PPW11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0220/39 (EL)
APPLICANT: Urban Property Pad
DEVELOPMENT: Non material amendment to application 18/0204/10 :
Amended facing materials to elevations.
LOCATION: THE DRAGON INN (FORMERLY THE BRIDGE INN) &
NO. 1 SARON STREET, TREFOREST, PONTYPRIDD,
CF37 1TF
DATE REGISTERED: 24/02/2022
ELECTORAL DIVISION: Treforest

RECOMMENDATION: Approve

REASONS: The proposed changes to the external finishes are considered acceptable as non-material amendments to the existing planning permission.

REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from Councillor Powderhill for the matter to come to Committee in order that Members may consider the impacts of the proposed changes upon the conservation area within which the site is located.

APPLICATION DETAILS

This is an application for a non-material amendment to the existing planning permission reference 18/0204/10: Demolition of The Dragon Inn (Formerly The Bridge Inn) and No. 1 Saron Street, and erection of 3 storey student accommodation block (sui generis) comprising 5 flats. (Amended Plans Received 19th June 2018).

The original planning application (which was allowed on appeal) approved permission for the construction of a purpose-built student accommodation block, comprising 5 flats, located on the junction of Saron Street and Bridge Street, Treforest. The proposed building would occupy almost the entire plot, with a broadly rectangular footprint. The building would extend to a maximum of 22.0 metres in length and 12.5 metres in width.

The approved building is essentially formed by two blocks; the western extent of the building is formed by a two storey block that occupies a position of the corner of Bridge Street and Saron Street. A larger, three storey block, would sit behind this, adjacent to the boundary with the railway embankment. The building would have a flat roof design, with the two-storey block extending to 5.7 metres in height and the three storey block extending to 8.7 metres in height. The main entrance lobby for the building would be located on the elevation fronting Saron Street. At ground floor level, the design incorporates a cycle store and bin store. This would also be accessed from Saron Street.

The building itself is contemporary in its design, with the approved primary material proposed for the elevations being a dark grey composite cladding, with cut-aways and window reveals being framed in a contrasting colour. A uniform pattern of fenestration appears on the east and west elevations to serve the residential accommodation. Further openings are proposed with a vertical emphasis to the north elevation to serve the circulation spaces and communal kitchen areas. The two-storey elevation, fronting Bridge Street would be finished in a contrasting stone cladding.

Accommodation would be arranged over three levels, with 5 flats providing a total of 25 bedrooms. Each flat would benefit from a communal kitchen and each bedroom would benefit from an en-suite bathroom. No off-street parking is proposed as part of the development.

The applicant is now finalising the details of the project in anticipation of the build, and minor changes to the scheme are proposed. The proposed amendments sought by this application relate to changes to the finishing materials only and consist of:

- changes to the orientation of the cladding panels (from a diamond style cladding panel to a rectangular style panel).
- Minor revisions to the colour of the cladding panels. Whilst the colours selected are broadly similar, those being grey and 'burnt red' it is proposed to use more 'muted' tones.
- The continuation of the approved stone cladding to the north (Bridge Street) elevation, along the west (Saron Street) elevation.
- The use of slate to clad the roof and walls of the staircase between the second and third floor of the two blocks.

The application forms which accompany the submission indicate that the amendments are proposed in order to 'soften the appearance of the building.'

SITE APPRAISAL

The application site is made up of the former Bridge Inn Public House and number 1 Saron Street. As such, the site forms a corner plot on the junction of Bridge Street and Saron Street, which extends to approximately 335 square metres. The site lies in the Old Park Terrace Conservation Area of Treforest. This is a small conservation

area separated from Castle Square Conservation Area by the railway line. This area contains notable examples of C19th architecture and townscape illustrating the local social history. The Bridge Inn is a two-storey property, which although currently vacant is known to have been depicted as a public house since the First Edition Ordnance Survey map in 1875. The main building fronts Bridge Street, with an annexe to the rear. Directly adjoining the building is number 1 Saron Street, a two-storey residential dwelling. A small gap in the terrace separates number 1 from the remainder of the terrace dwellings on Saron Street. Saron Street is a narrow residential street, characterised by relatively small two storey dwellings. At the southern end of the street, is Saron Chapel, a prominent historic building, which gives its name to the street. Saron Street is quiet no-through road to traffic and on-street parking restrictions are in place in the vicinity of the site. To the east the site is bounded by the railway line.

PLANNING HISTORY

21/1179	The Dragon Inn & 1 Saron Street, Treforest, Pontypridd CF37 1TF	Demolition of The Dragon (formerly The Bridge Inn) and no. 1 Saron Street, and erection of 5 no. units of purpose-built student accommodation (sui generis). Amended plans received 19/10/21.	Refused 24/01/22
18/0204	The Dragon Inn & 1 Saron Street, Treforest, Pontypridd CF37 1TF	Demolition of The Dragon Inn (Formerly The Bridge Inn) and No. 1 Saron Street, and erection of 3 storey student accommodation block (sui generis) comprising 5 flats. (Amended Plans Received 19th June 2018)	Allowed on appeal 11/01/19
18/0287	The Dragon Inn & 1 Saron Street, Treforest, Pontypridd CF37 1TF	Conservation area consent for demolition of The Dragon Inn (formerly The Bridge Inn) and 1 Saron Street and erection of 3 storey student accommodation block, comprising 6 flats.	Allowed on appeal 11/01/19
16/1181	The Bridge Inn, Bridge Street, Treforest	Conversion, extension and change of use from Public House (A3) to 4 no. student flats with amenity / service area to rear.	Granted with conditions 22/08/17

PUBLICITY & CONSULTATION

This is an application made under Section 96a of the Town and Country Planning Act 1990 and the existing provisions relating to statutory consultation and publicity for planning applications do not therefore apply.

Welsh Government guidance on such applications is that it is not expected that consultation or publicity will be necessary in the majority of cases.

POLICY CONTEXT

The Local Development Plan and national planning policies identified during the consideration of the existing planning permission remain relevant in the assessment and determination of this non-material amendment application.

Welsh Government Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission (July 2014)

The guidance advises that a non-material amendment will depend on factors such as the context of the overall scheme, the amendments being sought to the original planning permission, the specific circumstances of the site and the surrounding area, which will vary from one application to another.

In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission. The guidance also identifies four tests, which local planning authorities may wish to consider when assessing and determining whether a proposed change would qualify as a non-material amendment. These four tests have been used in the determination of this application, as set out below.

REASONS FOR REACHING THE RECOMMENDATION

Section 96a of the Town and Country Planning Act 1990 provides the mechanism to approve non-material amendments to an existing planning permission.

Main Issues:

The main issue in determining this application is how the proposed change has been assessed against the four tests identified below:

(a) Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?

No

The original approved scheme approved the construction of a purpose student accommodation building at the site of the Dragon Inn, Treforest. The current submission does not seek to make significant changes to the approved scheme.

The physical changes proposed are considered to be minor in their nature, relating solely to the finishing materials proposed to the main elevations. The palette of materials proposed remains generally as approved, that being a combination of cladding panels and traditional stone cladding. However, changes are proposed to the orientation of the cladding panels (from a diamond style to cladding panel to a rectangular style panel) and it is proposed that the approved traditional stone cladding be extended to the Saron Street elevation. It is also proposed that the uppers section of the staircase, visible between the second and third storey be clad with slate tiles. The colours selected are also broadly similar, albeit that more 'muted' tones are proposed.

No increase in the size or scale of the building is proposed, nor are any changes in the design of the approved construction, the configuration of the site, the internal layout of the building or the number of units proposed.

(b) Would the proposed change result in a detrimental impact either visually or in terms of local amenity?

No

The proposed amendments to the finishes are considered to be minor in nature and the application does not involve any increase in size or scale of the proposals.

As detailed in the preceding sections of the report, the palette of materials proposed remains generally as approved, that being a combination of cladding panels and traditional stone cladding. However, changes are proposed to the orientation of the cladding panels (from a diamond style to cladding panel to a rectangular style panel) and it is proposed that the traditional stone cladding be extended to the Saron Street elevation. The colours selected are also broadly similar, albeit that more 'muted' tones are proposed.

It is considered that the use of a more conventional rectangular shaped cladding panel would offer a simplified appearance to the north and east elevations of the three storey block. Furthermore, it is considered that a more 'muted' colour palette would, to a degree, lessen the visual prominence of the larger three storey block. Similarly, it is considered that the use of slate tile to the upper section of the staircase, along with the extended use of stone work cladding to the Saron Street elevation, would be more in keeping with the 'traditional' character of the conservation area.

As such, it is not considered that the proposed revisions would be harmful to the appearance of the approved development, or the character and setting of the conservation area within which it is located. Overall, it is not considered that the proposed changes would result in a greater visual impact than that of the approved scheme.

(c) Would the interests of any third party or body be disadvantaged in planning terms?

No

Matters relating to the principle of the development (of student accommodation) along with the potential impacts upon the amenity and privacy of neighbouring residents were considered in detail in the assessment of the original planning application. It was concluded that the principle of residential use as purpose-built student accommodation on the site was acceptable and that the proposal would not result in an undue loss of privacy or amenity to neighbouring occupiers.

The amendments currently sought relate solely to changes to the external materials and do not seek to increase either the footprint or scale of the proposed development, or the number of residential (student) units proposed. As such, no additional impacts would arise in this respect, and it is not considered that any neighbouring occupiers or other third party would be disadvantaged in planning terms.

(d) Would the proposed change conflict with national or development plan policies?

