



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

**GWŶS I GYFARFOD PWYLLGOR**

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

Dolen gyswllt: Swyddog Gwasanaethau Democrataidd ac Ymgysylltu (07385401877)

Bydd cyfarfod hybrid o'r **Pwyllgor Cynllunio a Datblygu** yn cael ei gynnal ar **DYDD IAU, 20FED GORFFENNAF, 2023** am **3.00 PM**.

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

MAE MODD I AELODAU NAD YDYN NHW'N AELODAU O'R PWYLLGOR AC AELODAU O'R CYHOEDD OFYN I ANNERCH Y PWYLLGOR YN YSTOD Y CYFARFOD SY'N YMWNEUD Â'R MATER SYDD WEDI'I NODI. RYDYN NI'N GOFYN EICH BOD CHI'N RHOI GWYBOD AM EICH BWRIAD I SIARAD DRWY E-BOSTIO [GWASANAETHAUCYNLLUNIO@RCTCBC.GOV.UK](mailto:GWASANAETHAUCYNLLUNIO@RCTCBC.GOV.UK) ERBYN 5PM AR DYDD MAWRTH, 18 GORFFENNAF 2023, GAN NODI A FYDDWCH CHI'N SIARAD YN GYMRAEG NEU'N SAESNEG.

MAE'N BOSIB BYDD TREFN YR AGENDA'N NEWID ER MWYN HWYLUSO BUSNES Y PWYLLGOR.

**AGENDA**

**Tudalennau**

**1. DATGAN BUDDIANT**

Derbyn datganiadau o fuddiannau personol gan Aelodau yn unol â'r Cod Ymddygiad.

**Nodwch:**

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

**2. DEDDF HAWLIAU DYNOL 1998 A PHENDERFYNIADAU RHEOLI DATBLYGU**

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

**3. DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015**

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

**4. COFNODION 22.06.23**

Cadarnhau cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 22 Mehefin 2023 yn rhai cywir.

7 - 12

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

**5. CAIS RHIF: 22/1305**

Gosod llain galed yn yr ardd gefn a'r gwaith cysylltiedig er mwyn creu pafin ag ymylon isel oddi ar Heol yr Eglwys  
**13 CILGANT CONWY, TON-TEG, PONTYPRIDD, CF38 1HP.**

13 - 22

**6. CAIS RHIF: 22/1375**

Cais cynllunio amlinellol, gyda phob mater wedi'i gadw, ar gyfer datblygiad preswyl arfaethedig.  
**Y TIR CYFERBYN Â 6-8 HEOL BRYNMAIR, GODREAMAN, ABERDÂR, CF44 6LR**

23 - 40

**7. CAIS RHIF: 23/0360**

Parhau i'w ddefnyddio fel gardd.  
**Tŷ DEWI SANT, HEOL CASTELLAU, BEDDAU, PONTYPRIDD, CF38 2RA**

41 - 46

**8. CAIS RHIF: 20/1056**

Adeiladu adeilad cynaliadwy i'r gymuned (sydd ddim ar y grid) ar goetir,

gan gynnwys ystafell ddosbarth, cyfleusterau lles, llwybr mynediad, cyfleuster cynhyrchu ynni ar y safle (tyrbin gwynt a phaneli ffotofoltaig) a system ddraenio i gefnogi gwaith cyflawni prosiect partneriaeth De Cymru mewn perthynas ag Adfer Mandiroedd. (Derbyniwyd Asesiad o'r Effaith ar Dreftadaeth ar 5 Mehefin 2023)

**COETIR I'R GOGLEDD DDWYRAIN O FAES PARCIO HENDRE'R MYNYDD, ODDI AR FFORDD Y RHIGOS, TREHERBERT**

47 - 60

**9. CAIS RHIF: 22/1474**

Adeiladu adeilad deulawr ag 16 ystafell wely sy'n darparu gofal dan oruchwyliaeth gyda chyfleusterau parcio cysylltiedig a man storio sbwriel - dosbarth defnydd C2. (Derbyniwyd cynlluniau diwygiedig ar 06/03/23).

**HEN GARTREF GOFAL NYRSIO GLYNCORNEL, HEOL NANT-Y-GWYDDON, LLWYNYPIA, TONYPANDY, CF40 2JF**

61 - 78

**10. CAIS RHIF: 23/0170**

Trosi siop ac annedd yn 2 fflat. (Derbyniwyd Cynlluniau a Disgrifiad Diwygiedig ar 09/05/2023)

**SIOP, 2 STRYD FAWR, LLANTRISANT, PONT-Y-CLUN, CF72 8BP**

79 - 88

**11. CAIS RHIF: 23/0506**

Dymchwel yr adeiladau presennol ac adeiladu cartref gofal preswyl arbenigol 16 gwely (dosbarth defnydd C2) gyda gwaith cysylltiedig

**Y TIR Y TU ÔL I RIF 15 AC 16 FFORDD Y RHIGOS, HIRWAUN, ABERDÂR, CF44 9PS**

89 - 110

**12. CAIS RHIF: 23/0422**

Dymchwel tŷ'r gofalwr, ad-drefnu'r maes parcio/man gollwng/codi teithwyr/cilfan i fysiau, llwybrau troed, maes chwaraeon 3G, llifoleuadau, manau chwarae newydd, peiriannau a gwaith cysylltiedig (manyion technegol diwygiedig wedi'u derbyn 01/06/2023)

**YSGOL UWCHRADD PONTYPRIDD, HEOL CILFYNYDD, CILFYNYDD, PONTYPRIDD, CF37 4SF**

111 - 128

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

**13. CAIS RHIF: 22/1464**

Estyniad unllawr i ochr yr adeilad, estyniad deulawr i ochr yr adeilad, patio uchel y tu cefn i'r adeilad a gwaith cysylltiedig.

**16 STRYD Y BRYN, HENDREFORGAN, Y GILFACH-GOCH, PORTH, CF39 8TW**

129 - 138

## **CEISIADAU WEDI'U GOHIRIO**

### **14. CAIS RHIF: 22/0273/10**

Newid defnydd o dafarn i 4 annedd (Derbyniwyd y Nodyn Trafnidiaeth ar 4 Gorffennaf 2022, derbyniwyd y Strategaeth Draenio Dŵr Aflan ar 2 Chwefror 2023).

**TAFARN 'THE BARN', HEOL MEISGYN, MWYNDY, PONT-Y-CLUN, CF72 8PJ**

**139 - 162**

### **15. CAIS RHIF: 22/0668/10**

Trosi eglwys yn 11 fflat. Derbyniwyd yr Asesiad o Ganlyniadau Llifogydd ar 11 Gorffennaf 2022, derbyniwyd yr Asesiad o'r Effaith Ecolegol ar 20 Medi 2022)

**EGLWYS GYNULLEIDFAOL YSTRAD, 1 HEOL YR EGLWYS, TONPENTRE, CF41 7AD**

**163 - 180**

## **ADRODDIAD ER GWYBODAETH**

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

Rhoi gwybod i Aelodau am y canlynol, ar gyfer y cyfnod **/2018 a /2018.**

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

**181 - 194**

### **17. MATERION BRYD**

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

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

## **Cyfarwyddwr Gwasanaeth y Gwasanaethau Democraidd a Chyfathrebu**

### **Cylchrediad: -**

**Aelodau o'r Pwyllgor Cynllunio a Datblygu:**

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

Y Cynghorydd J Bonetto, Y Cynghorydd A Dennis, Y Cynghorydd S Emanuel,  
Y Cynghorydd D Grehan, Y Cynghorydd G Hughes, Y Cynghorydd M Powell,  
Y Cynghorydd J Smith, Y Cynghorydd L A Tomkinson and Y Cynghorydd R Williams

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

tudalen wag



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

Cofnodion o gyfarfod hybrid y Pwyllgor Cynllunio a Datblygu a gynhaliwyd Dydd Iau, 22 Mehefin 2023 am 3.00 pm

Cafodd y cyfarfod yma ei ddarlledu'n fyw, ac mae modd gweld y manylion [yma](#)

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

Y Cyngorydd S Rees (Cadeirydd)

Y Cyngorydd W Lewis    Y Cyngorydd A Dennis  
Y Cyngorydd D Grehan    Y Cyngorydd G Hughes  
Y Cyngorydd M Powell    Y Cyngorydd J Smith  
Y Cyngorydd R Williams

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

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

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

Y Cyngorydd M Norris

#### **20 YMDDIHEURIADAU AM ABSENOLDEB**

Daeth ymddiheuriadau am absenoldeb oddi wrth Gyngorwyr y Fwrdeistref Sirol J. Bonetto, S. Emanuel a L. Tomkinson.

#### **21 DATGAN BUDDIANT**

Yn unol â Chod Ymddygiad y Cyngor, roedd Cyngorydd y Fwrdeistref Sirol W. Lewis wedi datgan buddiant personol a buddiant sy'n rhagfarnu mewn perthynas â Chais 23/0290: Dymchwel y warws bresennol, adeiladu bloc sy'n cynnwys 14 fflat fforddiadwy, manau parcio ac ardaloedd amwynder. (Adolygu ac ailgyflwyno cais blaenorol 22/0510/10) W R BISHOP AND CO FRUIT AND VEGETABLE WHOLESAL, HEOL PENRHIW, TONYREFAIL, PORTH, CF39 8EY.

"Mae fy mrawd yn byw yn yr eiddo drws nesaf ac wedi'i nodi'n siaradwr cyhoeddus ar gyfer y cais yma."

**22 DEDDF HAWLIAU DYNOL 1998 A PHENDERFYNIADAU RHEOLI DATBLYGU**

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

**23 DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015**

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

**24 COFNODION 08.06.23**

**PENDERFYNWYD** cadarnhau'r cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 08.06.23 yn rhai cywir.

**25 NEWID I DREFN YR AGENDA**

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

**26 CAIS RHIF: 23/0290**

**Dymchwel y warws bresennol, adeiladu bloc sy'n cynnwys 14 fflat fforddiadwy, manau parcio ac ardaloedd amwynder. (Adolygu ac ailgyflwyno cais blaenorol 22/0510/10) W R BISHOP AND CO FRUIT AND VEGETABLE WHOLESALE, HEOL PENRHIW, TONYREFAIL, PORTH, CF39 8EY.**

(Noder: Ar ôl datgan buddiant personol a buddiant sy'n rhagfarnu mewn perthynas â'r cais uchod gadawodd Cynghorydd y Fwrdeistref Sirol W. Lewis y cyfarfod ar y pwynt yma.)

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

- Mr G John (Asiant)
- Ms V Higgins (Gwrthwynebydd)
- Mr A Taylor (Gwrthwynebydd)
- Mr M Coombs (Gwrthwynebydd)
- Mr P Marchant (Gwrthwynebydd)
- Ms S Hopkins (Gwrthwynebydd)

Arferodd yr Asiant, Mr G John, yr hawl i ymateb i sylwadau'r gwrthwynebwyr.



Rhoddodd y Pennaeth Materion Cynllunio amlinelliad o gynnwys nifer o lythyrau 'hwyr' gan yr Aelod Seneddol Alex Jones, yr Aelod o'r Senedd Mick Antoniw, Cyngorydd y Fwrdeistref Sirol D Parkin, Cyngorydd y Fwrdeistref Sirol D Owen-Jones a Mr D Lindley, a oedd yn gwrthwynebu'r cais.

Cyflwynodd y Pennaeth Materion Cynllunio y cais i'r Pwyllgor ac ar ôl trafodaeth hir **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr Materion Ffyniant a Datblygu. Roedd hyn yn ddarostyngedig i gwblhau cytundeb Adran 106 i sicrhau bod yr anheddau'n cael eu sefydlu a'u cynnal a'u cadw yn unedau fforddiadwy, i'r diben o ddiwallu anghenion tai lleol a nodwyd, yn ogystal ag amod ychwanegol i ddarparu lleoliad amgen ar gyfer storio biniau, gan fod Aelodau'n bryderus am effaith y lleoliad a gafodd ei gynnig yn y cynlluniau ar eiddo cyfagos.

(Nodwch: Cafodd cynnig ei wneud, a'i eilio, i wrthod y cais sydd wedi'i nodi uchod yn erbyn argymhelliad y Cyfarwyddwr Materion Ffyniant a Datblygu, ar sail dyluniad y cais, y math o lety sy'n cael ei gynnig, diogelwch y llety, effaith y cais ar y priffyrdd a diogelwch y priffyrdd, y storfa finiau a'r effaith y bydd y storfa yn ei chael ar eiddo cyfagos,

(Nodyn: Ymatalodd Cyngorydd y Fwrdeistref Sirol M Powell rhag pleidleisio ar yr eitem hon.)

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

## 27 CAIS RHIF: 22/1004

**Cais materion wedi'u cadw'n ôl ar gyfer cynllun tai fforddiadwy a manylion cysylltiedig mewn perthynas ag amodau 1, 5, 7, 9 a 10 yn unol â chaniatâd amlinellol 21/0448/15. (Derbyniwyd y Cynllun Lleoliad Safle Diwygiedig, Cynllun Safle, Nodyn Technegol: Trafnidiaeth (mewn perthynas â chyffordd Heol Waunrhydd) ar 27 Ionawr 2023; Derbyniwyd Cynllun Rheoli Traffig Adeiladu ar 12 Ebrill 2023) RHONDDA BOWL, HEOL WAUNRHYDD, TONYREFAIL, PORTH, CF39 8EW.**

(Nodwch: Roedd Cyngorydd y Fwrdeistref Sirol W Lewis wedi dychwelyd i'r cyfarfod).

Yn unol â'r gweithdrefnau a gafodd eu mabwysiadu, derbyniodd y Pwyllgor Ms L Fowler (Asiant). Cafodd hi bum munud i gyflwyno'r cais wedi'i nodi uchod i'r Aelodau.

Amlinellodd y Pennaeth Materion Cynllunio gynnwys 2 lythyr hwyr gan yr Aelod Seneddol Alex Jones a'r Aelod o'r Senedd Mick Antoniw sy'n nodi pryderon am y datblygiad arfaethedig.

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

**28 CAIS RHIF: 23/0039**

**Adeiladu garej/storfa/gweithdy (Derbyniwyd cynllun ffin goch a chynlluniau diwygiedig ar 17/03/23) Y TU ÔL I 2 STRYD CRICHTON, TREHERBERT**

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

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

**29 CAIS RHIF: 22/0311**

**Annedd newydd sbon ag 1 ystafell wely (Derbyniwyd y cynlluniau diwygiedig a'r disgrifiad diwygiedig ar 27/01/2023). THE HILL COTTAGE, HEOL Y DWYRAIN, TYLORSTOWN, GLYNRHEDYNOG, CF43 3HG**

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

**30 CAIS RHIF: 22/0788**

**Amrywio amod 2, math o dŷ a diwygiadau cyffredinol 18/0736/10 , HEN SAFLE 'HILLSIDE COUNTRY CLUB', FFERM COLLENA, TONYREFAIL, CF39 8AX.**

Roedd y Pennaeth Materion Cynllunio wedi gofyn bod Aelodau'n gohirio'r cais yma fel bod modd cynnal trafodaethau gyda'r ymgeisydd ynglŷn ag anghysondebau mewn perthynas â'r ffin goch. Yn dilyn trafodaeth, **PENDERFYNODD** Aelodau ohirio'r cais.

**31 CAIS RHIF: 22/1129**

**Adeiladu a gweithredu fferm wynt sy'n cynnwys hyd at 7 tyrbîn gwynt a seilwaith cysylltiedig (Datblygiad o Arwyddocâd Cenedlaethol) TIR I'R DWYRAIN O DREBANOG, RHONDDA CYNON TAF**

Cyflwynodd yr Uwch Swyddog Cynllunio y cais i'r Pwyllgor, ac yn dilyn trafodaeth, **PENDERFYNODD** Aelodau gymeradwyo Adroddiad ar yr Effaith Leol y Cyngor (fel sydd wedi'i nodi yn Atodiad 'A') mewn perthynas â'r cais yma ar gyfer Datblygiad O Arwyddocâd Cenedlaethol, er mwyn cyflwyno'r cais i gynorthwyo'r Arolygwr sydd wedi'i benodi gan Lywodraeth Cymru, Penderfyniadau Cynllunio ac Amgylchedd Cymru, wrth benderfynu ar y cais.

**32 CAIS RHIF: 22/1443**

**Drysau rholer TIR Y TU ÔL I 257, HEOL TREBANOG, TREBANOG, PORTH.**

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

(Nodyn: Ymatalodd Cynghorydd y Fwrdeistref Sirol G Hughes o'r bleidlais gan nad oedden nhw'n bresennol ar gyfer yr holl ddadl.)

**33 CAIS RHIF: 23/0149**

**Newidiadau a Gwaith ar gyfer ailosod y Bont Restredig Gradd II PONT HAEARN TRESALEM, Y LLWYBR BEICIO O'R DRAMFFORDD I DROEDFFORDD ABERDÂR ABD(33(1, TRECYNON, ABERDÂR.**

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

**34 CAIS RHIF: 23/0312**

**Garej arfaethedig, TIR GER TŶ TUDFUL, STRYD FAWR, CYMER, PORTH, CF39 9ET**

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

**35 CAIS RHIF: 23/0408**

**Estyniad deulawr arfaethedig i ochr yr adeilad ac estyniad unllawr i gefn yr adeilad, ynghyd â newidiadau y tu mewn i'r adeilad. 6 MAES IFOR, FFYNNON TAF, CAERDYDD, CF15 7AS**

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

**36 CAIS RHIF: 23/0202/10**

**Newid defnydd o glinig i 5 fflat preswyl. CLINIG YSTRAD, 14 TERAS TRAFALGAR, YSTRAD, PENTRE, CF41 7RG**

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

**37 CAIS RHIF: 20/0988**

**Newid defnydd i B8 i ddefnyddio'r safle'n gyfleuster storio (cynwysyddion storio a charfanau). (Derbyniwyd Gwerthusiad Ecolegol Rhagarweiniol ar 13/05/2021) HEN SAFLE PUROLITE, HEOL Y BONT-FAEN, PONT-Y-CLUN.**

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

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

**PENDERFYNODD** yr Aelodau dderbyn adroddiad y Cyfarwyddwr Gwasanaeth – Materion Cynllunio mewn perthynas â'r Penderfyniadau Apeliadau Cynllunio a Gorfodi a ddaeth i law, Cymeradwyaethau Penderfyniadau a Gwrthodiadau Dirprwyedig gyda rhesymau, Trosolwg o Achosion Gorfodi a Phenderfyniadau Gorfodi Dirprwyedig ar gyfer y cyfnod 29/02/2023 - 09/06/2023.

**Daeth y cyfarfod i ben am 5.45 pm**

**Y Cyngorydd S Rees  
Cadeirydd.**

## PLANNING & DEVELOPMENT COMMITTEE

20 July 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/1305/10 (RP)  
**APPLICANT:** Mr J Rees  
**DEVELOPMENT:** Formation of hardstanding to rear garden and associated dropped kerb access off Church Road.  
**LOCATION:** 13 CONWAY CRESCENT, TONTEG, PONTYPRIDD, CF38 1HP  
**DATE REGISTERED:** 02/04/2023  
**ELECTORAL DIVISION:** Church Village

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**RECOMMENDATION:** Approve, subject to conditions

**REASONS:** The principle of the proposal is considered to be acceptable, inasmuch as it proposes development within both the curtilage of an existing residential property and the defined settlement boundary of Church Village.

The development would be in keeping with the surrounding land uses and it is not considered that the proposals would adversely affect the character and appearance of the site or the surrounding area. Similarly, it is not considered that the proposals would result in an unacceptable impact upon highway safety, subject to conditions. The application is also considered acceptable in terms of potential impacts upon the levels of amenity enjoyed by neighbouring residents. Consequently, the proposal is recommended for approval.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from Councillor Graham Stacey for the matter to come to Committee for the reason that the development would have an adverse effect upon highway safety, with particular concern shown towards vehicular movements to and from the hardstand onto Church Road. In addition, seven letters of objection have been received.

#### APPLICATION DETAILS

Full planning consent is sought for the retention of a car parking hardstand, vehicular crossover and associated works at 13 Conway Crescent, Tonteg, Pontypridd.

Previously, and in common with neighbouring properties, the rear boundary of the application site was demarcated by a brick-built boundary wall.

Subsequently, the applicant has removed the section of brick-built wall and has erected block retaining walls to a maximum of 1250mm in height above existing garden levels to facilitate the creation of an area of hardstanding within the rear garden curtilage.

The submitted block plan that accompanies the proposal indicates that the hardstand has been constructed so that it is irregular in plan, measuring a maximum of 5.3m in depth by 5.9m in width.

The plans also denote that the new block walls would be capped and parking area enclosed with close boarded fencing ranging from 1500mm to 1800mm in height, whilst a pedestrian access gate would be formed upon the west facing elevation of the hardstand.

## **SITE APPRAISAL**

The application site consists of a semi-detached house and its associated curtilage that is set within a residential development to the west of Tonteg and south of Church Road. The external finish of the house is mainly of red face brick, however, has been modernised by the addition of a single storey side extension and panels of UPVC and stone cladding

The house occupies a corner plot on the junction of Church Road and Brecon Way and has a south-facing principal elevation which is set back from the highway of Conway Crescent by a garden and driveway to a depth of up to 13.5m.

To the rear of the house the garden extends to a maximum width of approximately 21m and depth of 11.5m.

The property is located in a residential area containing predominantly semi-detached and terraced dwellings along with a number of detached dwellings and bungalows. The nearest of these are located immediately to the west and around 4.4m to the south-east.

## **PLANNING HISTORY**

01/2308	13 Conway Crescent, Tonteg	Proposed garage enlargement and new pitched roof to existing porch and garage.	GTD	17/05/01
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## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties. A total of seven letters of objection have been received and raise the following points:

- The boundary walls of the original development were built in unbroken form all the way up to St. Illtyd's Church. Is there a restrictive covenant forbidding such a change to the wall;
- The development is hazardously close to a busy junction, with vehicles constantly going to and from the shopping precinct and others travelling, often speeding, up and down Church Road;
- The parking area lacks depth, so that a car has little room front and rear when parked. At the rear is a dangerous drop, so that the driver is obliged to drive straight into the parking space rather than reverse and this affects the ability to see oncoming traffic. On the drivers side the applicant would be blindly well into Church Road before he had any visibility of traffic as he looked right and this would be dangerous to traffic and to pedestrians on the footpath, including dog walkers, users of prams or wheelchairs and the numerous schoolchildren who walk along this footpath;
- Allowing the development would set a precedent and any hazards will be multiplied;
- The hardstand is at a junction of a distributor road and a residential access road, at a location considered to be unsuitable/unsafe for a highway access;
- The owner is currently parking large vehicles on the hardstand which regularly encroach on the footway, causing frequent obstructions to the highway. Visibility when joining Church Road from Brecon Way is therefore severely hampered;
- The applicant is currently over running an unmodified footway, causing damage and obstruction with uncleared building materials;
- There is risk given the proximity of the development to a T-Junction;
- The development is extremely unsightly and will have a negative effect on the value of my property.

## **CONSULTATION**

Highways and Transportation – No objection subject to conditions.

## **POLICY CONTEXT**

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

The current LDP's lifespan was 2011 to 2021 and 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 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

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

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

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

### **Supplementary Planning Guidance**

A Design Guide for Householder Development  
Access, Circulation and Parking Requirements

### **National Guidance**

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

Planning Policy Wales Edition 11 (PPW) was issued on 24<sup>th</sup> 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 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 policy guidance considered:

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**

The application relates to the provision of a car parking hardstand, vehicular crossover and associated works within the curtilage of an existing residential property.

The hardstand would provide off-road car parking space for the property in an area where there are multiple examples of this type of development and, consequently, the development is considered to be compatible with the surrounding land uses. As such, the principle of the development is considered to be acceptable.

However, in accordance with the requirements of Policies AW5 and AW6, proposals for householder development may only be considered acceptable providing no adverse impacts result in terms of highway safety, character or amenity. These matters will be considered in detail in the following sections.

#### **Highway Safety**

The Council's Transportation Section have been notified of the proposals in order to provide comments on the suitability of the scheme with regard to highway safety and have made the following comments.

### Access.

The proposed hardstand is located to the rear of the dwelling with vehicular access from Church Road (C103). Church Road is characterised by semi-detached dwellings on the development side and detached dwellings on the opposite side with direct frontal access for both vehicles and pedestrians with no footway provision. To the south and north of the proposal are dwellings and garages with direct frontal access on the development side crossing the existing footway facilities. To the east is the junction of Brecon Way.

The proposal is sufficient in depth to provide off-street car parking for a single domestic car only. There is concern that the applicant has been parking commercial vehicles within the hardstand totally obstructing safe pedestrian movement and impacting on the adjacent sight lines from the junction of Brecon Way. There is potential to restrict the off-street car parking via planning conditions to a domestic vehicle only, which will prevent encroachment onto the public footway and maintain sight lines from the adjacent junction of Brecon Way.

### Traffic Counts

The Council undertook a traffic survey in 2019 which indicates Church Road has an average daily flow of 3400 vehicles per day. In accordance with Manual for Streets, it is recommended that the limit for providing direct access on roads with a 30mph speed restriction is above 10,000 vehicles per day.

Therefore, in accordance with current guidelines, Church Road, with a speed limit of 30mph, is lightly trafficked.

### Accident Data

There are no reported accidents in the vicinity of the site along Church Road as a result of vehicles reversing to and from driveways / parking spaces.

### Highways Summary

There is concern that the applicant has been using the hardstanding to park commercial vehicles, thereby impacting on the free flow of pedestrian movement and impacting on sight lines from the adjacent junction of Brecon Way to the detriment of safety of all highway users.

The Council's Transportation section have suggested this concern can be mitigated by the imposition of the below suggested planning condition, restricting the use of the hardstand to that of a domestic vehicle only:

*“The proposed hardstanding shall be used for a domestic vehicle only with no encroachment permitted within the public highway.*

*Reason: In the interests of highway and pedestrian safety, for the avoidance of doubt to the permission granted and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan”.*

However, Members are advised that, in accordance with Welsh Government Circular 016/2014 in respect to the Use of Planning Conditions for Development Management, the condition would fail to meet with the necessity and enforceability tests and therefore, it is recommended that the suggested condition should not be applied to any consent.

Paragraph 3.6 of the Circular states that planning conditions should not duplicate controls under other legislation unless there is a planning reason for doing so. In this case, Members are advised that the provisions set out within the Highway Act (1980) relating to the free passage of traffic would allow for action to be taken against the developer by the Local Highway Authority should a wilful obstruction to the highway be caused or continue to be caused.

Further to the above, Paragraph 3.22 of the Circular states that sometimes a planning condition will be unenforceable because it is, in practice, impossible to detect or prove a contravention

Notwithstanding the above highways assessment and the enforceability and necessity of the suggested condition, the Council’s Transportation section have concluded that after taking into account the local context, where there are a number of driveways opposite the application site which result in reversing movements to and from Church Road, with further direct access points on the development side to the north and south with no reported accidents, slow traffic speeds of 30mph, limited vehicular traffic of an average daily total of 3400 and the limited use of the hardstand to potentially 2-4 movements per day, on balance the proposed is deemed acceptable.

Consequently, the application would be in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Impact on the visual amenity of the area**

The application site is prominent, being positioned upon the junction of Conway Crescent with Brecon Way and in this respect, the works that have been conducted are legible.

However, it is considered the development itself is very modest in comparison to the size of what is a large corner plot and therefore, has not resulted in overdevelopment. Furthermore, given the multiple other developments that can be seen along Church Road, where off street parking provisions, associated vehicular crossovers and private

driveways have been developed across its length on both sides of the carriageway, it is not considered that the addition of a further arrangement would be incongruous.

Consequently, it is not considered that the proposal would significantly alter the existing character and appearance of the application site to a degree that warrants refusal of the application and, as such, would not be of any further detriment to the street scene. The application is therefore considered acceptable in this regard and is in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### **Impact on residential amenity**

The development consists of lowering the kerb to the rear of the site (at Church Road) to allow vehicular access to an existing residential curtilage where a hardstanding has been formed to allow for the parking of vehicles.

It is not considered that the living conditions of the closest neighbouring occupants would be severely harmed as a result of the development of the hardstand or the retaining walls that have been constructed to support it, given the position of the development in relation to neighbouring property boundaries.

For similar reasons, it is considered unlikely that the enclosure of the hardstand with the close boarded timber fencing proposed would cause significant shading or overbearing impacts towards neighbouring occupants, neither would the development likely have a negative impact upon outlook as the area of hardstanding has not been sited or extended within sufficient proximity to any of their habitable room windows or garden space. Lastly, as a non-habitable form of development, the works would not cause detriment to the privacy of other residents.

Consequently, the development is considered to be acceptable in terms of the impact it has on the residential amenity and privacy of surrounding properties and is in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Neighbour Consultation Responses**

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

The objectors contend that the development is unsightly and it is acknowledged the demolition of the boundary wall for access has resulted in the loss of streetscene uniformity where boundary walls of red brick construction generally enclose the rear amenity spaces of properties that back onto this section of Church Road.

However, it is noted that the developer, prior to carrying out the development, had already removed the upper section of the brick wall that bound his rear curtilage and subsequently capped it with hit and miss fencing. Furthermore, and as alluded to in

the preceding sections of this report, there are multiples of examples of off-street parking arrangements located across the length of Church Road such that the impact of the development upon the visual qualities of the area would not be significant. Therefore, there are no sustainable planning reasons to warrant refusal of the application in terms of character.

With regard to the objectors point in respect of covenants, the Local Planning Authority is not aware of any restrictions that would prevent the development from taking place and in any event, this would not preclude the Council from issuing a decision notice for the proposal as it has no involvement in checking or enforcing private rights or any legal impediments that may exist.

Lastly, any de-valuation of neighbouring properties that may occur as a result of the development is not a material planning matter that can be given consideration in the determination of this planning application.

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

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

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

### **Conclusion**

The principle of the development is considered to be acceptable, inasmuch as it proposes development within both the curtilage of an existing residential property and the defined settlement boundary of Church Village.

For the reasons set out above, it is not considered that the proposals would adversely affect the character and appearance of the site and surrounding area. Similarly, it is not considered that the proposals would result in an unacceptable impact upon highway safety, subject to conditions. The application is also considered acceptable in terms of potential impacts upon the levels of amenity enjoyed by neighbouring residents. Consequently, the proposal is recommended for approval, subject to the conditions specified below.

### **RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS:**

1. The development hereby approved shall be carried out in accordance with the approved plans:
  - Drawing no. 23/01 (Site Plan and Block Plan (1:500 scale))
  - Drawing no.23/02 (Block Plan (1:200 scale), Existing and Proposed Elevations)

and documents received by the Local Planning Authority on 07/11/2022 and 02/04/2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

2. Notwithstanding the submitted plans, within 6 weeks of the date of this consent a scheme for the provision of a vehicular footway crossing shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed with the agreed details within 3 months of the date of this consent.