No

It is not considered the series of relatively minor amendments to the approved palette of materials, would have a significant impact on the wider character of the area, amenity of neighbouring properties or highway safety. As such, the application is considered to comply with the relevant policies of the Local Development Plan (in particular Policies AW2, AW5, AW6 and AW7).

Other Considerations:

The following other considerations have been taken into account in considering the application and in reaching the recommendation set out below.

1. Conditions on the existing consent

There are no conditions on the existing planning permission that would prevent the proposed change. All other conditions remain relevant.

2. Previous Non-material Amendments

(i) There are no previous non-material amendments related to this planning permission.

3. Previous Publicity / Consultation Responses

(i) The existing planning permission was not the subject of any previous publicity or consultation responses that relate to the change currently proposed and would affect the determination of the current application.

Conclusion

Taking into account the assessment and any other considerations identified above, it has been concluded that the proposed changes to the external finishes of the approved development are considered acceptable as a non-material amendment to the existing planning permission.

RECOMMENDATION: Approve

First Schedule:

Non-material amendment to application 18/0204/10: Demolition of The Dragon Inn (Formerly The Bridge Inn) and No. 1 Saron Street, and erection of 3 storey student accommodation block (sui generis) comprising 5 flats. (Amended Plans Received 19th June 2018).

Second Schedule:

- Drawing no. 169 A(P)-01 Rev 1 Site Location Plan 1:1250
- Drawing no. 169 A(P)-20 Rev B Proposed elevations N&S
- Drawing no. 169 A(P)-21 Rev B Proposed Elevations E&W
- Drawing no. 169 A(P)-42 Rev A Perspectives

Third Schedule:

The development shall be carried out in accordance with the following approved plans and documents:

Location Plan Drawing no. 169 A(P)-01;
Site Plan Drawing no. 169 A(P)-02 rev 7;
Existing plans Drawing no. 169 A(P)-03 rev 1;
Existing elevations Drawing no. 169 A(P)-04 rev 1;
Context Drawing no. 169 A(P)-05 rev 7;
Proposed ground floor Drawing no. 169 A(P)-10 rev 7;
Proposed first floor Drawing no. 169 A(P)-011 rev 7;
Proposed second floor Drawing no. 169 A(P)-012 rev 7;
Proposed sections Drawing no. 169 A(P)-30 rev 7;
Proposed views (2) Drawing no. 169 A(P)-41;
Drawing no. 169 A(P)-20 Rev B Proposed elevations N&S
Drawing no. 169 A(P)-21 Rev B Proposed Elevations E&W
Drawing no. 169 A(P)-42 Rev A Perspectives

and documents received by the Local Planning Authority on 22/02/18 and 19/06/18 and 21/02/22.

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

RECOMMENDATION: Grant

PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0263/10 (JE)
APPLICANT: Eianza Property Solutions Ltd
DEVELOPMENT: Conversion of the basement to a self-contained studio flat
LOCATION: 2 SCRANTON VILLAS, HIGH STREET, CYMMER, PORTH, CF39 9EU
DATE REGISTERED: 02/03/2022
ELECTORAL DIVISION: Cymmer

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

REASONS: The proposal is in keeping with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed residential use would be compatible with the surrounding land uses and would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from Councillor Gareth Capel for the matter to come to Committee so that members can consider the impact of the development upon Highway Safety within the vicinity of the site.

APPLICATION DETAILS

Full planning permission is sought for the conversion of a basement to a self-contained studio flat at 2 Scranton Villas, High Street, Cymmer, Porth. Proposed internal alterations involve the creation of the following layout: Studio living/bedroom, bathroom and kitchen. Access to the flat would be via a new doorway in the rear elevation of the property. The proposal would also see the creation of 2no. new window openings serving the flat.

The proposal would also include an area of amenity space located within the rear amenity space of the wider property.

The application is a resubmission following the Council's refusal of an earlier outline application for a similar development at the site on 03/07/2020. The previous application 20/1343/10 was refused because it was considered that the proposal would result poor quality living accommodated and also unsafe vehicle movements in the vicinity of the site, to the detriment of highway safety. As subsequent appeal was also dismissed, but only due to the poor outlook from the unit.

SITE APPRAISAL

The application site relates to a traditional two-storey, mid-link property which is located in a predominantly residential area of Cymmer, Porth. The property is set back from the highway at High Street by a small enclosed garden. To the rear of the property is an enclosed amenity space bounded on both sides by neighbouring properties and an access lane to the rear. The rear amenity space currently provides off street parking for the property. The property currently operates as a HMO with living accommodation arranged over three floors (including the roof space) with a total of two bedrooms and three studios.

PLANNING HISTORY

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

06/2348/13: LAND TO REAR OF 119-130 HIGH STREET, CYMMER, PORTH
Proposed residential development, off new access road and new road junction.
Decision: 19/02/2007, Withdrawn by Applicant

11/0026/13: LAND TO THE REAR OF 119-130 HIGH STREET, CYMMER, PORTH
CF39 9EU
Residential development consisting of 12 dwellings (Outline)
Decision: 16/11/2011, Withdrawn by Applicant

16/1292/10: 2 SCRANTON VILLAS, HIGH STREET, CYMMER, PORTH, CF39 9EU
Change of use from dwelling to a House in Multiple Occupation (C4) to include 2 bedrooms and 3 studios (Amended Plans and Amended Description received 06/03/17).
Decision: 27/06/2017, Grant

20/1343/10: 2 SCRANTON VILLAS, HIGH STREET, CYMMER, PORTH, CF39 9EU
Conversion of basement to a self contained studio flat.
Decision: 25/01/2021, Refuse
Appeal: APP/L6940/A/21/3276768 – Dismissed on 24/08/21

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site. No letters of objection have been received.

CONSULTATION

Transportation Section: No objection raised.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

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

Policy AW2 – promotes development in sustainable locations.

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

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

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

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

Supplementary Planning Guidance:

- Delivering Design & Placemaking: Access, Circulation and Parking
- Development of Flats

National Guidance

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

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

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

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

Other policy guidance considered:

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 seeks full planning permission for the retention and completion of the conversion of the lower ground floor of this mid-terrace property to a self-contained flat. The application site is situated within the settlement boundary and within a residential locality.

The Council's Supplementary Planning Guidance (SPG) for the Development of Flats – Conversions and New Builds advises that flats are unlikely to be acceptable where they are located solely in basements, or where habitable rooms would only have roof light windows. It also requires flats to have easy and safe access for all users and advises that access through rear lanes and entrances around the backs of buildings should be avoided wherever possible. It also advises that the Council will resist proposals that would create poor quality living accommodation and schemes should be refused for the above mentioned reasons.

In the case of this application, the application building is currently occupied as a HMO at the ground and upper floors and it is proposed to convert a disused basement into an additional self-contained studio flat. Unlike the existing use which is accessed via High Street to the front, access to the proposed flat would be from the rear of the building.

The existing situation is that the basement is sited partly below ground level and the main source of light derives from 4 no. window openings on the side and rear elevations of the property. Members should note that to overcome the previous refusal reasons and subsequent appeal decision this application includes 2no. new window openings and a new access door with the original proposal only benefiting from the windows to the side elevation of the property. As such, the main habitable room of the flat would now benefit from additional external windows located to the side and rear elevations. This would increase the levels of light experienced by future occupiers and provide views to the south into the amenity space.

Whilst some concerns remain with regard to the standard of accommodation, i.e. the basement location of the flat and access from the rear, when considering the previous appeal decision at the site in which the Inspector considered that the standard of accommodation proposed was acceptable and only dismissed the appeal on outlook from the flat, Members are advised that, on balance, the additional window openings, specifically the full length opening to the rear which faces the amenity space result in a level of outlook which is now considered acceptable.

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

As such, it is considered that the principle of development is generally acceptable.

Highway Safety

The Council's Transportation Section were notified during the consultation period in order to provide comments on the suitability of the application in respect of highway safety. Their comments are as follows:

The existing property achieves primary access from the front off High Street with secondary access for off-street parking from the rear lane. The submitted proposed site plan indicates that primary access to the proposed standalone studio flat within the basement is achieved via the rear lane. There is concern with regards the sub-standard rear lane which is lacking continuous segregated pedestrian footway connectivity and carriageway width at its junction with High Street to facilitate satisfactory 2-way flow, vision splays and junction radii. The lane currently provides access to off-street parking for numerous dwellings as well as several residential dwellings.

The proposed additional use of the lane would exacerbate existing highway safety concerns to the further detriment of highway safety and the free flow of traffic. However, the proposed access is considered acceptable taking into account the recent appeal decision whereby the Inspector concluded that: -

"The narrower parts of the lane are relatively short and reversing movements would not therefore be lengthy. The forward visibility on the lane and ability to pull into the adjacent parking area means that it would be unlikely for vehicles to have to reverse out onto High Street. The lane is lightly trafficked, and no evidence of any accidents was provided. Whilst visibility at the junction is constrained, I was able to see approaching traffic and safely turn right on to High Street during my site visit. The proposal for a single studio flat would not significantly add to traffic flow on the lane and there are several turning spaces available along its length. The Council's concern that the adopted lane ends a short distance from the access to the property is not significant as the lane is adequate to serve the proposal".