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

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

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

## PLANNING & DEVELOPMENT COMMITTEE

20 July 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/1375/13 (RP)  
**APPLICANT:** Mr D Evans  
**DEVELOPMENT:** Outline planning application with all matters reserved for a proposed residential development.  
**LOCATION:** LAND ADJACENT TO 6 - 8 BRYNMAIR ROAD, GODREAMAN, ABERDARE, CF44 6LR  
**DATE REGISTERED:** 28/02/2023  
**ELECTORAL DIVISION:** Aberaman

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

**REASONS:** This proposal development, by being located within the Aberdare settlement boundary and in a sustainable location, as defined by Policies AW1, AW2 and NSA12 of the Rhondda Cynon Taf Local Development Plan is considered to be acceptable in principle

The indicative proposal would be in keeping with surrounding land uses and would be of a scale that could be sympathetic to the context of the street scene, the topography of the site and its relationship with neighbouring properties. The application is also considered to be acceptable in respect of its ecological impact and access and highway safety considerations, subject to conditions.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from Councillor Tina Williams for the matter to come to Committee for the reason that the development would have an adverse effect upon the local highway network. In addition, five letters of objection have been received.

#### APPLICATION DETAILS

Outline planning consent is sought for a proposed residential development, associated access and parking facilities on a parcel of land that is located adjacent to Nos. 6 and 8 Brynmair Road, Godreaman, Aberdare.

The application is made in outline with all matters reserved for future consideration. Despite this, the application is accompanied by a site block plan which illustrates how the site may be developed. The proposed plan indicates that a row of 4no. terraced dwellings could be constructed that would have primary elevations that address and align with Nos. 6 and 8 Brynmair Road, to the north-east and south-west respectively.

To the rear of the site, the block plan shows that as well as providing private amenity space for each terraced unit, 12no. off-street parking spaces (3 spaces per dwelling) would be developed, accessible from the rear lane which is proposed to be brought up to adoptable standards.

As scale is a matter reserved for future consideration, a minimum – maximum range is provided for the depth, width and height of the dwelling as follows:

	Minimum (Metres):	Maximum (Metres):
Length:	7.0	10.0
Width:	5.0	6.0
Ridge Height:	9.0	12.0

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

- Preliminary Ecological Appraisal (Just Mammals Ltd) dated October 2022.
- Cross Sectional Plan
- Topographical Survey

## **SITE APPRAISAL**

The application site forms a vacant parcel of land located between Nos. 6 and 8 Brynmair Road and within the village of Godreaman, Aberdare. The site is located inside the (Aberdare) settlement boundary and is roughly rectangular in shape, amounting to approximately 600m<sup>2</sup>.

The site is level with Brynmair Road along its north-western boundary but falls steeply away from the road to the south-east where it is bound by an un-maintained, rear lane which also serves and backs onto the rear of properties which front Godreaman Street. These dwellings occupy a lower ground level.

It is understood that the site previously accommodated Salem Baptist Chapel; however, following the demolition of the chapel (circa 1970) has been vacant for a number of years. The site is now covered by what appears to be a variety of self-seeded trees and scrub vegetation.



The area surrounding the application site is predominantly residential in character, with neighbouring properties being predominantly stone fronted, terraced dwellings.

## **PLANNING HISTORY**

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

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties and the erection of site notices. Five letters of objection have been received from neighbouring residents and raise the following points:

- The proposed dwellings will impact greatly on the very limited number of parking spaces available to existing residents on this stretch of roadway;
- There is no guarantee that future, potential residents will utilise the 12no. car parking spaces shown on the plans. There are six other houses on the eastern side of Brynmair Road that either have their own garage facility or hardstand accessible off the rear lane that choose to park on the main road, instead of their off-street parking facilities, which is their right;
- This area of Godreaman continuously suffers from heavy congestion of traffic, it is gridlocked most days;
- Who will pay for the rear lane to be upgraded to Council highway standards and specifications;
- Is the bus stop, which fronts the site, to remain in its present location;
- The construction of the dwellings will take some time and will cause further parking problems for residents, issues for passing motorists and would impact upon the use of the bus stop;
- I am broadly supportive of the proposal, which I hope will improve the adjacent plot and improve access to the rear of my own property, however, have concerns that the value of my property will be diminished by the densification of the location;
- Is the ownership of the access lane known and what rights of access exist (and will exist) for other residents who currently enjoy access;
- The site is the only piece of 'greenery' between Aberdare and Glynhafod, the trees support bird life;
- The Council should clean up the site as it is subject to fly tipping.

## **CONSULTATION**

- Highways & Transportation Section – no objection, subject to conditions.

- RCT CBC Flood Risk Management – no objection, subject to condition.
- Public Health and Protection – no objection, subject to condition.
- RCT CBC Ecologist – the site is considered an area of urban woodland. Concern is raised as to the local ecological impact of the development and the lack of effective biodiversity enhancement measures owing to the removal of mostly all of the existing woodland cover.
- Dwr Cymru – no objection raised.

## **POLICY CONTEXT**

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

The current LDP's lifespan was 2011 to 2021 and 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 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

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

#### **Core Policies**

**Policy CS1:** Places emphasis on building strong, sustainable communities which will be achieved by providing high quality, affordable accommodation that promotes diversity in the residential market.

#### **Area Wide Policies**

**Policy AW1:** Outlines how the housing land requirement will be met which includes development of unallocated land within the defined settlement boundaries.

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

**Policy AW4:** Provides support to planning obligations and contributions.

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

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

**Policy AW8:** ensures that developments have no unacceptable impact upon features of importance to landscape or nature conservation, including ecological networks.

**Policy AW10:** Development proposals must overcome any harm to public health, the environment or local amenity.

### Northern Strategy Area

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

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

### **Supplementary Planning Guidance**

- Design and Placemaking
- Nature Conservation
- Access Circulation and Parking
- Planning Obligations

### National Guidance

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

Planning Policy Wales Edition 11 (PPW) was issued on 24<sup>th</sup> 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 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 considered that the location of the proposed development is compliant with the general aims of the NDF, with the following policies being relevant to the development proposed:

1. Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
2. Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
3. Policy 9 – Resilient Ecology Networks

#### SE Wales Policies

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

Other relevant 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:**

The application proposes (in outline) the construction of a residential development, associated vehicular access and parking areas, on a parcel of land that is located within the defined settlement limits of Aberdare.

As such, the key consideration in the determination of the application is whether the principle of residential development is acceptable upon the site. In addition, it will also be necessary to consider whether the site is capable of accommodating the dwellings proposed, associated means of access, parking facilities and amenity space, without resulting in a detrimental impact upon both the amenity and privacy of neighbouring dwellings and the character and appearance of the area. The implications of the development upon highway safety in the vicinity of the site and ecology are further considerations.

## Principle of Development

The application site is located within the defined settlement boundary and within an area that is predominantly characterised by residential properties. The site has good access to key local facilities and services such as schools and shops and is accessible by a range of sustainable modes of transport. Indeed, there is a bus stop directly fronting the site on Brynmair Road that connects to the principal town of Aberdare and the wider area. The site can therefore be described as a sustainable location, as defined by Policy AW2 of the Rhondda Cynon Taf Local Development Plan. The proposed residential use of the site is also considered to be compatible with surrounding land uses and the proposal would therefore comply with this policy.

The proposal is also considered to comply with Policy NSA12 of the Local Development Plan, which seeks to direct residential development to areas and sites that are located within the defined settlement boundaries. Policy NSA12 further stipulates that developments must not adversely affect the highway network or parking provision in the area and that they must be accessible to local services by a range of modes of transport. As discussed above, the site benefits from ease of access to the local bus network, whilst members will note that the Council's Highways and Transportation section have not raised any objection to the proposal in terms of access or parking (discussed more fully in *Access and Highway Safety* section below).

Furthermore, Policy AW1 of the Local Development Plan supports the provision of new housing where the development of unallocated land is proposed within the defined settlement boundaries of smaller communities, whilst Policy CS1 of the Local Development Plan and National Planning Policy (PPW11) promotes the re-use of under used and previously developed land.

In light of the above, there are no objections to developing the site for residential purposes in principle. However, in accordance with the requirements of Policies NSA12, AW5, AW6 and AW8, proposals for residential development may only be considered acceptable providing no adverse impacts result in terms of character, amenity, highway safety or nature conservation. These matters will be considered in detail in the following sections.

## Character and Appearance

As noted in the preceding sections of this report, the site was formerly occupied by the Salem Baptist Chapel, which was constructed in 1905. In the intervening period, the Chapel has been demolished and the site has become vegetated with trees and dense scrub.

Consequently, whilst the Chapel was a large and prominent structure, the development of the site for residential purposes would represent a significant change to the appearance of the street scene as the site has been vacant for in excess of 50 years.

Notwithstanding this, although the application is made in outline with all matters reserved for future consideration, the submitted site block plan indicates that the proposal would introduce 4no. dwellings to the site, via infilling the gap in the terrace and demonstrates the potential for the new block to mirror and align with the properties either side by having principal elevations that face Brynmair Road.

Furthermore, whilst specific design details and supporting information are not available at this stage, to fully assess the visual impact of the development, the scale parameters show that, with maximum and minimum heights and lengths of 9m and 12m and 5m and 6m respectively, the proposed dwellings would not be out of context with the established character of the area or the design and pattern of neighbouring dwellings.

In respect of height, whilst the parameters mean the proposed terraced block would be prominent when viewed from the rear, owing to its proposed siting above the service lane, this would be reflective of other neighbouring terraces in the area, some of which have property's which feature large three storey extensions which project beyond their original rear elevations. Consequently, it is considered the proposal, by largely reflecting existing patterns of development, would be appropriate in terms of massing and density, whilst the site's physical area, at approximately 600m<sup>2</sup>, is considered large enough to accommodate the development, satisfactory levels of amenity space and the off-street parking areas proposed.

As such, whilst it is acknowledged the clearance of the site and erection of residential dwellings upon it would result in some visual impact upon the surrounding street scenes, it is not considered that the development would have such a significant impact upon the character and appearance of the area that it would warrant the refusal of the application and no objections are therefore raised in this regard.

#### Residential amenity

As indicated above, the application is made in outline with all matters reserved for future consideration and therefore it is not possible to qualitatively assess any impact on other occupiers without the submission of full details that would be submitted with either a full of a reserved matters application.

Notwithstanding this, an indicative site block plan has been submitted with the application which illustrates that there is adequate space within the site to ensure that the proposed dwellings would not have an adverse impact upon existing residential properties surrounding the site. A sufficient separation distance between existing and proposed dwellings would be maintained which would ensure that no adverse levels of overlooking, overbearing or overshadowing would occur.

Whilst it is acknowledged that the differences in ground level between the site and existing properties to the rear, at Godreaman Street, means there will inevitably be some detrimental impact upon these properties via overlooking of their private amenity spaces, this would not be significant enough to warrant the refusal of the application.

Indeed, the relationship between the existing and proposed dwellings would not be too dissimilar to the relationships between existing properties in the area.

Consequently, noting that the scale and design of the proposed dwellings and therefore their impact upon existing residential dwellings would be subject to more detailed consideration in any future full or reserved matters application, no objections are raised in relation to the potential impact on existing residents at this stage.

### Highway Safety

The Council's Transportation Section have been notified of the proposals in order to provide comments on the suitability of the scheme with regard to highway safety and have made the following comments in relation to access and car parking.

### Access

The proposal relates to an infill plot located on Brynmair Road. Godreaman. Brynmair Road is proposed for primary access to each dwelling which is acceptable for safe vehicular and pedestrian movement. Fronting the site is a bus stop which would not be impacted upon as part of the proposal.

To the rear is a single width, un-metalled lane which is proposed for secondary access to the dwellings, with off-street car parking proposed off the lane. The applicant has submitted a site plan with their submission which indicates that the rear lane would be surfaced in permanent material, to adoptable standards, which has been conditioned accordingly.

### Off-street car parking.

The indicative site plan denotes that three off-street car parking spaces per plot would be developed. Taking into account the application is outline, with all matters reserved for future consideration, a condition has been suggested so that the application complies with the Council's Supplementary Planning Guidance in relation to Access, Circulation and Parking Requirements (2011).

### Highways Conclusion

The proposed development relates to an infill link of terraced dwellings, with primary access located off Brynmair Road which is acceptable. Secondary access is proposed off the rear lane, for off-street car parking only and the applicant has proposed to upgrade the rear lane which is acceptable.

Based on the above, the proposal is considered to have an acceptable impact upon highway safety in the vicinity of the site and the application would therefore be in accordance with Policy AW5 (2c) of the Rhondda Cynon Taf Local Development Plan, subject to conditions.

### Ecological Impacts

The Preliminary Ecological Appraisal (PEA) identifies the site as an area of small urban woodland within the terraced streets of Godreaman. The woodland is quite diverse with Oak, Sycamore, Norway Maple, Ash, Rowan, Silver Birch and Willow all listed. The ground flora identified is not ancient woodland, however.

The PEA identified two potential bat roost features in different trees, however the report concludes that further investigation rules out bat roost use. The PEA concludes potential nesting bird habit (and the need for nesting bird mitigation), potential bat foraging habitat value, rules out reptile potential but concludes potential as terrestrial habitat for amphibians, however, recommends no further species surveys.

Section 10 (Recommendations) of the PEA identifies a number of precautionary mitigation measures including controlled tree felling, nesting bird mitigation, control of lighting, hedgehog mitigation and enhancement in the form of landscape planting. As an outline application with all matters reserved, such measures would be expected to be addressed by a future reserved matters application via the addition of conditions relating to landscaping and biodiversity enhancement, for which conditions 1, 7 and 15 are recommended as a means to secure them.

The Council Ecologist opinion is that not all of the ecological potential of the existing site can be mitigated and that inevitably, the clearance of the site means that there would be a net negative local biodiversity impact associated with the development. It was commented that the site will support nesting birds, will be used by foraging bats and will have an associated insect, lower plant and fungi communities and may also represent stepping stone/connectivity habitat for invertebrates, birds and bats using woodland and other habitat on the wider surrounding valley sides.

In this respect, Planning Policy Wales 11 (PPW 11) notes that where the adverse effect on the environment clearly outweighs other material considerations, the development should be refused. Therefore, the net negative local impact has to be set against the other material matters which weigh in favour of the development.

The key material matter is that the PEA confirms that the site is not of SINC value and does not appear (with the use of precautionary conditions) to have overriding significant protected species issues. The site is also located within the Aberdare settlement boundary and meets with the Area Wide and Northern Area Strategy Policies identified above. In addition, no objections have been received from any other statutory consultees.

Therefore, whilst it is acknowledged that the site is modest in size, it is considered that there is potential to provide some biodiversity enhancement measures at reserved matters stage, via the recommended landscaping and biodiversity conditions that would be appended to the consent. Consequently, it is considered that there are no sustainable planning reasons to warrant refusal of the application at this stage.

### Drainage



The proposed development would result in a total construction area of over 100 square metres and the applicant will therefore be required to submit an application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB), under Schedule 3 of the Flood and Water Management Act 2010. The applicant would also be required to comply with Part H of the Building Regulations.

Details submitted with the application outlines that the applicant intends to dispose of surface water via an existing water course that is culverted and which is adjacent to the footprint of the proposal, flowing from west to east. Consequently, the Council's Flood Risk Management Team have commented that, regardless of construction size and proposal type, it is essential that when connecting to an ordinary watercourse, the applicant provides evidence that the watercourse can handle any increase in flows.

Therefore, the provision of pre and post discharge rates, to confirm that flood risk is not increased downstream and to demonstrate compliance with the requirements of Section 8.3 of Technical Advice Note 15, is required. This information may include a drainage strategy with associated calculations demonstrating the pre and post surface water discharge rates from the site and a general arrangement of the catchment and proposed drainage system.

The submission and assessment of this information can be dealt with by the use of an appropriately worded planning condition, requiring the submission of detailed drainage arrangements for the site, prior to commencement of development.