The proposed development would result in an increased parking requirement of 1 space over the existing, which cannot be provided and raises cause for concern. However, the proposed parking is considered acceptable taking into account the recent appeal decision whereby the Inspector concluded that: -

"The proposal would have a parking requirement of 1 space, which cannot be provided. Planning Policy Wales advises that car parking standards are to be considered as maxima. The appellant points out that HMOs have lower car ownership rates and that there is a frequent bus service to Porth with stops nearby. There are also informal car parking areas available on the rear lane. There are parking restrictions on High Street to prevent indiscriminate parking on the main road. In all these circumstances, the lack of a single parking space would not be fatal to the proposal".

In light of the above assessment and recent appeal decision where-by the Inspector dismissed the highway safety concerns, on-balance no highway objection is raised or condition suggested.

Impact on the character and appearance of the area

Other than the creation of a new access door and 2no. window openings the scheme does not propose any increase to the footprint of the building or any external works to the building or wider curtilage. Consequently, it is not considered that the proposed change of use would result in any undue impact upon the character and appearance of the property or the wider surrounding area. The application is therefore considered acceptable in this regard.

Impact on residential amenity and privacy

It is not considered the proposed use of the basement as a residential studio flat would result in any detrimental impact upon the existing amenity and privacy standards currently enjoyed by residents of the surrounding properties. Whilst it is accepted a degree of noise/disturbance would inevitably occur, any potential impact would be typical of such a residential use and typical of the residential area. Further, with the windows serving the proposed flat at ground floor level, they would not result in any overlooking of the neighbouring properties.

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

Public Health and Protection

No objections have been received from the Council's Public Health and Protection Division following consultation. They did however suggest a number of conditions be attached to any consent in relation 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.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The proposal is in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed residential use would be compatible with the surrounding land uses and would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or highway safety.

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 no Drg AE/LGF01A and documents received by the Local Planning Authority on 02/03/2022, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0413/08 (GH)
APPLICANT: Rhondda Cynon Taf County Borough Council
DEVELOPMENT: 2-storey classroom block to be built out as Phase 1 incorporating 4no. classrooms at ground floor level, and Phase 2 incorporating 4no. classrooms at first floor level, and associated works. (Amended Travel Plan and Transport Statement received 12/4/22, CMRA received 15/6/22)
LOCATION: Y PANT COMPREHENSIVE SCHOOL, COWBRIDGE ROAD, TALBOT GREEN, PONTYCLUN, CF72 8YQ
DATE REGISTERED: 15/06/2022
ELECTORAL DIVISION: Llantrisant and Talbot Green

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS:

The development would provide contemporary and flexible additional accommodation for the benefit of student groups and the delivery of the curriculum.

The new classroom blocks would be of an acceptable scale and appearance and be located such that they would have a minimal impact on the wider appearance of the site, and where there would be no impact on neighbouring land uses.

Consequently, the development is considered to comply with Policies CS2, AW5, AW6, AW8 and AW10 of the Local Development Plan and with the relevant placemaking outcomes and aims of PPW11.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning consent is sought for the construction of a two storey classroom block and associated works at Y Pant Comprehensive School, Pont-Y-Clun,

It is proposed that the block would be built towards the rear of the site, on vacant land adjacent to the existing drama block which is currently laid out as soft and hard landscaping.

The additional accommodation would create a further eight classrooms, together with a toilets and storage space, and its siting would require a slight realignment of the internal access road which leads around to the back of the School.

The modern flat-roofed design is intended to assimilate with the appearance of the existing School buildings, and is proposed to be constructed in two phases, the second phase being undertaken when the extra space is required.

Initially, as a single storey structure, the new classrooms would be accessed via a short external ramp into a lobby area. However, once the first floor has been built, the ramp would be replaced with an entrance vestibule, containing a staircase and a platform lift.

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

- Preliminary Ecological Appraisal
- Bat and Bird Box Specifications
- Noise Management Plan
- Travel Plan
- Transport Statement
- Geotechnical and Contaminated Land Report
- Arboricultural Method Statement
- Tree Constraints Plan
- Pre-Development Tree Survey and Assessment
- Flood Consequences Assessment
- Construction Method Statement
- Planning Statement
- Landscape Design Statement, Specification and Management Plan

Post-submission, an amended Travel Plan/Transport Statement was received due to a small error in stated pupil numbers.

The Applicant's Agent has confirmed that there are currently 1437 pupils on roll and 140 staff. Once both phases have been completed the pupil numbers will be expected to rise to 1559.

Lastly, a Coal Mining Risk Assessment was submitted in order to address concerns raised by the Coal Authority during consultation.

SITE APPRAISAL

The application site comprises a parcel of land located within the existing grounds and curtilage of Y Pant Comprehensive School.

The School is located close to the centre of Pont-Y-Clun and the Ynysddu area and is within walking distance of both Talbot Green to the north, and Miskin. Access to the site, for both pedestrians and vehicles, is directly from the A422 Cowbridge Road.

The areas to the east and the south of the site comprise a combination of dense woodland and scrub, whilst the Afon Clun passes close to the boundary. Conversely, land to the west and north is occupied by housing, the Leekes store and industrial units.

In terms of environmental constraints, the eastern and southern site boundaries abut land designated as a Site of Importance for Nature Conservation (SINC). Furthermore, the majority of the School site lies within a C2 Flood Zone and an area identified as high risk to development from past coal mining activities.

PLANNING HISTORY

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

- 14/1504/08:** New school building and associated external works, demolition of the existing main school building and removal of temporary classrooms.
Decision: 25/02/2015, Granted
- 14/0617/08:** Temporary demountable building Decision: 15/07/2014, Granted
- 14/0411/08:** Installation of pre-fabricated food cube in the school grounds.
Decision: 24/06/2014, Granted.
- 11/0735/08:** To provide an additional temporary demountable classroom.
Decision: 07/07/2011, Granted.
- 11/0429/08:** The proposal is to provide a temporary demountable classroom building, with two classrooms, two store rooms and a lobby area.
Decision: 08/06/2011, Granted.
- 10/0052/08:** Proposed extension to existing sports changing room facilities.
Decision: 26/03/2010, Granted.
- 06/2069/08:** Siting of 3 no. modular buildings. Decision: 27/11/2006, Granted.

06/1720/08: Siting of singular modular classroom building. Decision: 01/11/2006, Granted.

05/1281/08: New extension to form a store between the sports hall and changing rooms. Decision: 27/09/2005, Granted.

PUBLICITY

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

No letters of objection or representation have been received.

CONSULTATION

Highways and Transportation

No objections are raised and no conditions are recommended.

Natural Resources Wales

No objection, subject to a condition including specified drawing numbers and documents on any decision notice.

In addition, NRW notes that the application site falls partly within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and advises that the decision as to whether a development should be considered contrary to TAN15 policy is entirely a matter for this Authority.

Dwr Cymru Welsh Water

No objection.

Western Power Distribution

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

Countryside, Landscape and Ecology – Ecologist

No objection. Any consent should be conditioned for details of all ecological mitigation and enhancement measures outlined in Section 5 of the PEA.

The Coal Authority

Initially, concerns were raised by the Coal Authority and further information/clarification from the Applicant's geotechnical consultants.

Following the submission of a CMRA the Coal Authority advised that the Report and the professional opinions and recommendations contained therein are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

Public Health and Protection

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

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

POLICY CONTEXT

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

Subsequently, the existing LDP remains the development plan for consideration when determining this planning application.

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Pont-Y-Clun.

Policy CS2 - In the Southern Strategy Area (SSA) there is 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 AW2 - Development will be supported 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. Furthermore, the development would require

safe access to the highway network and provide parking in accordance with the Council's SPG.

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

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

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

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

Supplementary Planning Guidance

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

National Guidance

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

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

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

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

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

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

SE Wales Policies

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application site is within the settlement boundary for Pont-Y-Clun, and within the curtilage of the existing school site, where the principle of the land use for education purposes is already well-established.

Given the relatively small scale of the development, compared with the whole School campus, both the new buildings and the additional pupil numbers would only result in a small intensification of use.

Consequently, being located within the settlement boundary the development would comply with points 2 and 4 of Policy CS2 and would be considered as a sustainable location in accordance with the relevant criteria of Policy AW2.

Therefore, the proposed development is considered to be acceptable in principle, subject to the material matters outlined below.

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 will improve a community school, which incorporates a mix of educational and leisure uses, and is of an appropriate density.
- **Facilitating Accessible and Healthy Environments:** The new school buildings would provide high quality accommodation which will help promote physical and mental health and well-being. The site is accessible by means of active travel, has good connections, and supports a wide population catchment.
- **Growing Our Economy in a Sustainable Manner:** The development would create construction jobs, enable the site to be adaptive to change, and would embrace modern construction technology to promote efficiency.
- **Maximising Environmental Protection:** The development would include biodiversity mitigation and enhancement measures and would manage water resources naturally via the use of sustainable drainage options.
- **Making best use of resources:** The development would be located within a previously developed site and would provide a high quality development in and outside of buildings.

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

Impact on the character and appearance of the area

As the previous section outlining the description of development describes, the proposed classroom block has been designed such that its external finishes will bear some similarities to those of the existing main School buildings, which is acceptable.

The scale of the building is relatively small, compared with the existing buildings and land within the site curtilage. As a result, particularly since it would be tucked behind the separate drama block, it would not be visible from most parts of the site.

Likewise, since the land on the opposite side of the boundary to which the building would face is clear of structures and is screened by vegetation, there would be minimal change to any views towards the School site from the north.

Therefore, in terms of the design, siting, massing, scale, materials and overall visual appearance, the development is considered to be acceptable.

Impact on neighbouring occupiers

Since the nearest residential properties would be well in excess of 300m from the location of the new building and the Leekes store is approximately 200m away, there are no concerns in regard to the amenity or privacy of neighbouring occupiers.

In addition, although the new classrooms would allow for a small increase in pupil numbers, this would not be likely to have any measurable or significant impact on movements to and from the site, that could be considered detrimental to those residents at Pant Y Dderwen to the west of the main site entrance.

Access and highway safety

The Highways and Transportation Section has advised that the development would normally require 16 additional off-street parking spaces as set out by the criteria of the Council's SPG for Access, Circulation & Parking.

However, the Section's advice is that there is already an over-provision of parking spaces on site for the School and there is scope on site to provide further parking spaces if required at a point in the future. As such the proposal is considered acceptable in this regard.

Furthermore, it is considered that the provision of the classrooms would have a limited impact upon the existing highway network and highway safety. It is noted that the school has been operating its own traffic management plan for some years now and at the time of the officer site visit, there appeared to be limited impact upon the immediate highway network despite the large number of pupils attending and leaving the site.

In light of the above, no highways concerns are raised in respect of the impact of the proposal upon the local highway network.

Flooding

As highlighted further above, NRW has advised that this planning application proposes highly vulnerable development in Zone C2 of the TAN15 Development Advice Map (DAM) and, as such, national planning policy states that this should not be permitted.

However, NRW has reviewed the flood consequences assessment (FCA) submitted in support of this application, noting that the FCA has applied updates to NRW's flood model.

NRW has stated that the location of the proposed new classroom block is predicted to be flood free during the 1 in 100 (1%) plus allowance for climate change flood event and it is only part of the access road that would be at risk of flooding. Since the potential flood risk appears to be affecting an existing road in this scenario, NRW does not object to the proposal on flood risk grounds.

Similarly, during the 1 in 1000 year (0.1%) flood event, the land around the proposed building as well as part of the access road would flood to a depth of up to 0.3m, while the building itself would remain free of flooding.

However, should a 0.1% flood event occur this part of the internal road would be within the indicative tolerable conditions set out in A1.15 of TAN15 and is existing development. Furthermore, the FCA explains that an alternative "Safe access and egress for the school is maintained for the 1,000-year event via the road along the northern boundary of the site to Cowbridge Road".

The Applicant's Agent has clarified that to comply with TAN15 the new building only needs to be above the 1% plus climate change event flood level. However, in the interests of providing a robust FCA it was decided that the building should be set above the more extreme 0.1% event flood level of 45.49 AOD. Consequently, the ground finished floor level, as demonstrated by the submitted plans and elevations, has been set at 45.79 AOD.

In light of the above assessment and the justification set out within the FCA, the development is considered to be acceptable in terms of flood risk.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

It is considered the development would assimilate well into the existing School setting and have a minimal impact on the character and appearance of the site and surrounding area.

The siting of the building would also ensure that there would be no direct impact on adjoining land uses, and the additional traffic and footfall associated with the additional pupil numbers would not be detrimental to highway safety.

The application is therefore considered to comply with Policies CS2, AW5, AW6, AW8 and AW10 of the Local Development Plan and with the relevant placemaking outcomes and aims of PPW11.

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

- “Y Pant Classroom Extension – Project Specific Method Statement” by Morgan Sindall Construction
- Technical Note 1 “Bat and Bird Box Specifications Version 2.0” by Wardell Armstrong, dated 04/04/2022
- “Y Pant Comprehensive School, Pontyclun - Preliminary Ecological Appraisal, V1.0” by Wardell Armstrong, dated February 2022
- Drawing CA12391-004 Rev A “Bat and Bird Box Plan Figure 1” by Wardell Armstrong, dated 04/04/2022
- Drawing CA12391-004 Rev A “Bat and Bird Box Plan Figure 2” by Wardell Armstrong, dated 04/04/2022
- Drawing CA12391-004 Rev A “Bat and Bird Box Plan Figure 3” by Wardell Armstrong, dated 04/04/2022
- Drawing CA12391-004 Rev A “Bat and Bird Box Plan Figure 4” by Wardell Armstrong, dated 04/04/2022
- Drawing 26Z009 EPT 00 00 DR A 1001 S1 P02 “Site Location Plan” by EPT Partnership Chartered Architects, dated 31/03/2022
- Drawing 26Z009 EPT 01 00 DR A 2002 S1 P04 “Proposed Site Plan – Phase 1” by EPT Partnership Chartered Architects, dated 04/04/2022
- Drawing 26Z009 EPT 01 00 DR A 2001 S1 P04 “Proposed Site Block Plan – Phase 1” by EPT Partnership Chartered Architects, dated 04/04/2022

- Drawing 26Z009 EPT 02 00 DR A 2051 S1 P04 “Proposed Site Block Plan – Phase 2” by EPT Partnership Chartered Architects, dated 04/04/2022
- Drawing 26Z009 EPT 02 00 DR A 2052 S1 P04 “Proposed Site Plan – Phase 2” by EPT Partnership Chartered Architects, dated 04/04/2022
- Drawing 26Z009 EPT 01 ZZ DR A 2101 S1 P03 “Proposed North & South Elevations – Phase 1” by EPT Partnership Chartered Architects, dated 04/04/2022
- Drawing 26Z009 EPT 01 ZZ DR A 2102 S1 P03 “Proposed East & West Elevations – Phase 1” by EPT Partnership Chartered Architects, dated 04/04/2022
- Drawing 26Z009 EPT 02 ZZ DR A 2151 S1 P03 “Proposed North & South Elevations – Phase 2” by EPT Partnership Chartered Architects, dated 31/03/2022
- Drawing 26Z009 EPT 02 ZZ DR A 2152 S1 P03 “Proposed East & West Elevations – Phase 2” by EPT Partnership Chartered Architects, dated 31/03/2022
- “Coal Mining Risk Assessment Report” by Terra Firma, dated June 2022

and details and documents received on 4th April 2022, 12th April 2022 and 15th June 2022, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence, until details of a scheme for the delivery and implementation of the ecological mitigation and enhancement measures outlined in Section 5 of the Preliminary Ecological Appraisal (Wardell Armstrong, dated February 2022), has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented, as approved, within three months of the beneficial use of the new classroom building.

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

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

Planning Authority dispenses with any such requirement specifically and in writing:

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

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

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

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

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

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

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PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0492/10 (AM)
APPLICANT: Miss R Green
DEVELOPMENT: Hard standing (retrospective) and dropped down kerb access over public footpath.
LOCATION: 36 ABER-RHONDDA ROAD, PORTH, CF39 0BB
DATE REGISTERED: 21/05/2022
ELECTORAL DIVISION: Porth

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

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

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the retention of a hardstanding and the construction of an associated dropped kerb access over the public footpath at 36 Aber-Rhondda Road, Porth.

The vehicle hardstand is located to the front of 36 Aber-Rhondda Road and has been surfaced in permanent materials and enclosed with a timber fence. It is proposed an associated vehicular crossover be provided to the front to allow for access.

SITE APPRAISAL

The application property is a two-storey, traditional terraced dwelling situated within a residential area of Porth.

The principal elevation of the property faces east towards the adopted highway, from which it is set back by a linear front amenity area measuring approximately 14 meters

in length. An enclosed hardstanding has been created here (the subject of this application).

There are similar examples of hardstandings and dropped kerbs to that proposed within the row at nos. 35 and 40 Aber-Rhondda Road.

PLANNING HISTORY

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

PUBLICITY

The application has been advertised by direct notification to neighbouring properties and a site notice. 11 Letters of objection and 3 letters of support have been received, which raised the following points (summarised):

Objections

- A strain and detrimental effect upon on-street parking and availability. Would remove existing on-street parking provision outside of property.
- Detrimental effect on road safety which would affect children, the elderly and people with mobility and health issues as cars would have to cross the footway.
- Increased probability of road traffic accidents.
- Would increase parking in the lane off Aber-Rhondda Road.
- Would set a precedent for more dropped kerbs in the street exacerbating the parking / accessibility issues.

Supporting

- This would not adversely affect the area or the residents.
- Parking is a problem locally and is not isolated to Aber-Rhondda Road.
- Many households have more than one vehicle and there for off road parking is limited. This would allow for additional off road parking.

CONSULTATION

Highways and Transportation

No objection is raised subject to conditions in respect of the dropped kerb construction and to prevent surface water discharging onto the public highway.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The current LDP's lifespan was 2011 to 2021. It has been reviewed and it is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions

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

The application site lies within the settlement boundary for Porth.

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

Policy AW6 – Design and Placemaking: This policy requires development to involve a high-quality design and to make a positive contribution to placemaking.

Supplementary Planning Guidance

A Design Guide for Householder Development

Access Circulation and Parking

National Guidance:

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

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

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

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

considered the policies set out in the document are specifically relevant to this application.

Other national policy guidance considered

PPW Technical Advice Note 12 – Design
PPW Technical Advice Note 18 – Transport

REASONS FOR REACHING THE RECOMMENDATION:

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

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

Main Issues

Principle of the proposed development

The application relates to the construction of a vehicle hardstanding and associated dropped kerb at an existing residential dwelling to allow for off-street parking at the property. The principle of development is therefore acceptable subject to the criteria set out below.

Impact on Highway Safety

The application has been subject to consultation with the Council's Highways and Transportation Section with a view to assessing the potential impacts of the proposal on highway safety.