Furthermore, the applicant will also be required to obtain Ordinary Watercourse Consent in advance of any works commencing on site.

### **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 with the following national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The density and character of the development would be acceptable and appropriate for this location and would contribute to the overall housing requirement within the Northern Strategy Area by making efficient use of the site.
- **Facilitating Accessible and Healthy Environments:** The application site is in a very sustainable location, being extremely close to a bus stop and within walking distance to shops and schools.
- **Maximising Environmental Protection:** The development would require biodiversity mitigation and enhancement measures in accordance with PPW 11. However, although the site constitutes previously developed land, it is recognised that the site has been vacant for some time and has become overgrown with trees and scrub. As a consequence, there would be a net negative biodiversity impact due to the loss of trees and scrub.

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

### **Neighbour Consultation Responses**

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

The objectors make reference to parking constraints in the vicinity of the application site. Whilst the Local Planning Authority cannot guarantee that future residents of the proposed dwellings would utilise the off-street parking areas proposed, it is considered the upgrading of the rear access lane would encourage future residents to utilise the proposed new parking spaces. Furthermore, the adoption of the rear lane has the potential to improve access arrangements to existing garages and hardstanding's that are located off the lane, thereby alleviating any parking pressures at Godreaman Street and Brynmair Road.

Members are advised that the Local Highway Authority will require the developer to enter into legally binding agreements (Section 38 and Section 278 of the Highways Act 1980) to secure the proper design and implementation of the proposed works, including drainage, the costs of which would be fully borne by the developer.

In terms of the ownership of the rear lane, Members are advised that the lane is not presently maintained by the Council and that in such circumstances, there is a rebuttable presumption that owners of properties backing on to the lane, at Brynmair Road and Godreaman Street, own it up to the mid-point. Accordingly, as the lane forms part of the application site, the applicant has completed Ownership Certificate B of the application form and has served notice on the owner/occupiers of all of the properties that back onto the lane.

With regard to the bus stop, that fronts the site at Brynmair Road, Members are advised that it would not be re-located as part of the proposal, whilst the suggested highways condition for traffic management measures to be provided during the construction phase of the development would mitigate any issues for residents, passing motorists and would ensure the use of the bus stop would not be impinged upon.

Lastly, one of the objector's has noted the site is subject to fly tipping and the site visit showed this was indeed the case. In this respect, the development of the site could prevent any further instances of fly tipping from taking place.

#### Community Infrastructure Levy (CIL) Liability

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

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

Having taken account of all of the issues outlined above, the application is considered acceptable, representing a site which is physically large enough to accommodate the residential development proposed, whilst the site is located in a sustainable location, being located within settlement limits.

For the reasons set out above, it is not considered that the proposals would adversely affect the character and appearance of the site and surrounding area. Similarly, it is not considered that the proposals would result in an unacceptable impact upon highway safety, drainage or ecology, subject to conditions. The application is also considered acceptable in terms of potential impacts upon the levels of amenity enjoyed by neighbouring residents. Consequently, the proposal is recommended for approval, subject to the conditions specified below.

Recommendation: Approve subject to conditions

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

submitted in writing to the Local Planning Authority and shall be carried out as approved.

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

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s):

- Site Block Plan – Former Site of Salem Baptist Chapel, Godreaman, Aberdare (1:500 scale) Rev. A 13/01/2023.
- Site Location Plan (1:1250 scale) Rev. A 13/01/2023
- Drawing no. XXX/01 – Cross Section A-A AT Brynmair Road, Godreaman
- Drawing no. PE/BR/03 – Topographical Survey, Land Adjacent to Godreaman Street.

and information received by the Local Planning Authority on 22/11/2022 and 13/01/2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Notwithstanding the submitted plans, the reserved matters application shall be accompanied by details of existing and proposed ground levels, along with details of any retaining structures which may be required in connection with the proposed development.

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

4. No development shall commence until the applicant evidences how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

Reason: To ensure that surface water drainage from the proposed development does not cause or exacerbate the flood risk on the development

site or elsewhere, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No dwelling shall be occupied until the surface water drainage works have been completed in accordance with the approved plans.

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

6. Building operations shall not be commenced until samples of the construction materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

7. The details of landscaping required to be submitted to and approved by the Local Planning Authority, in accordance with Condition 1 above, shall include indications of all existing trees on the land and details of any to be retained together with measures for their protection during the course of development. The landscaping of the site should include enhancements to benefit wildlife and must consider the planting of shrubs and sowing of wildflower grassland areas which support biodiversity.

Reason: To ensure that the new development will be visually attractive and to support Biodiversity Net Gain targets as laid out in Planning Policy Wales 11 (PPW 11) and in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

10. Notwithstanding the submitted site block plan, the design and construction details of the proposed rear access lane that is to be upgraded shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be completed prior to beneficial occupation of the first dwelling.

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

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

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

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

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

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

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

14. No development shall commence on site until full details and design calculations of any highway retaining walls 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 prior to beneficial occupation of the first dwelling.

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

15. Notwithstanding the submitted details, the measures identified in Section 10 of the submitted Preliminary Ecological Appraisal, dated October 2022, shall be implemented prior to the occupation of the first dwelling and retained and maintained for the designed purpose thereafter. Any enhancements must include:

- a) At least 2no. bird and bat boxes installed on any retained trees or on newly constructed buildings;
- b) The provision of a hedgehog house/nest box within any scrub retained as part of the development or within new areas planted with native shrubs.

Reason: To provide biodiversity enhancement, in accordance with Planning Policy Wales 11 (PPW 11) and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

16. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales, in accordance with Policy 13 of Future Wales.

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## PLANNING & DEVELOPMENT COMMITTEE

20 July 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0360/09 (JE)  
**APPLICANT:** Mr M Tuchli  
**DEVELOPMENT:** Continued use as a garden.  
**LOCATION:** ST DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU,  
PONTYPRIDD, CF38 2RA  
**DATE REGISTERED:** 31/03/2023  
**ELECTORAL DIVISION:** Beddau and Tyn-y-nant

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#### RECOMMENDATION: APPROVE

**REASONS:** On the basis of the supporting information submitted with the application, and on the balance of probabilities, it is considered that the area of land subject of this application has been used as domestic curtilage in association with the dwelling known as 'St David's House, Beddau' for a continuous period in excess of 10 years, which continued to the time of the application.

Consequently, the described use is lawful for planning purposes and a Certificate of Lawfulness can be issued.

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#### REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from Councillor Michael Powell so that Members can consider the suggested lawful use.

#### APPLICATION DETAILS

This is an application for a Certificate of Lawfulness for an existing use, under Section 191 of the Town and Country Planning Act 1990 and Section 24 of the Town and Country Planning (General Development Procedure) Order 1995, which seeks to establish whether the described use detailed in the submitted information is lawful for planning purposes.

A Certificate of Lawfulness can only be issued if the evidence provided indicates that on the 'balance of probability' the use has been ongoing for a minimum period of ten years. If such a Certificate were issued then the development described would be

immune from planning enforcement action, even though the use has not been granted specific planning permission.

This application seeks to establish that the area of land in question has been used as domestic curtilage in association with the property known as 'St David's House' for a continuous period of at least 10 years, rendering the use lawful in planning terms.

The applicant has provided a series of historic aerial photographs that date back to 2009 and a supporting statement.

Members are advised that this application follows the refusal of application ref. 22/1184/10 which came before Committee on the 21/02/23 and sought consent for the construction of 3no. dwellings at the site. Members resolved to refuse the application due to the location of the site outside of the settlement boundary for Beddau.

## **SITE APPRAISAL**

The application site forms an area of land to the south of a large, detached dwelling known as St David's House. It is rectangular in shape, extends to approximately 0.8ha and is currently used as amenity space in association with the application property. The site is bounded by the existing dwelling to the north, the school yard of Ysgol Gynradd Castellau to the east and open countryside and woodland to the south and west. The site is located on the western periphery of the settlement of Beddau and is adjacent to, but outside of the settlement boundary here. It is subject to a gradual change in levels, decreasing from east to west.

There are a variety of property types and scales located within the immediate vicinity with 2no. recently constructed affordable housing developments to the north of Castellau Road and a mix of detached and semi-detached properties in the immediate vicinity.

## **PLANNING HISTORY**

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

**22/1184/10:** ST DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA

3 no. near zero carbon bespoke self-build dwellings within the curtilage of existing dwelling (Ecological Assessment Report Received 18/11/22)

Decision: 21/02/2023, Refuse

**22/5046/41:** LAND TO THE REAR OF ST DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA

Pre-application advice

Decision: 16/06/2022, Raise Objections

**17/5111/41:** LAND AT BEDDAU, PONTYPRIDD

Pre-application advice

Decision: 15/12/2017, Raise Objections

**14/1217/10:** HIGHADMIT PROJECTS LTD, ST DAVIDS HOUSE, BEDDAU, PONTYPRIDD, CF38 2RA

First floor extension to provide additional office space.

Decision: 25/11/2014, Refuse

**13/0320/10:** REAR OF ST DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA

Extension to kitchen bay window over existing balcony and side balcony.

Decision: 12/06/2013, Grant

**10/0036/10:** ST DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA

Detached garage and extension to residential curtilage.

Decision: 23/03/2010, Grant

**09/0853/10:** ST. DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA

Detached garage and increase in residential curtilage. (Amended description 14/09/09).

Decision: 16/12/2009, Refuse

**08/0580/10:** R/O ST. DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD. CF38 2RA

Change of use of land to residential curtilage and erection of a detached domestic garage.

Decision: 21/05/2008, Refuse

**05/0119/10:** LLWYNCRWN ISAF, HEOL STICIL-Y-BEDDAU, LLANTRISANT, PONTYCLUN, CF72 8LR

Proposed 18 hole golf course, conversion of dwelling to club house/pro shop and associated car-parking.

Decision: 24/10/2006, Refuse

## **PUBLICITY**

The application seeks the determination of whether the proposal is lawful and no consultation with nearby properties is therefore required to be undertaken.

## **CONSULTATION**

**Legal Services:** Having considered the evidence accompanying the application, the legal officer is of the view that the evidence submitted is sufficient to establish the lawfulness of the land as garden curtilage.

### **National Guidance**

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

Paragraph 8.16 advises that a LDC granted under Section 191 shall specify the land to which it relates, describe the use or operations in question (identifying the relevant 'use class' where appropriate), and give the reason why the proposal would be lawful.

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

### **REASONS FOR REACHING THE RECOMMENDATION**

The legal requirements for a CLEUD are set out in Section 191 of the Town and Country Planning Act 1990 and Section 24 Town and Country Planning (General Development Procedure) Order 1995.

In order for a Certificate to be issued the applicant must provide evidence that on the 'balance of probability' the use described in the application has been ongoing for a minimum period of ten years. If such a Certificate were issued then the development described would be immune from enforcement action, even though the use has not been granted planning permission.

Since the application is for a certificate of lawfulness the planning merits of the case are not tested. What is of relevance however is the supporting material submitted by the applicant to substantiate their claim that that the area of land has been used as garden curtilage in association with the dwelling known as St David's House for at least 10 years prior to this application.

The submitted evidence, through dated aerial photos and a supporting statement, identify that the site has been used for recreation and leisure since 2009 when it was purchased by the applicant, before being enclosed by boundary fencing in 2013.

The submitted evidence has been reviewed by the Council's Legal Services department who concluded that on the balance of probabilities, there is sufficient information to show that area has been used as garden curtilage in association with the application property for a continuous period in excess of 10 years.

The LPA can therefore be satisfied that at the time of the application the use of the land as garden curtilage is lawful and a certificate can be issued.

### **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**

On the basis of the supporting information submitted with the application, and on the balance of probabilities, it is considered that the area of land subject of this application (south of St David's House, Castellau Road, Beddau) has been used as domestic curtilage in association with the application property for a continuous period in excess of 10 years, which continued to the time of the application.

Consequently, the described use is lawful for planning purposes and a Certificate of Lawfulness can be issued.

**RECOMMENDATION: GRANT**

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## PLANNING & DEVELOPMENT COMMITTEE

20 July 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1056/10 (GH)  
**APPLICANT:** Neath Port Talbot Council  
**DEVELOPMENT:** Construction of a small off-grid highly sustainable community building on forestry land, including classroom, welfare, access route, on-site energy generation (wind turbine and PV panels) and drainage to support delivery of the Lost Peatlands of South Wales partnership project. (Heritage Impact Assessment received 5th June 2023)  
**LOCATION:** FORESTRY LAND TO THE NORTH EAST OF HENDRE MYNYDD CAR PARK, OFF RHIGOS ROAD, TREHERBERT  
**DATE REGISTERED:** 05/06/2023  
**ELECTORAL DIVISION:** Treherbert

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

**REASONS:** The proposed development is part of a wider environmental scheme to restore and preserve a site of significant ecological value, whilst both providing a base for volunteers involved with the project and securing facilities for learning.

Whilst new buildings in the countryside are strictly controlled and are usually only permissible in specific or exceptional circumstances, the project has identified a clear need for the development.

Furthermore, in the wider context of national and local planning policy aims, to protect valuable habitats and reverse trends of a decline in biodiversity, it is considered that any concerns relating to the sustainability of the location are outweighed by its benefits.

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**REASON APPLICATION REPORTED TO COMMITTEE**

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

## **APPLICATION DETAILS**

Full planning consent is sought for the construction of a community building and associated infrastructure, at land to the north-east of Hendre Mynydd Car Park, Rhigos Road.

The scheme has been submitted on behalf of the Lost Peatlands of South Wales Project, which incorporates 6700 ha of land within the RCT and Neath Port Talbot Area. The purpose of the Project is for the restoration and management of peat resources, which have been depleted as a result of commercial forestry and land drainage.

Information submitted in support of the application identifies that recovery of the peat landscape would have a beneficial impact on climate change and increase biodiversity, since peat habitats in the area likely to store up to 350,000 tonnes of carbon.

The need for the classroom has been identified on the basis that it would provide a space for community and school groups to use whilst engaging directly with the habitats, wildlife and the positive practical works and as a base, particularly during inclement weather, for people either working or volunteering on behalf of the project.

The proposed single storey building comprises two parts, the first of which is a long section incorporating an indoor classroom and a sheltered outdoor classroom. This would be connected, via a glass lobby, to the second part, comprising a smaller welfare area, toilets and changing facilities, a small kitchen and externally accessible waste storage.

The external appearance of the building would belie its sustainable credentials, being timber clad and supported by a superstructure of larch columns and rafters. Most of the roof area would be green, except for the south-western facing plane which would have a metal covering to host a significant number of PV panels and act as a rainwater capturing system.

Whilst some heat to the classroom would be provided by a log burner, there would be low energy electric heat available. In addition to the PV panels a single wind turbine is proposed to be erected around 20-25m to the north-west of the building. It would have a height, to the tip, of 11.05m.

Other external features would include three rainwater butts, connected to the main roof, for supplying water to three peat growing areas. It is also noted that the forestry track leading to the site would be restored to a usable gravel surface and extended to the new building, although this would be gated and visitors would be expected to use the Hendre Mynydd car park.



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

- Ecological Assessment
- Design and Access Statement
- Project Summary and Classroom Statement
- Topographical Survey
- Heritage Impact Assessment

## **SITE APPRAISAL**

The application site is a piece of undeveloped and unallocated land, located off the Rhigos Mountain Road and approximately 1.3 miles to the north of Blaenrhondda.

The property currently forms part of a larger land area consisting of forestry, under the control of Natural Resources Wales, and which is interspersed with the turbines, tracks and infrastructure of the Pen Y Cymoedd Wind Farm.

Access to the land is gained by an existing unmade track, which joins the public highway at a junction approximately 200m to the south-west. There is a public car park, known as Hendre Mynydd, just off this junction, which would serve the proposed community building.