In their assessment of the scheme Highways and Transportation commented that the driveway and dropped kerb are considered to be acceptable in principle. The retrospective hardstand has been surfaced in permanent materials which is considered acceptable, and they would provide additional off-street parking which reduces on-street parking demand, in the interests of highway and pedestrian safety. It is suggested however that a condition be attached to any consent to ensure the dropped kerb is constructed to the relevant Council standards.

Highways and Transportation also noted that there is some concern that surface water run-off from the proposed may discharge onto the highway however it is considered this can be overcome through a suitable condition, suggested below.

Taking the above into account, while the concerns of the objectors are acknowledged, the proposal is considered to be acceptable in terms of the impact it would have on pedestrian and highway safety in the vicinity of the site, and it would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

Impact on the character and appearance of the area

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

The proposed hardstanding and dropped kerb would be accessed off Aber-Rhondda Road, where a number of dwellings featuring front amenity areas. The proposed development would form a minor alteration to the front of the site which would not be too dissimilar to other dropped kerb / driveway developments in the immediate vicinity. The development would therefore have a minimal impact upon the street scene as a whole and it is not considered that it would have an adverse impact on the character and appearance of the area.

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

Impact on residential amenity and privacy

The proposal would result in the kerb to the front of the site being dropped to facilitate off-street car parking on an existing hard standing. The development would therefore not be capable of causing any overshadowing or detriment to outlook, nor would it raise any concerns with regard to privacy. As such, the proposal is considered to be acceptable in terms of the impact it would have on the residential amenity and privacy of neighbouring properties.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

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

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s)

- Site location plan
- Hardstand plan

unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Notwithstanding the details shown on the submitted plans, no further development shall commence until design and details of the vehicular crossover have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial use.

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

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

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

5. Within a period of four months, the gates in front of the hardstanding, as outlined in the submitted plans, are to be reduced to match the existing brick wall boundary treatment. Thereafter, the scheme shall be carried out in accordance with the approved details.

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

PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0597/10 (GH)
APPLICANT: Sigma 3 (Kitchens) Ltd
DEVELOPMENT: Proposed extension and enlargement of the existing Sigma 3 (Kitchens) Ltd premises, along with associated works. (Revised landscaping plan and EIA received 20th June 2022)
LOCATION: SIGMA 3 KITCHENS LTD, LLANTRISANT BUSINESS PARK, LLANTRISANT, PONT-Y-CLUN, PONTYCLUN, CF72 8LF
DATE REGISTERED: 17/05/2022
ELECTORAL DIVISION: Llantrisant and Talbot Green

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS: The Llantrisant Business Park is a long-established employment site, where the construction of an extension to the existing business would be compatible with neighbouring land uses and consistent with the character of the site.

Furthermore, the proposal represents a welcome investment within the County Borough which would ensure the future presence of Sigma 3 Kitchens at Llantrisant, whilst protecting existing jobs and creating new employment opportunities and economic development thereafter.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning consent is sought for the construction of a 2500m² extension to the Sigma 3 factory at Llantrisant Business Park.

The purpose of the development is part of a reorganisation of the company's manufacturing arrangements across its current and future sites at Llantrisant and Bridgend.

The extension will enable the company to grow and develop its business at its Llantrisant head office, whilst internal alterations to the extant buildings will permit investment in new plant and processes.

The information accompanying the application demonstrates that the existing office space will be remodelled, which will include training facilities and an improved show room.

Furthermore, additional, formally laid out car parking will be provided on land to the rear of the site, whilst an existing temporary store will be removed. The proposals will also result in a redirection of part of the internal access road and minor changes to circulation space.

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

- Design and Access Statement
- Geotechnical and Geoenvironmental Report
- Pre-Application Consultation Report
- Ecological Impact Assessment
- Transport Note
- Drainage Strategy

SITE APPRAISAL

The application property comprises the head office and manufacturing facility of Sigma 3 Kitchens, which occupies a 2.26 hectare site towards the centre of the Llantrisant Business Park.

The factory is accessed from a single entrance/exit onto the adopted highway which leads to Heol-Y-Sarn a short distance to the south-west. The majority of the internal circulation road is arranged as a one way system for both staff and visitor cars and HGVs. Parking is provided to the front and rear of the site.

The site is located inside the settlement boundary and where most of the surrounding development is characterised by Class B uses. The closest residential uses, other than the Three Saints Hotel, are outside the Industrial Estate boundary and between 230 and 350m away.

In terms of any specific constraints the commercial land uses, previous rail alignment crossing the site and proximity to a landfill mean that these are potentially contaminating land uses that would require further investigation. However, only a small

part of the site to the north-western corner, intersects with an area identified as being at high risk to development from coal mining legacy.

Currently parts of the site are indicated by Development Advice Maps as being subject to a high and medium risk from surface water flooding.

PLANNING HISTORY

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

22/5018/41: Pre-app advice. Decision: 16/03/2022, Raise No Objections

14/1672/10: Extension to the existing warehouse and factory. Decision: 03/02/2015, Granted

95/0291/10: Erection of new factory and single storey reception link to existing offices. Decision: 30/06/1995, Granted

PUBLICITY

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

Furthermore, in accordance with the Development Management Procedure Order (Wales) the relevant press notice was published on 24th May 2022 identifying that the proposal constitutes 'Major Development'.

No letters of objection or representation have been received.

CONSULTATION

Highways and Transportation

No objection and no conditions or advisory notes are recommended.

Flood, Water and Tip Risk Management

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

It is noted that the applicant has already stated that surface water will be disposed of using SuDS and all surface water runoff will infiltrate into the ground.

Regarding the requirements of the Lead Local Flood Authority, the Applicant has provided adequate information to satisfy the requirements of Section 8.3 of Technical Advice Note 15 and no condition is necessary in this regard.

Public Health and Protection

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

Dwr Cymru Welsh Water

DCWW does not object and notes that the development does not require a new foul drainage connection and that the intention is to dispose of surface water via a sustainable drainage system.

Countryside – Ecologist

A revised landscaping plan and EIA were submitted at the request of the Ecologist, to amend the proposed plant mix and grass seed type, clarify future grass maintenance, and to confirm the scope of the bat survey.

Consequently, there was no objection to the proposals, subject to a condition for bird and reptile mitigation measures during construction, as identified by the EIA.

The Coal Authority

Only a very small part of the site is within the defined Development High Risk Area. In considering that no built development is proposed in this location, the Coal Authority concurs with the conclusions made in the supporting Geotechnical Report and Geoenvironmental Report (April 2022, prepared by Terra Firma Ltd) that the part of the site where built development is proposed is unaffected by shallow coalmine workings. Consequently, the Coal Authority has no objections to this planning application.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS2 - emphasises sustainable growth in the Southern Strategy Area, to be achieved by focusing development within defined settlement boundaries and providing opportunities for significant inward investment in sustainable locations.

Policy AW2 - ensures that development proposals are only supported when located in sustainable locations. Such locations are within a defined settlement boundary, would not unacceptably conflict with surrounding uses, and have good accessibility by a range of sustainable transport options.

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. In addition, 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 must be designed to protect and enhance landscape and biodiversity.

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

Policy AW10 - permits development proposals where they do not cause an unacceptable harm to public health, the environment or local amenity as a result of flooding, pollution and noise.

Supplementary Planning Guidance

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

National Guidance

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

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

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

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

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

SE Wales Policies

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

In this case the site is already located within a long-established industrial park, and within the defined settlement boundary. Therefore, the development would accord with LDP Policy CS2. This policy is also supportive of investment opportunities which benefit the economy of Rhondda Cynon Taf.

Likewise, LDP Policy AW2 aims to direct development to sites within the settlement boundary in the Southern Strategy Area. The factory extension would also comply with the other relevant criteria of this Policy, in particular that the proposed use would not conflict with the surrounding land uses, the majority of which fall within Use Classes B1, B2 and B8.

Furthermore, during the decision making process, weight can be given to the proposal's economic benefits. PPW11 encourages planning authorities to take a positive approach towards developments which generate economic prosperity and regeneration. Needless to say, Sigma 3 Kitchens have been a longstanding resident of Llantrisant, and the expansion of the operation at this location will help retain local jobs, as well as provide new ones.

In light of the foregoing, the development would be ideally located at the existing business park premises and its further contribution to economic activity would align very well with local and national planning policies.

Impact on the character and appearance of the area

The context of the Business Park is one where the built environment consists primarily of large scale factory units, of typical appearance and no particular defining style.

In terms of the impact of the development on the character and appearance on both the current site and the surrounding area, the extended building would be unremarkable, and would tie-in with the existing structures to which it would be attached, and which are of a similar height and appearance.

There would be a limited impact on the street scene since the rear of the site can only be observed from a no-through road to the south-eastern side of the site. The metal paling boundary fence is also lined with vegetation in part, and because the road is at a higher level, the immediate sense of scale of the scheme would be diminished.

The only other views towards the site would be from the neighbouring units to the north-west and north-east, and since they also comprise large units – one being a haulage contractor, the other a food manufacturing business, the development would not be visually harmful and detract from local character.

Impact on neighbouring occupiers

The proposed extension would increase the intensity of manufacturing processes and distribution/storage activities that currently take place on site, which could have the potential to create additional noise from machinery and disturbance from vehicle movements.

However, the context of the setting is such that the application site is located within a large and busy industrial estate, where nearly all of the neighbouring properties and those within the vicinity of the site are industrial in character, and where similar manufacturing or commercial office-based activities take place. In this regard it would be difficult to find a more appropriate location for the business to expand from.

In addition, with there being no dwellings located in close proximity of the site, the nearest being 230m to the north-west, it is not considered that any detriment would be caused to the amenity of the closest residents.

Access and highway safety

Access

There would be no alterations to the proposed access. The site is served from Llantrisant Business Park which has been designed and built for safe vehicular and pedestrian movement and is therefore satisfactory to serve the expanded premises.

Parking

The Council's SPG for Access, Circulation and Parking identifies that the proposed warehouse and factory extension would require the provision of 9 further parking spaces.

It is noted that the extension will use an area of land which will require the removal of 71 existing parking spaces. However, there is sufficient space within the proposed service yard to accommodate the parking requirements for both cars and delivery vehicles and it is proposed to provide a total of 80 car parking spaces as part of the development, which is acceptable.

In addition, the developer has submitted swept path analysis which shows access / egress in forward gear which is acceptable to the Highway Authority.

Cycle and Disabled Parking

Parking provision for both cycles and disabled use has been provided in line with the Council's SPG.

Conclusion

Taking the above into consideration, no highways objections are raised or conditions suggested.

National Sustainable Placemaking Outcomes

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

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

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

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

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

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) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL would be payable.

Conclusion

On account of its location within an established business park, the proposed development would be compatible with the surrounding land uses and would both benefit the local economy and protect and provide local opportunities for employment.

The development would also be at a sufficient distance from the closest neighbouring occupiers to prevent detriment to amenity from any additional physical or operational impact and would have safe access to the highway network with sufficient parking and circulation space.

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

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

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

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

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

- Proposed site plan - 1003 C
- Proposed ground floor plan - 1004 A
- Proposed elevations - 1011 B
- General Arrangement: Landscape - 2391-DWG-001-P3-S3
- Proposed External Works Layout – 02 P1

and details and documents received on 13th May 2022 and 20th June 2022, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

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

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

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

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

2. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (1) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by, or under the direction of, a suitably qualified competent person.

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

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

4. No development shall commence until details of a scheme for the provision of mitigation measures to be taken to protect nesting birds and reptiles during construction, as identified in Section 5 of 'Sigma 3 Ecological Impact Assessment' (TACP – Revision P2 dated 20th June 2022), 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 protect and enhance the natural environment in accordance with PPW11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1070/10 (KL)
APPLICANT: Mr Summerill
DEVELOPMENT: Renovation and restoration of farm house (amended red line boundary and updated Structural Report rec. 01/04/22)
LOCATION: CYNLAS FARM, RHIGOS ROAD, RHIGOS, ABERDARE.
DATE REGISTERED: 01/04/2022
ELECTORAL DIVISION: Hirwaun, Penderyn and Rhigos

RECOMMENDATION: Refuse

REASONS: It is considered that the residential use of the original structure has been abandoned and that the works required to restore the original structure would constitute substantial major reconstruction. As such, the proposal would be tantamount to a new dwelling in the countryside and the proposal would not comply with Policies AW1, AW2, AW9 or NSA12.

REASON APPLICATION REPORTED TO COMMITTEE

- A request was received from Councillor Karen Morgan for the matter to come to Committee to consider the principle of the development in that it involves the restoration of an existing farmhouse outside of the settlement boundary.

APPLICATION DETAILS

Full planning permission is sought for the renovation and restoration of an existing farmhouse at Cynlas Farm, Rhigos Road, Aberdare. The resulting dwelling would be used for residential purposes.

The current structure is currently in a poor state of repair. The roof of the property and large sections of the first-floor elevations have completely collapsed and the proposed works would therefore include the re-construction of large parts of the external walls and the installation of a new roof. The resulting dwelling would be virtually identical in

scale and design to the original building at the site with a small extension to the side of the rear projection to allow for an almost square footprint at ground floor.

The resulting building would measure 9.4 metres in width by 10.6 metres in depth at ground floor with the first-floor rear aspect being set in from the eastern side elevation by 4 metres. It would incorporate a pitched roof design which would measure 8.3 metres in height to the ridge and 6.1 metres in height to the eaves. A flat roof, which would measure 3.3 metres in height would be incorporated above the exposed ground floor section.

The window and door layouts would largely be the same as the original structure with the exception of a large feature window in the side elevation of the first floor and roof lights within the roof.

Accommodation within the resulting dwelling would consist of three bedrooms (all with en-suite bathrooms and one with a walk-in wardrobe) at ground floor, an open-plan kitchen/living area and W.C at first floor and an unspecified room at second floor (within the roof space).

Details submitted with the application indicate that the external walls would comprise of brick to match the existing dwelling whilst the roof would be clad in slate.

Access to the dwelling would be via the existing driveway off Rhigos Road which would adjoin a new driveway from the gated entrance to the dwelling. Parking and a turning area would be located to the north (front) of the property.

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

- Planning Statement;
- Bat Survey Report;
- Structural Report;
- Coal Mining Risk Assessment.

SITE APPRAISAL

The application site relates to an irregular shaped parcel of land which is located off a shared private driveway off Rhigos Road. It is currently occupied by a dilapidated structure which is understood to have previously been a farmhouse with associated grazing land surrounding it. The original footprint and form of the farmhouse still exists however, the roof and large parts of the first floor elevations have collapsed.

The site is situated in a countryside location with access off an unmade track to the west. Two residential properties are located approximately 145m to the north of the site, adjacent to Rhigos Road (and accessed off the unmade track serving the

application site). A number of industrial and commercial properties are located within the wider area.

PLANNING HISTORY

20/5002	Cynlas Farm, Rhigos Road, Hirwaun	Renovation and restoration of former dwelling	Objections Raised 04/02/20
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PUBLICITY

The application has been advertised by means of direct neighbour notification, site notices and a press notice. Further consultation was undertaken (direct neighbour notification and site and press notices) upon the submission of an amended site location plan (amendment to red line boundary) and additional structural reports/plans. No letters of objection or representation have been received following either consultation exercise.

CONSULTATION

Coal Authority: No objection.

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

Flood Risk Management: No objection. Condition and advisory notes recommended.

Geotechnical Engineer: Concern is raised should the building be demolished and rebuilt.

Glamorgan Gwent Archaeological Trust: No objection or condition recommended.

Highways and Transportation: No objection or condition recommended.

Public Health and Protection: No objection. Conditions recommended.

Structural Engineer: No objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is location outside of the defined settlement boundary and is not allocated for any specific purpose. It is located within a High Coal Risk Area as well

as a Coal Resource Safeguarding Area. The following policies are considered to be relevant in the determination of this application:

Core Policies:

Policy CS 1 (Development in the North): emphasis is on building strong, sustainable communities which will be achieved by promoting residential development in locations which will support and reinforce the roles of Principal Towns and Key Settlements and by ensuring the removal and remediation of dereliction by promoting the re-use of under used and previously developed land.

Area Wide Policies:

Policy AW 1 (Supply of New Housing): outlines how the housing land requirement will be met, including the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

Policy AW 2 (Sustainable Locations): advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW 5 (New Development): sets out criteria for new development in relation to amenity and accessibility.

Policy AW 6 (Design and Placemaking): requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW 8 (Protection and Enhancement of the Natural Environment): states that development proposals will be supported where there would be no unacceptable impact upon features of importance to landscape or nature conservation, including ecological networks, the quality of natural resources such as air, water and soil, and the natural drainage of surface water.

Policy AW 9 (Buildings in the Countryside): states that alteration, renovation or conversion of existing buildings outside the defined settlement boundaries for residential uses will be supported where the existing building is structurally sound or is capable of being made so without substantial major external alteration or reconstruction.

Policy AW 10 (Environmental Protection and Public Health): development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy AW 14 (Safeguarding of Minerals): states that resources of coal will be safeguarded from development.

Northern Strategy Area Policies:

Policy NSA12 – permits development within and adjoining the defined settlement boundaries.

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

Supplementary Planning Guidance

Design and Placemaking
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 not consistent with the key principles and requirements for placemaking set out in PPW; and is not consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

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 12: Design;
PPW Technical Advice Note 18: Transport;

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to the restoration and renovation of an existing farmhouse on land which is situated in the open countryside and outside of the defined settlement boundary. Details submitted with the application indicate that the property was compulsory purchased by the Coal Authority in the mid 20th Century and that it has therefore not been occupied or used as a dwelling for a number of decades. This is clear from its current condition and appearance. The roof of the property has completely collapsed with no roof members present and there are also no first-floor timber members to form the first-floor structure. Large amounts of brickwork from the external alterations have also collapsed into the internal zone of the dwelling and many of the remaining walls have visible cracks and vegetation penetration.

The first consideration in the determination of this application is whether the residential use of the site has been abandoned. There is a considerable amount of Case Law on abandonment, including the case of the Trustees of the Castell-y-Mynach Estate v Secretary of State for Wales (1984). This case indicates that there are four factors relevant to a determination of whether an existing use has been abandoned. These can be summarised as follows:

- 1) The physical condition of the building.
- 2) The length of time that the main building has not been used for residential purposes.
- 3) The use of the building for any other purposes.
- 4) The owner's intentions.

As indicated above, the property is clearly in a poor state of repair with no roof and large sections of external walls missing at first floor level. The building is therefore not weather-proof and has evidently not been lived in or used for residential (or any other) purposes for at least 50 years. The structure does not appear to have been maintained nor made secure to future proof it for use as a dwelling and, it is therefore considered

that the residential use of the former farmhouse has been abandoned. As such, the proposal would be considered as a new dwelling in the countryside, which is not supported by planning policy at local or national level, unless exceptional circumstances exist.