There are no nearby dwellings given the remoteness and elevation of the site, and the nearest would either be at Blaenrhondda or Rhigos villages, both of which are some distance away.

The site and immediate area are subject to a number of national and local designations including its status as a Registered Landscape of Outstanding Historic Interest, a Site of Importance for Nature Conservation; whilst there are two Scheduled Ancient Monuments within 250m of the site boundary.

## **PLANNING HISTORY**

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

**09/1311/04:** Application under S36 of the Electricity Act. Construction/operation of a 299MW wind turbine generating station (84 turbines, 4 anemometry masts and associated infrastructure. Decision: 07/10/2011, Raise No Objection

## **PUBLICITY**

The application has been advertised by the display of notices on site.

No letters of objection or representation have been received.

## **CONSULTATION**

### Cadw

No objection.

### Council for British Archaeology

Supports the principles of the project but raises concerns that there could be an impact on landscape and archaeology, albeit that GGAT may be able to draft appropriate conditions to control this matter.

### Glamorgan-Gwent Archaeological Trust (GGAT)

The proposal will require archaeological mitigation.

### Highways and Transportation

No objection subject to a condition for the submission of off-street parking details.

### Flood Risk Management

No objection is raised or recommendation for condition in relation to surface water flood risk since the surface water flood risk will be adequately managed by both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010.

### Public Health and Protection

No objection.

### Natural Resources Wales (NRW)

No objection.

### Dwr Cymru Welsh Water

DCWW has identified the site as falling within a drinking water catchment area, which is an area protected under the Water Framework Directive, with potential concerns about the impact of the development. Furthermore, the proposed access road would cross a trunk water main.

Nonetheless, as a result of correspondence between DCWW and the Applicant, DCWW confirmed to the Applicant that its Catchment Team were satisfied with the proposal.

With regard to identifying the position of the water main, DCWW has requested that the Applicant provides it with a Risk Assessment Method Statement, in relation to any plant machinery moving over the water main.

The potential for damage caused to third party property during the construction of a development, which has benefitted from planning permission, is not a material consideration. In this instance an informative note is considered to be appropriate, although the Applicant is clearly already aware of DCWW's concerns.

### Countryside, Landscape and Ecology – Ecologist

This application is a major biodiversity cross boundary project and the application has been supported by a very good quality ecological assessment undertaken by the Neath Port Talbot Biodiversity Team, and all relevant habitat and species have been covered.

So long as all mitigation and enhancement measures identified in Sections 5 and 6 of the Report are secured by a condition then the application will be acceptable from an ecological perspective.

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

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and that 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, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within open countryside

**Policy CS1** - The policy emphasis in the Northern Strategy Area (NSA) is on building strong sustainable communities, which includes the protection of its historic built heritage and the natural environment.

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

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

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

**Policy AW7** - Supports development proposals that preserve or enhance sites of historic or archaeological importance.

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

**Policy AW10** - Development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding, contamination, land instability or any other identified public health risk.

### **Supplementary Planning Guidance**

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

### **National Guidance**

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

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

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act’s sustainable development principles through

its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

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

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

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 24: The Historic Environment

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**

Both PPW11 and the LDP carry a strong policy presumption against development in the open countryside with the exception of, for example, those required for the purposes of agriculture, sustainable tourism or infrastructure projects.

However, as the preceding section sets out, where material considerations justify the grant of planning permission, but might not be considered to accord with all aspects of the LDP, it would not be unreasonable for a Planning Authority to give greater weight to the wider benefits of a development.

In this case, the proposed building and associated works would not be located within, adjacent or near to the settlement boundary, but the reason for this is that they are required for a specific purpose and activity at this particular location.

The Welsh Government has clearly set out its position in relation to ecology and green networks and has emphasised the need for developments be able to demonstrate a biodiversity net gain. The most recent versions of PPW have included these matters as a key component of placemaking and wellbeing, as has Future Wales.

Alongside the national planning policy framework, the Welsh Government has launched a number of related initiatives, including the Biodiversity Deep Dive, which seeks to protect 30% of the land, freshwater and ocean in Wales by 2030, and the Nature Recovery Action Plan for Wales.

The proposed development is part of that work and as the Council's Ecologist notes, is a major cross-boundary project. Set against that wider context and taking into account the benefits of restoring and managing a valuable and ecologically diverse landscape, it is considered that any concerns relating to the sustainability of the location are well-outweighed in the planning balance.

Consequently, subject to the material matters set out below, the principle of the development is considered to be acceptable.

## **Design and Layout**

With the exception of the wind turbine and the frame supporting the roof mounted PV panels, most of the proposed development would be of a single storey height and would make use of sustainable natural materials, particularly the use of timber cladding. The ancillary works to improve an existing forestry track are also relatively minor and low level.

Nonetheless, since this upland landscape comprises very rough ground of thick grass, dense scrub and coniferous trees it is appreciated that there is bound to be a small, adverse impact to the appearance of the site, albeit that the approach to the design of the building is a sympathetic one, its mass has been minimised in order to be as visually unintrusive as possible and the timber would weather well over time.

It is further noted that the site is part of a Registered Landscape of Outstanding Historic Interest and thus any wider impact on the qualities of that landscape are key considerations.

However, notwithstanding the large turbines of the Pen Y Cymoedd Wind Farm to the east and west, the location of the site and siting of the development mean that it would neither be very visible from lower ground or the Rhigos Road. Similarly, there are large sections of the forestry plantation which provide significant sections of screening to limit long views from other land at a similar elevation.

In terms of the relevant LDP policies, Policy AW5 aims to ensure that the scale, form and design of the development would not have an unacceptable impact which, for the reasons set out above, would seem to be achievable. Likewise, the development meets several of the criteria of Policy AW6, relating to renewable energy, design, landscape and biodiversity.

Lastly, Policy AW7 notes that over the plan period, the Council will seek to implement enhancement and management schemes to improve the character, quality and appearance of recognised landscape features. The Lost Peatland Project is an important part of that.

Therefore, in terms of the impact of the development on the character and appearance of the area, the proposal is considered to be acceptable.

### **Historic Environment**

Cadw has advised that it has no objection in respect of the Scheduled Monuments identified as GM101 Blaenrhondda settlement GM118 Ffos Toncenglau cross ridge dyke.

As outlined further above a Heritage Impact Assessment, prepared by the Clwyd-Powys Archaeological Trust, has been submitted in support of this application. Cadw notes that the HIA provides appropriate information on the impact of the proposed development on the settings of the scheduled monuments.

The HIA concludes that the proposed development will have a slight effect on Ffos Toncenglau dyke due to the introduction of a new distracting modern structure with glazing and solar panels, which might have glint and glare at certain locations if viewing the dyke in context from its southern end, however, no change would be evident for the Blaenrhondda settlement.

Cadw agrees with this conclusion and considers that the proposed development would not have a unacceptably damaging effect upon the settings of scheduled monuments GM101 and GM118.

Although concerns have been raised by the Council for British Archaeology, GGAT has advised that archaeological mitigation measures can be secured by a condition to require a written scheme of historic environment mitigation, which has been included below as condition 3.

The reason for this is although the ground has already been disturbed from previous plantation and clearance activity on site and significant archaeological features are unlikely to be present, GGAT suggests that scattered and disturbed prehistoric finds, flints and tools, and also deposits potentially rich in palaeoenvironmental remains, may be encountered during the construction of the proposed works.

## **Biodiversity and Ecology**

The consultation response received from NRW highlights that the development site is located approximately 200m from the Craig Y Llyn Site of Special Scientific Interest (SSSI), notified for its standing water supporting aquatic plants and plant communities associated with screes and upland cliff ledges.

The SSSI has other habitats that contribute to the special wildlife interest. These include areas of dry heath, marshy grassland, bracken, running water, acid grassland and wet flushes. These habitats support a wide range of species and contribute to the special interest of the site.

In respect of the proposed new building and ancillary works NRW has acknowledged that this would be located downhill from the SSSI with any flow pathways leading out of the site and away from it. NRW is therefore of the view that the development would not be likely to harm the features which characterise the SSSI.

Both NRW and the Council's Ecologist have recognised that the development would not affect any European Protected Species, with both requiring the proposed mitigation and enhancement measures outlined in the submitted Ecological Assessment, to be followed, hence the inclusion of condition 5, as recommended below.

## **Access and highway safety**

The Council's Highways and Transportation Section has provided the following observations:

### Access

The application site is served from the A4061 which is a strategic link road between the upper Rhondda Valley and the Cynon Valley. The A4061 carries a substantial amount of vehicular traffic.

There are no segregated pedestrian links leading to the site which means that the development would be being heavily reliant on the private motor vehicle to access it.

### Car Parking

The Design and Access statement indicates that remote parking will be used and people transported to the site via mini bus, although no information, for consideration, has been submitted with regard to the location of the remote parking.

There is concern that the proposed classroom facility could also be used as a community facility with no off-street car parking provision and it is also noted that the



nearby Hendre Mynydd car park, in the ownership of Natural Resources Wales, is well used and therefore cannot be guaranteed for use.

The Council's SPG for Access, Circulation & Parking sets out that a community facility requires 1 space per 10m<sup>2</sup> of floor space. Taking into account that the classroom facility would have a floor area of 56m<sup>2</sup> this indicates a need for 6 off-street car parking spaces, with none provided, which raises cause for concern. There is potential to provide the 6 spaces required and on this basis a condition has been recommended.

Although the details accompanying the application indicate the provision of secure cycle storage, to mitigate the impact of the proposal in terms of supporting sustainable modes of transport, due to the location of the site and topography it is likely that access by cycle would be achievable only by a seasoned cyclist.

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

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

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

### **Conclusion**

The development would have a small adverse visual impact on the immediate environs of the site and the surrounding land. In addition, it would be located outside of settlement limits, in an unsustainable location and where such development would normally be resisted.

However, it is considered in the planning balance that the wider benefits of the application and the need for the building to be located in a convenient place, close to the land forming part of the project, are compelling reasons to recommend approval.

Furthermore, the Lost Peatlands Project Scheme aligns very well with national and local planning policy objectives to protect landscapes of high ecological value and promote biodiversity. Accordingly, the application is considered to comply with PPW11, Future Wales 2040 and LDP Policies AW5, AW6 and AW7.

### **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:

- 1937/000 - Site Location Plan
- 1937/S001 - Proposed Roof Block Plan
- 1937/S010 - Proposed Block Plan 2
- 1937/S100 - Proposed Ground Floor Plan
- 1937/S101 - Proposed Roof Plan
- 1937/S200 - Proposed North + South Elevation
- 1937/S201 - Proposed East + West Elevations
- 1937/S210 - Proposed North + South Long Elevations
- KWI-03-TW-09-201 - KW3 9m Tower system

and details and documents received on 1st October 2020 and 5th June 2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence on site until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to any development commencing on site details of a scheme to provide off-street car parking for a minimum of 6 vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use and remain for the parking of vehicles thereafter.

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

5. The development shall be carried out in accordance with Sections 5 and 6 of the Ecological Assessment (Mike Shewring dated 27th September 2020). All enhancement measures outlined within Section 6 of the Assessment shall be installed prior to beneficial use of the development.

Reason: In the interests of biodiversity, European Protected Species and the natural environment in accordance with PPW11 and Policies AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

20 July 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/1474/10 (JE)  
**APPLICANT:** My Choice Healthcare South Wales Limited  
**DEVELOPMENT:** Erection of a 16 bedroom, two storey building providing supervised care with associated parking and refuse storage- Planning use class C2. (Amended Plans received 06/03/23)  
**LOCATION:** HEN GLYNCORNEL NURSING HOME, NANT-Y-GWYDDON ROAD, LLWYNYPIA, TONYPANDY, CF40 2JF  
**DATE REGISTERED:** 23/12/2022  
**ELECTORAL DIVISION:** Llwyn-y-pia

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#### RECOMMENDATION: APPROVE

**REASONS:** The site offers an opportunity for a tailored scheme to meet local needs and will aid in addressing the known care home shortfall in the County Borough. The proposal would be developed at an existing care home, within the defined settlement limits of Llwynypia and is considered acceptable in terms of the requirements of planning policy and all relating material planning considerations.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Service Director Prosperity and Development.
- Three objections have been received.
- A request has been received from Councillor Wendy Lewis so that Members can consider the impact of the proposal upon highway safety and the adjacent ancient woodland.

#### APPLICATION DETAILS

Full planning permission is sought for the construction of a new 16 bedroom building at the existing care home which would operate as an extension of the existing facility,

providing supervised care for a further 16 residents (32 in total). The scheme would also involve alterations to the parking and refuse storage area.

The new building would be located to the north of the existing building, within the site curtilage, and would be of a two-storey, roughly U-shape design and would see the 16 bedrooms, each including en suite bathrooms, and associated spaces spread over the two floors. The floorspace proposed would comprise of the following layout:

#### Ground Floor

- 7no. en-suite bedrooms
- Kitchen
- Open plan dining and lounge area
- Mangers room
- Bath/wet room
- Visitor WC
- Various stores
- Enclosed sensory garden

#### First Floor

- 9no. en-suite bedrooms
- Sensory room
- Hairdresser
- Staff room and changing facilities
- Stores

In addition to the proposed enclosed sensory garden the proposal would see landscaped areas surrounding the new building to provide residents and staff an area of outside amenity space.

The application would also see works to the existing car park located to the south of the existing building with the creation of 19no. formal car spaces, 2no. disabled spaces, cycle storage for 10no. cycles and the creation of a refuse store that would accommodate 8no. 1100 litre bins.

The supporting information sets out that the proposed development would allow for the applicant to increase the number of people that can be supported within the care home and in so doing, support a reduction in delayed transfers of care and extend opportunities for individuals who require this additional care and support and who can no longer live safely at home.

The application is supported by:

- Design and Access Statement

### **SITE APPRAISAL**

The application site relates to an existing care home located towards the east of the settlement of Llwynypia. It is a relatively large site with a surface area of approximately 0.35 hectares, with the existing care home building located roughly centrally and an area of hardstanding providing parking to the south. An area of unused land which would accommodate the proposed building is sited to the north. At the time of the Officer's site visit, the area to the north has been cleared of vegetation. Access to the site is gained from Nant Y Gwyddon Road via an existing access and highway which serves neighbouring properties and Glyncornel Centre. The nature of the site slopes from west to east with the western boundary of the site significantly elevated above the ground level of the existing care home.

To the north the site is bounded by the neighbouring property No.1 Glyncornel Close. To the west of the site is a private highway serving the 3no. properties along Glyncornel Close. Beyond the highway is an area of woodland known as Glyncornel Grounds and Woodlands which is allocated as a Local Nature Reserve and Site of Importance for Nature Conservation (SINC). To the east of the site is Nant Y Gwyddon Road. The site is significantly elevated above highway with a large pennant stone retaining wall along this boundary. To the south of the site is the residential property known as 'Lakeside Lodge' which is located alongside the junction with Nant Y Gwyddon Road.

## **PLANNING HISTORY**

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

**19/1076/19:** GLYNCORNEL NURSING HOME, NANT-Y-GWYDDON ROAD, LLWYN-Y-PIA, TONYPANDY, CF40 2JF

Crown reduction of overhanging tree.

Decision: 13/01/2020, Grant

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties, notices displayed at the site and a press notice.

3no. letters of objection have been received from local residents. The points raised have been summarised below:

- Shading and loss of daylight.
- Highway safety through increased traffic
- Pressure on drainage and sewage system.
- The size and height of the proposed building is completely out of character and keeping with the immediate area.
- Increased traffic would put pressure on the biodiversity of the adjacent trees and nature conservation area.
- Overlooking of neighbouring properties.