Whilst Policy AW 9 (Buildings in the Countryside) of the Rhondda Cynon Taf Local Development Plan would support the renovation of existing buildings which are located outside of the defined settlement boundaries, this would be subject to the existing building being structurally sound or capable of being made so without substantial major external alteration or reconstruction. The supporting text to the policy states that where buildings are so derelict that substantial or complete rebuilding is required, this will be treated as a new development in the countryside.

The application is supported by Structural Reports which indicate that the property initially appears to be a structure in a very poor state however, upon closer inspection, the remaining masonry panels are in relatively decent condition which is likely aided by the remaining render on their external face, protecting the mortar from erosion. The Structural Report concludes that no cracking in the walls was noted to be caused by structural subsidence of the foundations, rather by lack of maintenance and heavy vegetation penetrating the mortar and brick, and that the structure could be repaired without being demolished. Plans have also been submitted to indicate how the repair works would be undertaken.

The Structural Report and plans have been assessed by the Council's Structural Engineer who largely accepts their findings and recommendations however, there is some scepticism with the proposal in that the cost and work required to restore the existing structure would be far greater than demolishing and re-building it. Whilst these concerns are noted, this application is solely for the restoration of the existing structure and it would not enable the demolition or re-building of the dwelling. Indeed, a condition would be necessary to ensure that the works are carried out in accordance with the recommendations of the Structural Report and the plans submitted. Should the existing structure collapse or be completely demolished at any point during the works, then a new planning application would be required.

Notwithstanding the above, the plans demonstrate that the works required to restore the existing structure would constitute substantial major reconstruction which, again, would be tantamount to a new dwelling in the countryside and the proposal would therefore not comply with Policy AW9 of the Rhondda Cynon Taf Local Development Plan.

Taking into account that the development would constitute new development in the countryside, the development would not be supported by national planning policy or Policies AW1, AW2 or NSA12 of the Rhondda Cynon Taf Local Development Plan. Policy AW2 of the Rhondda Cynon Taf Development Plan primarily seeks to ensure that developments are located within sustainable locations which the policy defines as sites 1) within the defined settlement boundary, 2) that would not unacceptably conflict

with surrounding uses, 3) that have good access to key services and facilities, and 4) that have good accessibility by a range of sustainable transport options. In the case of this proposal, whilst the residential use of the site would not necessarily conflict with surrounding uses, the application site is located some distance from the nearest settlement boundary and some distance away from the nearest key services and facilities, which are located in the small village of Rhigos (approximately 1km to the west) or the key settlement of Hirwaun (approximately 2.5km to the east). Whilst it is noted that there are bus stops in the vicinity of the site on Rhigos Road, the services provided are limited to hourly buses which start at around 6.15 and stop at around 7pm. Given the distances of the nearest services and facilities, the secluded nature of Rhigos Road and the limited bus services serving the immediate area, it is considered that the development will be heavily reliant upon the private motor car as the primary mode of transport. As such, the proposal would not comply with Policy AW2 of the Rhondda Cynon Taf Local Development Plan. The need for developments to be situated within or adjacent to the defined settlement boundary, is further stipulated in Policies AW1 and NSA12.

In light of the above, it is considered that the residential use of the original structure has been abandoned and this, together with the fact that the works required to restore the original structure would constitute substantial major reconstruction, would result in the proposal being tantamount to a new dwelling in the countryside, which is not supported by national or local planning policy. As such, the principle of the proposal is not considered to be acceptable in this case.

Character and Appearance

The overall scale and visual appearance of the proposal is considered to be acceptable in terms of the impact it would have upon the character and appearance of the area. It would be limited in terms of its footprint and height and would be finished with appropriate materials that would ensure that it would be in-keeping with other properties in the wider area. The proposal would therefore comply with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan in this regard.

Residential Amenity and Privacy

The application site is located approximately 145m away from the nearest neighbouring residential property and the resulting dwelling would therefore not result in any overbearing, overlooking or overshadowing impact. As such, the proposal is considered to be acceptable in terms of its impact upon the amenity and privacy of surrounding residential properties and it would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this regard.

Access and highway safety

The proposal has been assessed by the Council's Highways and Transportation section and no objection has been raised, nor has any condition been recommended.

The comments received indicate that there is some concern that the development would be heavily reliant on the private motor vehicles as a primary mode of travel however, taking into account that an existing structure is to be renovated and that it is located a short distance from a bus stop and employment options, on balance, the proposal is considered to be acceptable.

Other Issues:

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

Land Drainage

The Council's Flood Risk Management team have assessed the proposal and it is noted that the development would comprise of a construction area of approximately 1000 square metres (the redevelopment of the structure and implementation of a hardcore parking and turning area). As such, a separate application for Sustainable Drainage Approval will be required under Schedule 3 of the Flood and Water Management Act 2010.

It is also noted that no objections were received from Dwr Cymru Welsh Water, however, it is advised that the applicant seeks advice from Natural Resources Wales and/or Building Control in relation to the proposal utilising an alternative to mains drainage.

Coal Mining and Land Stability

The application site lies within a High Coal Risk Area and the application is supported by a Coal Mining Risk Assessment (CMRA) (Dated 07 October 2021) which has been assessed by the Coal Authority.

The comments received from the Coal Authority note that the CMRA confirms that whilst there are coal (and ironstone) workings that may have been worked at shallow depths beneath the site, this proposal would not involve any ground works. As such, no objection is raised to the proposal.

Ecology

The application is accompanied by a Bat Survey Report (dated June 2021) which has been assessed by the Council's Ecologist. The findings of the report indicate that the structure is not being used as a bat roost and that the building offers a low level of potential for bats to be present. No objection is raised to the proposal however, it is recommended that a condition be added to ensure that the recommendations set out in the Bat Survey Report are implemented.

Contaminated Land

The Council's Public Health and Protection team note that the site was formerly occupied by Cynlas Refuse Tip and that the site is located within 250m of a landfill site. It is therefore considered that there is potential for contamination to exist on site. A number of conditions have therefore been recommended for a scheme of contamination to be submitted and agreed by the Local Planning Authority prior to commencement of development. Whilst these conditions are noted, the development involves the restoration of an existing structure and details submitted with the application indicate that no ground works would be required. As such, these conditions would not be necessary in this instance.

Further advice is given in relation to noise, dust, waste and lighting which are noted.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

It is considered that the residential use of the original structure has been abandoned and that the works required to restore the original structure would constitute substantial major reconstruction. As such, the proposal would be tantamount to a new dwelling in the countryside and the proposal would not comply with Policies AW1, AW2, AW9 or NSA12.

RECOMMENDATION: Refuse

1. It is considered that the residential use of the original structure has been abandoned and that the works required to restore the original structure would constitute substantial major reconstruction. As such, the proposal would be tantamount to a new dwelling in the countryside and the proposal would not comply with Policies AW1, AW2, AW9 or NSA12.

PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN

UNDER DELEGATED POWERS

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

1. PURPOSE OF THE REPORT

To inform Members of the following, for the period 27/06/2022 – 08/07/2022

Planning Appeals Decisions Received.
Delegated Decisions Approvals and Refusals with reasons.

2. RECOMMENDATION

That Members note the information.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

PLANNING & DEVELOPMENT COMMITTEE

21 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

REPORT

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

OFFICER TO CONTACT

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

See Relevant Application File

APPEALS RECEIVED

APPLICATION NO: 21/0256
APPEAL REF: CAS-01765-Y6D7R8
APPLICANT: Mr D Demery
DEVELOPMENT: Partial change of use from commercial to residential to create two commercial premises and eight flats, along with associated works (Flood Consequence Report received 05/07/2021, Amended Plans received 07/07/2021).
LOCATION: 22-22A CARDIFF STREET, ABERDARE, CF44 7DP
APPEAL RECEIVED: 02/03/2022
APPEAL START DATE: 30/06/2022

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Report for Development Control Planning Committee

Aberdare West/Llwydcoed

22/0397/10 Decision Date: 04/07/2022
Proposal: Replacement of detached garage with pitched roof single storey garage (amended plan received 06/06/2022).
Location: 36 MAESGWYN, CWMDARE, ABERDARE, CF44 8TD

22/0472/10 Decision Date: 06/07/2022
Proposal: Garden Room at the rear of the property.
Location: 14 LAKESIDE, CWMDARE, ABERDARE, CF44 8AX

Mountain Ash East

22/0545/10 Decision Date: 29/06/2022
Proposal: Extension to bungalow to form a two-storey dwelling (Amended plans received 16/06/2022)
Location: 9 ABER-FFRWD ROAD, MOUNTAIN ASH, CF45 4AR

Abercynon

22/0320/10 Decision Date: 29/06/2022
Proposal: 2nd storey extension, widening of ground floor extension to the rear
Location: 61 LOCK STREET, ABERCYNON, MOUNTAIN ASH, CF45 4UH

Ynysybwl

22/0302/10 Decision Date: 08/07/2022
Proposal: Double garage on the land adjacent to the property.
Location: 24 HAFAN HEULOG, COED-Y-CWM, PONTYPRIDD, CF37 3JJ

Aberaman South

21/1388/13 Decision Date: 29/06/2022
Proposal: Outline application for 4 residential dwellings with garages.
Location: RIVERSIDE, FARM ROAD, ABERAMAN, ABERDARE, CF44 6LJ

Treorchy

21/1406/10

Decision Date: 29/06/2022

Proposal: Demolition of existing masonry training tower. Replaced with proposed steel training tower to be constructed in the same location. (Bat Survey Report received 27th June 2022)

Location: SOUTH WALES FIRE AND RESCUE TREORCHY STATION, BUTE STREET, TREORCHY, CF42 6DB

22/0378/10

Decision Date: 30/06/2022

Proposal: Single storey extension to existing Treorchy Fire station (Bat Survey Report received 27th June 2022)

Location: SOUTH WALES FIRE AND RESCUE TREORCHY STATION, BUTE STREET, TREORCHY, CF42 6DB

22/0498/10

Decision Date: 29/06/2022

Proposal: Two storey rear extension.