- Light pollution from security lighting.
- Concerns associated with boundary treatments.
- Proposal would double the size of the building.
- Highway safety concerns associated with the existing lane and junction leading to the site from Nant Y Gwyddon Road.
- Wear and tear on newly laid road surface.
- Potential damage to neighbouring properties.

Members are advised that in addition to the concerns set out above a road safety assessment was submitted by an objector. The points raised in this assessment are considered within the highway safety section below.

## **CONSULTATION**

**South Wales Police:** No objection to proposal with the response setting out various recommendations with regard to achieving Secured by Design status.

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

**Dwr Cymru Welsh Water:** No objection although condition suggested in relation to surface water drainage.

**Transportation Section:** No objection subject to conditions.

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

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

**Countryside (Ecology):** No objection subject to 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 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published



by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Llwynypia and is located within a Registered Landscape of Outstanding Historic Interest in Wales.

**Policy CS1** - sets out criteria for achieving strong sustainable communities including: promoting residential and commercial development in locations which support the role of principal towns and key settlements; provide high quality, affordable accommodation that promotes diversity in the residential market; and ensuring the removal remediation of dereliction by promoting the re-use of under used and previously developed land and buildings.

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

1. Are within the defined settlement boundary.
2. Would not unacceptably conflict with surrounding uses.
3. Have good accessibility by a range of transport options.
4. Have good access to key services and facilities.
5. Support the roles and functions of the Principal Towns and Key Settlements and smaller settlements.

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

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

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

**Policy AW8** - seeks to protect the natural environment from inappropriate development and that there would be no unacceptable impact upon the features of importance to landscape or nature conservation. Development proposals must be accompanied by appropriate ecological surveys and should demonstrate a net biodiversity gain.

**Policy AW10** - aims to prevent development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability, flooding, pollution, or any other identified risk to local amenity and public health; unless it can be demonstrated that such risks can be overcome.

#### Supplementary Planning Guidance

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

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

It is also considered the proposed development is compliant with the FW2040, with the following policies being relevant to the development proposed:

Policy 1 - Where Wales will grow: The Welsh Government supports sustainable growth in all parts of Wales. In three National Growth Areas there will be growth in employment and housing opportunities and investment in infrastructure.

Policy 9- Resilient Ecological Networks and Green Infrastructure: action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals.

Policy 33 - National Growth Area - Cardiff, Newport and the Valleys: Cardiff, Newport and the Valleys will be the main focus for growth and investment in the South East region.

Other national policy guidance considered:

PPW Technical Advice Note 2 – Planning and Affordable Housing

PPW Technical Advice Note 12 – Design

PPW Technical Advice Note 23 – Economic development.

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The application relates to the construction of a new building providing 16no. en-suite bedrooms and works to the car park at Hen Glyncornel Nursing Home, Nant Y Gwyddon Road, Llwynypia.

The site is situated within the defined settlement boundary in the Northern Strategy Area, as set out by the LDP. Core Policy CS1 is supportive of residential development that provides a diversity of affordable accommodation and the re-development of redundant land and buildings.

LDP Policy AW2 sets out criteria for the consideration of development proposals on unallocated sites to ensure that they are directed towards sustainable locations:

As set out above, the property is within the settlement boundary and a continuing residential care use would be compatible with the surrounding residential development.

There are a range of local services and facilities within walking distance and the site would also be accessible by sustainable transport modes including bus, foot and bicycle, with connections to the rail network available at Llwynypia. Whilst considerations relating to accessibility may not be relevant to future residents, they are relevant in terms of staff and visitors

In principle therefore, the development would be considered acceptable and would be compliant with both LDP and national planning policy. In respect of the latter, Chapters 2 and 3 of PPW11 are supportive of proposals which make use of previously developed sites, and the economic benefits generated by the care sector are also acknowledged.

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

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

The Rhondda Cynon Taf Local Development Plan supports proposals where the scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and the surrounding area (AW5); where they are of a high standard of design which reinforces attractive qualities and local distinctiveness (AW6); where they are appropriate to the local context in terms of siting, scale, appearance, height, massing, elevational treatment, materials and detailing (AW6); and where they include the efficient use of land (AW6).

The proposal would inevitably fundamentally alter the current appearance of the site. However, in this case the drawings and details show a modern, two storey building of an attractive appearance, comprising elevations of face brickwork and a pitched roof, all of which would represent an improvement to the appearance of the existing site which appears unkempt negatively impacting upon the character and appearance of the vicinity.

Whilst the proposal would see the construction of a building larger than the existing care home at the site, the footprint of the proposal is not considered to result in overdevelopment of the site. In addition, proposal would be set back from the boundary with Nant Y Gwyddon Road by a greater distance than the existing car home which provide screening from views along the highway. In addition, given the increasing ground level towards the rear of the site the bulk of the building appears

lesser and the overall built form is considered to reflect the nature of surrounding built development with a comparable ridge height.

The areas around the new building would be landscaped and it is pleasing to see that external areas could be easily accessed by residents and visitors. Whilst the plans lack specific details for the landscaping proposals these details could be controlled via a suitably worded condition.

The objectors raised concerns with regard to potential boundary treatments and the height of 1.8 metres which is recommended by South Wales Police in their consultation response. Whilst these concerns are noted a height of 1.8 metres is typical of boundary treatments seen at properties across the County Borough. Nevertheless, to ensure that suitable boundary treatments are proposed a condition is attached below.

When considering the works to the car park given the minor nature of the works proposed, it is not considered that these works would have any undue impact upon the character and appearance of the area.

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

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

With no neighbouring properties located to the east and west of the site any impact upon residential amenity would be focused on properties along Glyncornel Close to the north and specifically No.1 which are discussed in more detail below.

Members are advised that following initial concerns with regard to the impact of the development upon No.1 Glyncornel Close, the area of the proposed building along this elevation was reduced in depth by 7 metres along with a reduction in height of 1 metre. As such whilst the proposal would inevitably form a visible feature from this property, given its location alongside the dwelling and the resulting relationship, it is not considered that any impact would be great enough to warrant a refusal of the application. It is also noted that the development would see the level of the site decreased which would further reduce the impact of the proposal.

Turning to overlooking which has been raised as a concern by the objectors, the proposal would see no windows on the northern elevation of the projection closest to properties along Glyncornel Close. In addition, whilst the area to the south would include windows facing north towards Glyncornel Close, these would be separated by approximately 18.5 metres to the shared boundary and 22 metres from the side elevation of No.1. As such, it is not considered that the opportunities for overlooking would result in such an impact that would warrant a refusal of the application.

When considering the impact of the proposal upon Lakeside Lodge to the south, the new building would be separated by approximately 86 metres with the existing building and vegetation providing screening. As such, it is not considered that the proposed building would result in any impact upon the amenity of the occupiers of this property. Turning to the works to the car park which are located alongside this property, the works would be limited to the increase in hard standing, the creation of formal parking spaces and the installation of bin and cycle storage. The works to car park are relatively minor and the bin and cycle stores would be a considerable distance from the neighbouring property. As such it is not considered these works would have any impact upon residential amenity.

Finally, existing residents living close to the site are likely to have become accustomed to the existing impact of the day-to-day operation of the current care home. As such, whilst it is considered that the operation of the extended care home may result in some intensification of the site given its greater scale, it is not considered that the level of noise and disturbance would exacerbate existing levels experienced by neighbouring occupiers.

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

### **Highway Safety and Parking Provision**

The Council's Transportation Section were notified during the consultation period in order to assess the suitability of the scheme with regard to highway safety and parking provision. The following response was received which raised no objection to the proposal:

#### Access

The application site is served off the existing access point off Glyncornel Close. Glyncornel Close has sufficient width of carriageway (5.1m-5.5m) for two vehicles to pass one another however, is lacking in segregated footway facilities. The junction of Glyncornel Close with Nantygwyddon Road is sub-standard in terms of junction radii and vision splay to the right. In accordance with TAN 18 for a 30Mph speed limit the required vision splay is 2.4m x 40m. To the right the vision splay is in excess of 2.4m x 40m with vision to the left 2.4m x 7m which raises cause for concern. However, when exiting the proposed the critical vision is to the right which is in excess of 2.4m x 40m and vehicles exiting the proposed can see oncoming traffic to the right with potential to edge out onto the carriageway of Nantygwyddon Road to gain vision to the left whilst maintaining free flow of traffic.

#### Accident Data

The current available accident data has been assessed with one reported accident recorded on Nantygwyddon Road some 40m from the junction of Glyncornel Close which involved a pedestrian colliding with a vehicle which did not stop. No accidents are recorded at the junction and no clusters of accidents within the vicinity of the site.

### Trip Rate Computer Information System (TRICS)

No assessment of trips was provided by the applicant, however, reference to the Trip Rate Information Computer System (TRICS) indicates that the additional trips associated with the proposed increase in bedrooms (16No) of the existing nursing would generate an additional 32 inbound trips and 32 outbound trips taking the total to 64 additional two way trips for a single day.

The TRICS data base indicates that the peak demand for vehicular trips to and from the proposed would be between the hours of 10:00am-11:00am which is outside of that of expected peak traffic on the existing highway network. Over a 12-hour period the TRICS database indicates an average of 5 additional trips per hour would utilise the existing access.

### Parking

The proposed site plan incorporates a parking strategy based on the requirements within the Council's SPG ; Delivery Design and Placemaking: Access, Circulation and Parking Requirements.

Based on a care home accommodating 32 residents in total and maximum of 21 staff on site in attendance at one time:

1 space per 3 non-resident staff = 7 car parking spaces

1 space per 4 beds = 8 car parking spaces

Total car parking spaces required = 15

Total car parking spaces provided = 19 + 2 no. Wheelchair Spaces.

The proposed accords with the council's standards for off-street car parking provision. It is noted that there is no dedicated space for ambulance pick up and drop off, however, short term parking by such vehicles can be accommodated within the car parking aisle with no impact on the highway.

### Cycle Parking

Cycle parking requirement—none specified for this use

Cycle parking provided—10 spaces

The proposed cycle parking is acceptable to satisfy any potential requirement and promote sustainable modes of transport.

### Conclusion

There is concern regarding the sub-standard junction out onto Nantygwyddon Road from GlynCornel Close in terms of vision splay to the left and junction radii, however, taking into account the limited additional traffic generated by the proposed after construction, the additional traffic is outside of peak times on the network, there are no reported accidents as a result of the existing access point, on-balance the proposed is acceptable subject to a number of conditions.

As set out above The Council's Transportation Section also considered the road safety assessment submitted by an objector. The below comments were received:

A document titled Road Safety Risk Assessment dated May 2023 has been submitted by an objector to identify potential hazards to highway users as part of the construction phase and additional use after construction.

The submitted document does not satisfy the Councils requirements for a Road Safety Audit to provide independent advice as it has been undertaken by a single person with no statement of qualifications and experience and with no input from the police liaison officer or reference to published accident data. Furthermore, guidance from the Chartered Institute of Highways and Transportation does not support a risk matrix approach for road safety audits as the assessment of severity is subjective and no certainty of the severity and such an approach is not appropriate within road safety assessment. The matrix safety model reflects that outlined in Design Manual for Roads and Bridges publication GG104 Requirements for Safety Risk Assessment which are applicable to the management of works being undertaken to motorways and all-purpose trunk roads.

However, the issues raised are addressed as follows:

1. Steep gradient entering Glyncornel Close from B4223 which would affect stopping sight distance and potentially result in overshoot/ loss of control type collisions. Particularly associated with Construction vehicles.

The Highway Authority contends that whilst the impact in terms of increased stopping site distance is true the nature of the narrow carriageway and gradient constrains vehicle speeds with motorists driving appropriately for the conditions. The side road gradient is typical of many junctions within the valley road network and has been used for a significant period of time by commercial service and delivery vehicles with no reported accidents.

Use by construction traffic will be over a limited period of time with a construction method statement conditioned to mitigate the impact of construction.

The provision of high friction surfacing at this location is not warranted due to slow speeds of vehicles, limited additional movements after construction and no reported accidents within the vicinity of the site.

2. Reduced visibility at junction of Glyncornel Close with B4223 – Risk of side swipe / shunt type collisions.

Vision splays have been addressed within the access considerations above, with limited additional movements after construction.



3. Lack of Pedestrian Provision on Glyncornel Close. Lack of footway facilities may lead to collision between construction vehicles and pedestrians.

The increase in vehicular and pedestrian movement due to the nature of the proposed and location would be minimal after construction. The impact of construction traffic would be of limited duration and mitigated by the Construction Method Statement required by the suggested condition.

4. Excessive width at the junction of Glyncornel Close and B4223 bell mouth may lead to increased speeds entering and egressing the junction.

The report describes the existing situation which has been utilised for a significant period with no accidents recorded. Contrary to the Auditors opinion the proposal to reduce the junction width could adversely impact safety by reducing the shared road space for both pedestrians and vehicles increasing potential conflict.

Furthermore, the Audit does not consider the implication of the Welsh Government directive with regard default speed limits under which the B4233 would remain as 30mph zone and Glyncornel Close would default to 20mph with signage provided at the junction of Glyncornel Close with the B4233.

5. Existing Width on Glyncornel Close is insufficient for construction vehicle trips.

The development is served via the existing site access and construction traffic would only traverse a short section of Glyncornel Close.

In accordance with Manual for Streets a carriageway width 4.8m on a straight allows for a large vehicle and standard car to pass one another. The majority of the access is in excess of 5.8m narrowing to 5.1m for a small section with straight alignment. The construction period will be for a short duration only with minimal increase in service and delivery vehicle after construction.

The control measures suggested by the report suggest narrowing the junction which would be contrary to the issue identified as insufficient width.

In light of the above it is not considered the issues raised in the objector's report are sufficient to warrant a highway objection.

## **Ecology**

The Council's Ecologist set out that as the site has already been cleared any ecological interest that may have been there is now removed. As such, there is no requirement for an ecological assessment to support the application. In addition, as the proposal would see no demolition or works to the roof of the existing buildings at the site there is also no need for a bat survey to be undertaken. However, to ensure that the development results in a positive impact upon biodiversity a condition is suggested

below for the submission of enhancement measures should Members be minded to grant consent.

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

### **Public Health and Protection**

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

### **Drainage**

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

### **Issues raised by the objector**

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

The objectors also raise concerns associated with potential damage to property and the highway at Glyn Cornel Close. Any damage to neighbouring properties or the highway would be civil matter between relevant parties and does not form a material planning consideration.

### **National Sustainable Placemaking Outcomes**

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

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

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

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

- **Creating and Sustaining Communities:** The development density is appropriate for the location and would contribute towards the provision of community-based local care within the Northern Strategy Area.
- **Facilitating Accessible and Healthy Environments:** The application site is within walking distance of the main bus route and some local shops and services. Being within the settlement boundary it is considered to be a sustainable location. The development would provide safe accommodation and, as a care facility, would promote mental well-being.
- **Making Best Use of Resources:** The development would be located in the curtilage of an existing care home and would have regenerative benefits due to its support of construction jobs and the permanent care positions associated with the proposal.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and would foster economic activity.

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

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

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

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 is payable.

### **Conclusion**

Based on the above, it is considered that subject to conditions, the development proposed would not have a significant impact on the character and appearance of the area, the residential amenity of those living closest to the site, highway safety or ecological value of the area. The application is therefore considered compliant with

the requirements of the policies of the Rhondda Cynon Taf Local Development Plan and is recommended for approval, subject to conditions:

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

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

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

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

- Drg no. 001
- Drg no. 015 B
- Drg no. 016 C
- Drg no. 020 C
- Drg no. 021 B
- Drg no. 022 B
- Drg no. 030 B
- Drg no. 031 B
- Drg no. 040 A
- Drg no. 042 A
- Drg no. 043

and documents received by the Local Planning Authority on 18/04/23, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Before the new development is brought into use the means of access, together parking and turning facilities, shall be laid out in accordance with the submitted plan 015 B and approved by the Local Planning Authority.

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

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

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,

- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

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

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

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

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

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

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

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

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

- 8. No Development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the Local

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

Reason: To ensure a positive impact upon biodiversity in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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

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

10. No development shall commence until a sample or detailed specification of all proposed external finishing materials for both buildings has been submitted to and specifically approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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## PLANNING & DEVELOPMENT COMMITTEE

20 July 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0170/10 (JE)  
**APPLICANT:** Lee Fettah  
**DEVELOPMENT:** Conversion of shop and dwelling to 2 flats. (Amended Plans and Description received 09/05/2023)  
**LOCATION:** SHOP, 2 HIGH STREET, LLANTRISANT, PONTYCLUN, CF72 8BP  
**DATE REGISTERED:** 02/03/2023  
**ELECTORAL DIVISION:** Llantrisant and Talbot Green

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#### RECOMMENDATION: APPROVE

**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 surrounding land uses and would have no impact upon the amenity of neighbouring occupiers or highway safety in the vicinity. In addition, the proposal would bring a prominent vacant property back into beneficial use which would result in a positive impact upon the character and appearance of the Llantrisant Town Conservation Area.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- Three letters of objection have been received.

#### APPLICATION DETAILS

Full planning permission is sought for the conversion of shop and dwelling to 2no. flats at 2 High Street, Llantrisant, Pontyclun.

Other than the removal of the existing shopfront and roller shutter doors located centrally at the properties front elevation and the creation of a new external wall and window to match the existing external finishes, the proposal would be facilitated through internal conversion of the property. The proposal would see the creation of 1 no. flat on each level each having a similar layout with 2no. bedrooms, lounge-kitchen and bathroom.

Each flat would benefit from direct access from the front of the property with both also benefitting from access to the rear amenity space.

Members are advised that following initial concerns with the original submission which proposed the conversion to 4no. flats along with the removal of the chimney stacks, the applicant submitted the revised proposal for 2no. flats with the chimney stacks retained.

## **SITE APPRAISAL**

The application site relates to a traditional semi detached property which has historically operated as a retail store and residential dwelling however appears to have been vacant for a number of years. The property is directly fronted by the highway along the B4595 with a narrow pedestrian footway along the site frontage. The site occupies a prominent location in close proximity to a junction at the entrance of Llantrisant Old Town. To the rear of the property is an area of amenity space which has been historically terraced with only a small passage on the level of the dwelling which is bounded by vegetated hillside which gives way to residential dwellings to the north. On its western side the property is attached to a traditional stone cottage known as 'Toll House Cottage' which benefits from Grade II listing. To the south of the site on the opposite side of the highway is Llantrisant Leisure Centre and its associated grounds.

Surrounding development consists of various property types and scales with a mix of modern and traditional dwellings within the vicinity.

## **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.

3no. letters of objection have been received from local residents and the Community Council following consultation. The points raised have been summarised below:

- Building is too small to squeeze 4 flats into it.
- No place for parking/off street parking and it is on a busy/dangerous corner.
- Building needs sympathetic restoration at this prominent, key location at the entrance to Llantrisant Conservation Area.
- The property is listed, and the scheme does not consider the constraints which come along with this designation.
- Property is known to have a spring running through at ground level which would require careful consideration.
- Impact of works upon traffic which could impact upon businesses in Llantrisant.



Members are advised that the above comments were received following the initial consultation period which related to the original submission for the conversion to 4no. flats. No revised or additional comments were received following the secondary consultation period which took place after the submission of the revised proposals.

## **CONSULTATION**

**Transportation Section:** No objection raised.

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

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

**Dwr Cymru/ Welsh Water:** No objection although condition recommended in relation to surface water drainage.

## **POLICY CONTEXT**

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

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

The application site lies within the settlement boundary for Llantrisant and is located within the Llantrisant Town Conservation Area.

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

**Policy AW1** – Sets out the criteria for new housing proposals.

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

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

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

**Policy AW7** - Development proposals which 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** – 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 SSA13** – Identifies the criteria for assessment of development proposals within the settlement boundaries in the Southern Strategy Area.

#### Supplementary Planning Guidance

- Access, Circulation and Parking
- Design and Placemaking
- The Historic Built Environment
- Nature Conservation
- Development of Flats

#### National Guidance

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

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

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through

its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

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

Other national policy guidance considered:

PPW Technical Advice Note 12 - Design

PPW Technical Advice Note 18 – Transport

PPW Technical Advice Note 24 - Historic Environment

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The application relates to the change of use of a shop and dwelling into 2no. flats at 2 High Street, Llantrisant, Pontyclun. The proposal would see the reuse of an existing vacant property which is located within the settlement boundary and within an established residential area of Llantrisant.

The property is also located in close proximity to the local and neighbourhood centre of Llantrisant Old Town and the retail centre of Talbot Green. There is direct access to public transport links, with a bus stops located along the B4595 situated 22 metres to the south and additional bus connections located within close proximity. As such, the site is located within a sustainable location and is considered to comply with Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

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

## **Standard of accommodation**

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

In this instance the flats are of an acceptable size and each habitable room would have at least one window. Access is well overlooked and can be made from the surrounding pavements and roads and the property would benefit from acceptable bin and cycle storage locations. In addition, the proposed flats would benefit from an area of shared amenity space and would be located close to nearby public open space that is easily accessible from the property. As such, the proposal is considered to meet the requirements set out in the SPG

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

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

The removal of the roller shutter door and existing shopfront and the installation of a new external window is considered to result in a positive impact upon the character and appearance of the property. In addition, the reuse and renovation of the property is likely to have a positive impact upon the external appearance of the site which is currently vacant and in need of general care and repair. Consequently, the proposed works are considered to have a beneficial impact upon the character and appearance of the area surrounding the site and would preserve and enhance the character of the Llantrisant Town Conservation Area given the highly prominent location of the site on the entrance to the town.

It is also noted that the proposal does it involve any construction work to increase the footprint or height of the property. As such, it is considered that the proposals will not detract from the character or appearance of the area and are considered acceptable in this regard.

Members are advised that as the property is attached to a listed building, it is also important to consider the impact of the proposal upon the listed building. Given the nature of the works proposed, it is considered that the proposed development would have no undue impact upon the listed property. Also as set out above the proposal would result in a positive impact upon the character and appearance of the area surrounding site which results in a beneficial impact upon the setting of the listed building.

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

The proposed conversion would not involve any extensions or physical alterations other than the removal of the existing shopfront and roller shutter. As such, it is not considered that it would have any additional overbearing, overshadowing or overlooking impact on the nearest residential properties.

With regard to the proposed use of the building, it is not considered that this would result in any detrimental impact to the existing amenity 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 is considered a betterment to the previous commercial use.

Taking the above into account, the proposal is not considered to significantly impact upon the privacy and amenity standards currently enjoyed by neighbouring occupiers and is considered acceptable in this regard.

## **Highway Safety**

The Council's Transportation Section were notified during the consultation period in order to assess the impact of the proposed development upon highway safety and parking provision. The following comments were received:

### Access

The application property is located along the B4595 (High Street) with access for pedestrians via a narrow sub-standard section of footway (1m wide) that fronts the site and does not extend beyond towards the direction of Llantrisant. A continuous footway is available on the opposite side of the carriageway that provides safe and satisfactory pedestrian access to and from Llantrisant.

There is no vehicular access to the site and there is no parking area available within the curtilage of the site.

Traffic management is in place in the vicinity of the site that restricts on-street parking from taking place between the hours of 08:00am – 18:00pm with a prohibition of parking southwards along the northern boundary of Cross Inn Road from its junction with the B4595 High Street towards the mini roundabout junction of Cross Inn Road with Cardiff Road. The B4595 High Street forms part of a bus route with bus stops in close proximity of the site on the B4595 Talbot Road.

### Parking

In accordance with the SPG Access, Circulation & Parking 2011 the existing 4 bed dwelling requires up-to a maximum of 3 spaces with the retail shop requiring 1 off-street car parking space and 1 commercial space taking the total required to 4 car parking spaces and 1 commercial space, with none provided. It is also noted that the

retail shop would have generated short term indiscriminate on street car parking by customers visiting the shop for short durations.

The proposed conversion to 2 x 2 bed apartments requires up-to a maximum of 4 resident car parking spaces accordance with the SPG Flats 2015, with none provided.

### Conclusion

There is concern that the proposed development does not provide for any off-street car parking facilities. However, taking into account there is no possibility of providing off-street car parking within the curtilage, the off-street car parking requirement is similar to the existing use, the car parking restrictions in place protecting the B4595 fronting the site and Cross Inn Road where there is no on-street car parking available, and with residents of flats / apartments less likely to own a private vehicle, on-balance, the proposed is considered acceptable.

### **Ecology**

Following the submission of revised plans showing that the chimney stacks at the property would be retained and confirmation from the applicant that the proposal would see no works to the loft or roof of the property, no objection to the proposal was raised by the Council's Ecologist. However, a standard condition is suggested in respect of providing biodiversity enhancement measures at the site.

### **Public Health and Protection**

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

### **Drainage**

As the scheme does not propose any construction works that will result in a change in the structure's external footprint. It is not considered that the surface water condition requested by Welsh Water is reasonable or necessary in this instance.

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

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon

Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £19080.54.

## **Conclusion**

The principle of development at the site is considered acceptable. Furthermore, the proposal is considered acceptable with regard to its impact upon the character and appearance of the area, the residential amenities of surrounding neighbours and highway safety within the vicinity of the site. As such, the application is considered to generally comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

- Plan No. CYA6/3/a
- Plan No. CYA6/4/a
- Plan No. CYA6/7/a

and documents received by the Local Planning Authority on 09/05/2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

4. No Development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details.

Reason: To ensure a positive impact upon biodiversity in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

20 July 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0506/10 (KL)  
**APPLICANT:** SWP SPV2 Limited  
**DEVELOPMENT:** Demolition of existing buildings and the construction of a 16 bed specialist residential care home (use class C2) with associated works  
**LOCATION:** LAND TO THE REAR OF NO.15 & 16 RHIGOS ROAD, HIRWAUN, ABERDARE, CF44 9PS  
**DATE REGISTERED:** 05/05/2023  
**ELECTORAL DIVISION:** Hirwaun, Penderyn and Rhigos

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**RECOMMENDATION:** Approve

**REASONS:** The proposal would provide a much-needed specialist residential care home within an established residential area, which is situated in a sustainable location.

The site is physically large enough to accommodate the proposed building and associated car parking and outdoor amenity spaces without resulting in a significant impact upon the character and appearance of the surrounding area or the amenity and privacy of surrounding residential properties. Furthermore, the proposal offers ample off-street car parking within the site to serve the proposed use and it is not considered that it would result in an adverse impact upon highway safety in the vicinity of the site.

Consequently, the application is considered to comply with the relevant local and national planning policies.

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#### REASON APPLICATION REPORTED TO COMMITTEE

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

#### APPLICATION DETAILS

Full planning permission is sought for the construction of a 16 no. bed specialist residential care home with associated works including landscaping and highways and

drainage infrastructure. The works would also include the demolition of a number of small shed/outbuildings currently at the site.

The proposed care home would be constructed towards the most southern corner of the site with an 'L' shaped footprint that would extend along the south-eastern and south-western boundaries. Access would be provided to the northern boundary, between no. 16 Rhigos Road and Brodowel, with a new road extending into the site. A total of 28 no. off-street car parking spaces (2 no. disabled) and 4 no. transit parking spaces would be arranged around the road and turning area, along with a cycle shelter and a refuse/recycling area. The remainder of the site would be taken up by semi-improved grassland, a sensory garden and games park, a veg plot and 4 private garden areas of 4 of the ground floor units. An eco-trail would also extend around the perimeter of the site.

The proposed building would measure a maximum of 33.5m in width by a maximum of 46.8m in depth with various pitched and hipped roof designs that would measure a maximum of 9m in height to the ridge. Externally, the building would be finished with a mixture of face brickwork, cladding and render with grey roof tiles and grey windows and doors.

The proposed accommodation would be arranged over two floors which would each have a floor area of 793m<sup>2</sup>. The building would accommodate the following:

- 16 no. residential apartments which would each include a bedroom, a small kitchenette, a private bathroom and a lounge area (8 units on each floor);
- Two communal lounges/dining areas;
- Two arts and crafts room;
- One Sensory bathroom;
- 3 no. ancillary offices and a meeting room;
- Staff facilities including a canteen, lockers, two sleep pods and a shower room;
- Other facilities including plant room, medication store, kitchen, laundry room, visiting room, shares W.C. facilities, cleaning rooms and stores.

Details submitted with the application indicate that the proposed care home would provide a home for up to 16 people over the age of 18 with complex needs, including autism, learning disabilities and other disabilities, who are unable to look after themselves. The home would encourage as much independence as possible whilst recognising the high care needs of the service users

In terms of staffing levels, up to 25 no. members of staff will be on shift at any one time with the shift pattern being 8:00 – 20:00 and 20:00 – 08:00. It is indicated that there will be limited ad hoc visits from third party agencies (social workers and healthcare providers etc.) however, these would typically take place off site in the relevant healthcare setting. Family members may also visit service users with visiting times being between 09:00 - 20:00.

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

- Design and Access Statement;
- Pre-application Consultation Report;
- Justification and Operational Statement;
- Preliminary Ecological Appraisal;
- Transport Statement;
- Tree Survey;
- Environmental Noise Assessment;

## **SITE APPRAISAL**

The application site relates to an irregular shaped parcel of land which is situated to the rear of nos. 15 & 16 Rhigos Road on the western edge of the village of Hirwaun. The site measures approximately 0.57 hectares and comprises of two field parcels which slope away from the southern boundary to the north, resulting in a difference of approximately 3 metres over the length of the site. It currently comprises mostly of grass, trees and scrub, although there are 4 existing buildings positioned sporadically across the site, including a garage, barn and two sheds which are all in poor condition. The boundaries of the site comprise of unmanaged hedgerows/trees, with a stream running along the western boundary of the site. A further willow hedge and a wet ditch runs almost centrally between the two fields.

The area immediately surrounding the site is predominantly residential in character although there are a number of commercial properties in the wider area, including industrial units on the Bryngelli Industrial Estate to the south-east. The nearest neighbouring residential properties are situated immediately to the northern and north-western boundaries at Rhigos Road and Meadow Lane. Members may also recall that permission has recently been granted for 35 no. residential properties on the site immediately to the south-east of the application site (currently subject to a S106 agreement).

## **PLANNING HISTORY**

The following planning applications are on record for this application site:

20/1445	Land to the rear of 15 & 16 Rhigos Road, Hirwaun	Outline for development (dwelling)	residential	Granted (18 27/04/22)
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## **PUBLICITY**

The application has been advertised by means of direct neighbour notification letters, the erection of a number of site notices in the vicinity of the site and also through the publishing of a press notice in a local newspaper.

No letters of objection or representation have been received from local residents however, one letter has been received from Hirwaun and Penderyn Community Council which is as follows:

- The building does not have a lift meaning that it is not accessible.

## **CONSULTATION**

**Flood Risk Management:** No objection, condition recommended.

**Glamorgan-Gwent Archaeological Trust:** It is unlikely that significant archaeological remains would be encountered during the proposed development and no objection is raised.

**Highways and Transportation:** No objection, conditions recommended.

**National Gas Transmission:** Advises that the site is located outside the High Risk zone from National Gas Transmission plc's apparatus and no objection is raised.

**National Grid:** No objection.

**Natural Resources Wales:** Concerns raised in respect of pollution during construction however, these can be overcome by attaching a planning condition to secure a Construction Environmental Management Plan to any grant of planning consent.