Location: 1 JAMES STREET, TREORCHY, CF42 6PH

Tonypandy

22/0588/19

Decision Date: 06/07/2022

Proposal: Pollard 1 Chestnut tree to approximately 15ft located in the corner of the driveway

Location: 1 PARK PLACE, TONYPANDY, CF40 1BA

Aberdare West and Llwydcoed

22/0642/10

Decision Date: 30/06/2022

Proposal: Single storey front extension.

Location: 4 HOREB TERRACE, LLWYDCOED, ABERDARE, CF44 0UU

Beddau and Tyn-y-nant

22/0566/10

Decision Date: 04/07/2022

Proposal: Single storey side extension with a mono pitch tiled roof, render finish to match existing, internal works.

Location: 26 CARLTON CRESCENT, BEDDAU, PONTYPRIDD, CF38 2RS

Cwmbach

22/0565/10

Decision Date: 30/06/2022

Proposal: Two storey rear extension.

Location: 21 BRYN GLAS, CWM-BACH, ABERDARE, CF44 0LU

Report for Development Control Planning Committee

Cymer

22/0455/10 Decision Date: 05/07/2022

Proposal: Two storey side extension.

Location: 30 TON HYWEL, TREBANOG, PORTH, CF39 9EA

Ferndale and Maerdy

22/0564/10 Decision Date: 29/06/2022

Proposal: Second floor rear extension, repairs & improvement.

Location: 20 BAPTIST SQUARE, BLAENLLECHAU, FERNDAL, CF43 4NT

22/0621/10 Decision Date: 05/07/2022

Proposal: Change of use to domestic garden and retention of seating area and shed.

Location: LAND TO THE REAR OF 9 MOUNTAIN ROW, BLAENLLECHAU, FERNDAL, CF43 4PA

Graig and Pontypridd West

22/0577/10 Decision Date: 06/07/2022

Proposal: Two storey side extension and replacement garage with store above

Location: MOUNT PLEASANT, LLANDRAW WOODS, MAES-Y-COED, PONTYPRIDD, CF37 1EX

22/0693/10 Decision Date: 06/07/2022

Proposal: Extension to existing dwelling and workshop.

Location: COEDCAE DU FARM, PENYCOEDCAE ROAD, PENYCOEDCAE, PONTYPRIDD, CF37 1PU

Hawthorn and Lower Rhydfelen

22/0481/10 Decision Date: 29/06/2022

Proposal: Rear Extension.

Location: 11 YMYL YR AFON, Y DDRAENEN WEN, PONTYPRIDD, CF37 5AZ

22/0576/10 Decision Date: 27/06/2022

Proposal: Proposed single storey one bedroom annexe building ancillary to and in grounds of 6 College Close, Rhydyfelin.

Location: 6 COLLEGE CLOSE, RHYDYFELIN, PONTYPRIDD, CF37 5RL

Hirwaun, Penderyn and Rhigos

22/0537/15 Decision Date: 08/07/2022

Proposal: Variation of condition 1, extend time limit 16/1129/10

Location: LAND OPP BENSON HOUSE, JOHN'S LANE, HIRWAUN, ABERDARE, CF44 9TQ

Report for Development Control Planning Committee

Llantrisant and Talbot Green

22/0664/10 Decision Date: 29/06/2022

Proposal: Additional cable route.

Location: LAND AT RHIWFELIN FACH FARM, LLANTRISANT ROAD, YNYSMAERDY, LLANTRISANT, PONTYCLUN, CF72 8LQ

Llantwit Fardre

22/0644/09 Decision Date: 27/06/2022

Proposal: Single storey rear extension.

Location: 20 FFORDD-Y-CAPEL, EFAILISAF, PONTYPRIDD, CF38 1AP

Mountain Ash

22/0574/10 Decision Date: 04/07/2022

Proposal: Proposed two storey and single storey extensions to rear

Location: 4 UPPER FOREST LEVEL, MOUNTAIN ASH, CF45 4HR

Pen-y-graig

22/0563/10 Decision Date: 01/07/2022

Proposal: Change of use of shop selling food (A1) to café serving hot/cold food and takeaway (A3) (Retrospective).

Location: BACCHETTA AND SON CAFE, 51 TYLACELYN ROAD, PEN-Y-GRAIG, TONYPANDY, CF40 1JU

Pentre

22/0494/01 Decision Date: 05/07/2022

Proposal: Proposed new signage scheme.

Location: ONE STOP SHOP, CHURCH ROAD, PENTRE, CF41 7ED

Pontyclun East

22/0539/09 Decision Date: 28/06/2022

Proposal: Timber insulated garden room with flat roof.

Location: 37 OAKLANDS, MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 8RW

Pontyclun West

22/0332/10 Decision Date: 07/07/2022

Proposal: Change of use from beauty salon & first floor flat to ground floor retail store and first floor hair/beauty salon.

Location: 15 & 15A COWBRIDGE ROAD, PONT-Y-CLUN, PONTYCLUN, CF72 9EA

Report for Development Control Planning Committee

Porth

22/0670/10 Decision Date: 05/07/2022
Proposal: Single storey rear extension.
Location: 36 PLEASANT HEIGHTS, PORTH, CF39 0LZ

Ton-teg

20/1404/10 Decision Date: 01/07/2022
Proposal: Replacement of existing boundary fence with wall.
Location: GLEN RAY, 17 CHURCH ROAD, TONTEG, PONTYPRIDD, CF38 1EG

22/0541/19 Decision Date: 28/06/2022
Proposal: Crown raise to 2 no. Oak trees (Tree Preservation Order TPO no. 50 /2001 G1)
Location: 33 FFORDD GERDINAN, TON-TEG, PONTYPRIDD, CF38 1ER

Tonyrefail East

22/0593/10 Decision Date: 08/07/2022
Proposal: Rear first floor extension.
Location: 30 COLLENA ROAD, TONYREFAIL, PORTH, CF39 8EH

Trallwng

22/0546/10 Decision Date: 29/06/2022
Proposal: Demolish annexe and lean-to, construct single and two storey extensions to rear
Location: 46 BONVILSTON ROAD, PONTYPRIDD, CF37 4RE

Treherbert

22/0569/10 Decision Date: 05/07/2022
Proposal: First floor rear extension for shower/wet room facilities.
Location: 2 CASTLETON AVENUE, TYNEWYDD, TREHERBERT, TREORCHY, CF42 5SS

Treorchy

22/0540/10 Decision Date: 06/07/2022
Proposal: 4 No Lock-up garages.
Location: LAND AT REAR OF NO'S 39-41 YNYSWEN ROAD, TREHERBERT, TREORCHY

Report for Development Control Planning Committee

Ystrad

21/1629/10 Decision Date: 08/07/2022

Proposal: Works to dropped kerb.

Location: HEDDFAN, PENRHYS ROAD, PEN-RHYS, PENTRE, CF41 7SW

Ffynon Taf

22/0417/10 Decision Date: 28/06/2022

Proposal: Raising height of rear boundary wall.

Location: 5 ALFRED'S TERRACE, TAFF'S WELL, CARDIFF, CF15 7RJ

22/0418/12 Decision Date: 28/06/2022

Proposal: Raising height of rear boundary wall (Listed Building Consent).

Location: 5 ALFRED'S TERRACE, TAFF'S WELL, CARDIFF, CF15 7RJ

Pontyclun

22/0501/09 Decision Date: 01/07/2022

Proposal: Proposed conversion of loft space to upper area of kitchen with 4no. roof lights, new side window and internal alterations

Location: 3 RED COW COTTAGES, LLANTRISANT ROAD, GROES-FAEN, PONT-Y-CLUN, PONTYCLUN, CF72 8NT

Total Number of Delegated decisions is 39

Report for Development Control Planning Committee

Aberaman North

22/0547/10

Decision Date: 29/06/2022

Proposal: Retention of as-built fence and gate enclosing extension of garden into rear lane.

Location: 13 ABERGWAWR PLACE, ABERAMAN, ABERDARE, CF44 6YR

Reason: 1 The resulting character and use of the land, by forming part of the residential curtilage of 13 Abergwawr Place, together with the erection of the fencing that encloses it would have a detrimental impact upon the visual qualities of the area. Furthermore, the approval of the application would likely lead to further similar proposals, the effect of which could result in a cumulatively detrimental impact on the character and appearance of the wider area. As such, the development would not comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan

Mountain Ash

22/0260/10

Decision Date: 05/07/2022

Proposal: Change of use from Class A2 Solicitors to Class A3 fast food take away.

Location: 7 OXFORD STREET, MOUNTAIN ASH, CF45 3PG

Reason: 1 The proposed development is considered to be contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan as it would result in an adverse impact upon highway safety in the vicinity of the application site for the following reasons:
(i) The proposed hot food takeaway at the location presented would give rise to a greater intensity of short-term on-street parking along Oxford Street (B4275) to the detriment of safety of all highway users and free flow of traffic.

Total Number of Delegated decisions is 2

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