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

**South Wales Police:** No objection, advice and recommendations provided.

**Wales and West Utilities:** Advise that WWU has no apparatus in the area of the application site.

**Welsh Government (Transport):** No objection, condition recommended.

**Welsh Water:** No objection, conditions recommended in respect of surface water drainage and for a grease trap to be installed prior to the use commencing. It is further advised that a Hydraulic Modelling Assessment (HMA) of the water supply will be required in order to assess the effect of the proposed development on the existing water supply network. The application can be determined however, the applicant will need to be reminded of the need for the HMA to be commissioned and concluded prior to the submission of a New Water Connection application.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Hirwaun and is allocated for residential development (Policy NSA9.1 – Land south of Rhigos Road, Hirwaun).

**Policy CS1 – Development in the North:** emphasis on building strong, sustainable communities by providing high-quality, affordable accommodation that promotes diversity in the residential market.

**Policy AW1 – Supply of New Housing:** sets out the criteria for the supply of new housing, including the development of unallocated land within defined settlement boundaries, the provision of affordable housing and the development of land at density levels which accord with Policy NSA10.

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

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

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

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

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

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

**Policy NSA3 – Development in the Key Settlement of Hirwaun:** Supports proposals within Hirwaun which would be of a high standard of design and integrates positively with existing development.

**Policy NSA12 – Housing development within and adjacent to Settlement Boundaries:** requires housing development within the settlement boundary to be accessible to local services by a range of sustainable transport modes without adversely affecting the highway network or provision of car parking in the surrounding area. Contaminated land must also be adequately remediated.

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

### **Supplementary Planning Guidance**

Access Circulation and Parking  
Design and Placemaking  
Nature Conservation  
Planning Obligations

### **National Guidance**

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

Planning Policy Wales Edition 11 (PPW) was issued on 24<sup>th</sup> 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 15: Development and Flood Risk

PPW Technical Advice Note 18: Transport

Manual for Streets

### **REASONS FOR REACHING THE RECOMMENDATION**

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

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

#### **Main Issues:**

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

The application site is located within the defined settlement boundary for Hirwaun and is within an established residential area which is well-connected to key local services and amenities and also to the local bus service which offers sustainable travel to the local and wider area. The area is also conducive to travel on foot and bicycle which further promotes the sustainability objectives of Planning Policy Wales and also the Rhondda Cynon Taf Local Development Plan.

It is noted that the site is allocated for housing under Policy NSA9.1 of the Rhondda Cynon Taf Local Development Plan and outline planning permission has previously

been granted for 18 no. residential dwellings at the site (planning ref. 20/1445). Whilst a proposal for residential development (Use Class C3) would be preferred, no further full or reserved matters applications have been submitted for this site. Notwithstanding this, the proposed use (Use Class C2) is of a residential nature, albeit for specialist care, and it is therefore not considered that the proposal would conflict with the provisions of Policy NSA9.

Furthermore, the application is supported by a Justification and Operational Statement which indicates that there is a significant lack of specialist care facilities in Wales to cater for people with complex needs and that many service users have had to be moved to England and Scotland, away from their family, to receive the care that they require. This is resulting in service users losing the right to live within their communities and have meaningful relationships with family and friends. As such, there is a much-needed push for localised services that fit the needs of individuals with complex needs.

The Justification and Operational Statement refers to a key document, 'Improving Care, Improving Lives', which reviewed service users in care services and what improvements can be made to their care. The long-term proposals set a revised target to reduce inpatient provision (i.e., institutional care settings) for people with learning disabilities and/or autism by 50% (against 2015 levels) by 2023/24, which will require progress in relation to alternative care settings at twice the rate achieved to date. This type of reduction not only requires creative thinking around new care provision where people can be placed in the community, which is cost effective, but also needs to support the provision of new suitable care facilities, such as that proposed in this current application.

In terms of the specific need in RCT, the Statement indicates that a mean increase of 0.64% is predicted by 2025, which amounts to around 5,517 people who will be in need of care in the future. A percentage of these individuals will have needs that challenge traditional services, but do not require the hospital setting. It therefore concludes that to prevent institutionalising persons with care needs, community-based care facilities are desperately needed in RCT. The proposal would provide 16 no. residential care units and would therefore go some way in providing much-needed specialist care facilities in RCT.

As such, in light of the above, the principle of constructing a specialist care facility at the application site is considered to be acceptable, subject to further assessments in respect of the impact of the proposal upon the character and appearance of the surrounding area, the amenity and privacy of neighbouring properties and also the impact of the proposal upon highway safety in the vicinity of the site.

### **Character and Appearance**

Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan primarily seek to ensure that developments do not have unacceptable effects on an area's character and appearance and this is to be achieved by ensuring that the scale, form



and design of developments are appropriate and that they are of a high standard of design that reinforce attractive qualities and local distinctiveness and that they are appropriate to the local context in terms of siting, scale, height, massing, materials and detailing.

In the case of this application, the site is situated within a built-up area which is predominantly residential in character. There is a clear mix of house-types in the immediate vicinity with semi-detached and detached properties of both single storey and two-storey scales being visible adjacent to the boundaries of the site. Whilst the scale and design of the building would inevitably be different to the existing pattern of development in the area, this is primarily due to the proposed use of the building which, by its very nature, is required to be of a larger scale. Notwithstanding this, the site is physically large enough to accommodate the building and ample space would be retained around the building to facilitate off-street car parking, private and shared garden/amenity areas and also for a comprehensive landscaping scheme to be implemented. Furthermore, the building would be appropriately sited within the site and with a two-storey height and traditional design, it is not considered that the development would have an adverse impact upon the character and appearance the area. As such, it is not considered that the proposal would lead to site being overdeveloped and the opportunity for grass and planting areas would ensure that the development would have a pleasant appearance.

Whilst the building would primarily be of traditional design with a pitched/hipped roof design, it would incorporate some modern touches, including the use of modern materials. Details have been provided to demonstrate the overall finish of the building in general however, it is indicated that the exact material palette has not yet been confirmed. It is therefore considered necessary to impose a planning condition in this regard to ensure that the final finish of the building is appropriate and in context with the surrounding area.

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

### **Amenity and Privacy**

The proposed building would be situated towards the most southern end of the plot and away from the nearest neighbouring residential properties, which are situated at the northern and north-western boundaries. With separation distances of at least 35 metres, the development would not result in any adverse levels of overshadowing or loss of outlook and the level of privacy currently enjoyed by existing residents would be protected by the retention of the existing trees and hedgerows around the perimeter of the site and also the introduction of further hedgerows to the northern boundary. It is also noted that the separation distances between habitable windows would be well in excess of the 21 metres usually sought.

Whilst the site immediately to the east is currently vacant, it must be noted that an application for residential development (35 no. dwellings), has been submitted to the Council and is currently waiting for the Section 106 Agreement to be completed before planning permission can be formally issued (planning ref. 21/1491). The relationship between the two developments is demonstrated in the Proposed Block/Layout Plan submitted for this application and it can be seen from this that a separation distance of 30 metres would be maintained between the habitable windows of the two proposed developments. This, along with the trees and hedgerows being retained along the common boundary would ensure that no unacceptable levels of overlooking would occur.

It is acknowledged that the site has been vacant for quite some time and residents will have become accustomed to very little or no activity at the site. The construction of a specialist care facility will therefore introduce some degree of noise and disturbance that residents will not have experienced previously, including vehicles accessing and exiting the site and also general use of the outdoor garden areas, veg patch and eco-trail etc.

In terms of vehicular use, it is not considered that the number of vehicles accessing/exiting the site would be significant with the majority of trips being likely to occur during daytime hours and around the shift patterns of the employees and family visiting hours. This is supported by the Transport Statement submitted with the application which indicates that the development has the potential to generate around 22 arrivals and 22 departures per day with 6 vehicular movements being generated during its busiest hour between 15:00 and 16:00 and 0 trips between the hours of 21:00 and 06:00.

Furthermore, given the residential nature of the use, the noise that existing residents might experience as a result of the use of the proposed outdoor areas is not likely to be significant or detrimental to the amenity of existing residential properties.

The site is situated immediately adjacent to the A465 and it is acknowledged that future residents of the facility may experience some road noise as a result of this. The application is supported by a Noise Impact Assessment which considers this issue and whilst it states that an accurate noise survey cannot currently be conducted due to the extensive road works that are currently underway in the vicinity, a review of publicly available documents has been carried out in order to establish potential impacts. The report indicates that this approach was discussed and agreed with the Council's Public Health department prior to the review being undertaken.

The Noise Impact Assessment indicates that an external building fabric assessment was carried out in order to control noise intrusion based on predicted façade levels and recommendations have been made in relation to specifications for external walls, roof, ventilation and glazing. A further assessment was made of the external noise in gardens and whilst it is indicated that levels would marginally exceed the upper noise

limit as stated in the British Standards, base on 2021 noise levels, this would be reduced upon the completion of the A465 road scheme (based on the Noise Change prediction set out in the Welsh Government Environmental Statement Volume 3: Figures, dated July 2017 for the dualling of the A465 between Dowlais and Hirwaun. The report therefore concludes that, subject to mitigation measures (double glazing, trickle ventilators, close board fencing), the proposals are acceptable from a noise perspective. No comments had been received from the Council's Public Health and Protection team on the submitted Noise Impact Assessment at the time of writing this report. Therefore, any comments received will be reported at the meeting of the Planning and Development Committee.

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

### **Highway Safety**

The application has been assessed by the Council's Highways and Transportation section and no objection has been raised in relation to the impact of the proposal upon highway safety in the vicinity of the site. The response is summarised as follows:

#### Access

The application site is accessed via Rhigos Road which is considered acceptable for safe vehicular and pedestrian movement.

An uncontrolled pedestrian crossing point would be required at the junction of the lane fronting numbers 15 & 16 Rhigos Road and the new site access, in accordance with Active Travel Wales Act 2013 and PPW 11<sup>th</sup> edition. The plans provide for satisfactory pedestrian access.

#### Site Layout

The Site Layout Plan illustrates the proposed access and the provision of 30 no. parking spaces for staff and visitors. A further 2 no. disabled parking spaces are proposed close to the principal entrance to the building. Full on-site turning facilities have been provided for both refuse lorries and a fire pump and cycle storage facilities would also be located in this area.

It is recommended that the proposed junction up to the land ownership boundary is designed and built to an adoptable standard and the applicant would be required to enter into a Section 278 Highways Agreement to implement the works. The land within the site would remain private.

#### Committed Sum

Committed sum will apply to any highway asset that would require additional maintenance, as set out in the Council's Design Guide. If roads are to be offered for adoption and standard highway infrastructure has been constructed, then there will be no committed sum. Only upon use of innovative materials or offering elements of the development to the Highway Authority that would require extra over maintenance liability, then a committed sum would be required which will form part of the road agreement.

### Parking

The Council's SPG: Access, Circulation and Parking indicates that residential care homes require 1 space per resident staff, 1 space per non-resident staff and 1 space per 4 bed. The proposed care home would provide 16 beds which would require 4 off-street car parking spaces. It is also indicated within the application that the use would employ 25 members of staff which would require an additional 8 off-street car parking spaces (total of 12 spaces required).

The site layout plan indicates that a total of 32 off-street car parking spaces would be provided within the scheme which is considered acceptable.

### Active Travel

Planning Policy Wales (Ed 11) and Active Travel (Wales) Act 2013 set out walking and cycling as well as public transport at the top of the hierarchy of sustainable modes of travel. The village of Hirwaun is well served by continuous pedestrian facilities and links to the National Cycle Route and the proposal is therefore acceptable in this regard.

### Transport Statement

The TRICS data suggests that, based on typical trip rates for residential care homes, the proposed development has the potential to generate around 22 arrivals and 22 departures per day. The development is likely to be at its busiest during the early afternoon and the data suggests that 6 vehicles movements will be generated during its busiest hour (15:00-1600).

Of the total movements, it is anticipated that 16% of the total movements would walk or cycle, 1% would use public transport, 18% would be vehicle passengers and the remaining 65% would travel by private vehicle or taxi.

There are no issues regarding the impact of the proposal on the existing highway network, which is acceptable.

The comments further indicate that the development would generate less trips to the previously approved development at the site for 18 no. residential dwellings.

The application site lies immediately adjacent to the A465 trunk road and consultation has therefore also been undertaken with Welsh Government (Transport). The comments received raises no objection to the proposal however, a condition is recommended for a programme of works to be submitted and approved in order to ensure co-ordination and to help identify any potential conflict between the proposed works and those for section 5 and 6 of the nearby A465 scheme.

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

### **Other Issues:**

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

### **Drainage**

The proposal has been reviewed by the Council's Flood Risk Management team and no objection is raised. The comments indicate that there are areas of high, medium and low surface water flood risk identified across the site, predominantly through the centre from south to north, which would potentially affect the proposed parking area, refuse lorry turning area, veg plot and the west wing of the proposed building. This is associated with a conveyance of surface water possibly originating from an unnamed ordinary watercourse on land to the south of the application site.

It is also advised that an unnamed watercourse runs along the western edge of the site which flows south to north towards the River Cynon. There is also a high risk of surface water flooding identified downstream of the site, along Railway Terrace.

Details submitted with the application indicate that surface water will be disposed of via SuDs however, no details have been provided with the application in this regard. The Flood Risk Management Team have advised that in order to ensure that surface water is appropriately managed, further information will be required to demonstrate how surface water will be managed and disposed of at the site, along with a site surface water drainage strategy outlining the pre and post discharge rates and a general arrangement of the proposed drainage layout. As such, a condition is recommended in this regard. Whilst the recommended condition is noted, the development would have an area of over 100 square metres and the applicant would therefore be required to submit a separate application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB) under Schedule 3 of the Flood and Water Management Act 2010. The development will also be required to comply with Part H

of the building regulations and obtain separate Ordinary Watercourse Consent under Section 23 of the Land Drainage Act 1991

As such, issues of drainage would be fully considered in the Sustainable Drainage Systems application, and it is not considered reasonable or necessary to also add a planning condition in this case.

## **Ecology**

The application is accompanied by a Preliminary Ecological Appraisal which has been assessed by the Council's Ecologist and also Natural Resources Wales.

The comments received from the Council's Ecologist indicate that the site is previously short, grazed horse pastures with boundary hedges and/or tress. The PEA identifies negligible bat roost impacts due to the retention of boundary trees and also a medium to long term loss of foraging habitat. The hedgerow retention would also significantly reduce nesting bird impacts.

The PEA identifies low to moderate potential for reptiles and amphibians, although it is noted that until recently the site was heavily grazed, which would have significantly reduced any amphibian/reptile use. The report also notes that no devil's-bit scabious, foodplant of the marsh fritillary butterfly, is present, nor is there any evidence of badgers. The potential for dormouse is very small and potential otter use is also considered to be low.

The proposed layout shows areas of retained or recreated semi-improve neutral grassland and these appear to be in locations which can receive the necessary cut and collect management. The provision of these spaces is considered to be a significant improvement on the mitigation/enhancement offered in the previously approved housing scheme and this application therefore has a greater capacity to evidence effective mitigation and some enhancement potential.

As such, no objection is raised to the proposal, subject to the imposition of a planning condition to secure detail of all species and habitat mitigation, details of hedgerow and tree protection, details of long-term hedgerow management and details of the provision of semi-improved neutral grassland mitigation within the green spaces of the site.

The comments received from Natural Resources Wales indicate that the site is located within a sensitive location due to a watercourse running through the site. The watercourse, being relatively minor in nature, has the potential to be affected by pollution due to less dilution. It is advised that appropriate pollution prevention measures should be employed during both construction and demolition phases and, as such, a condition is recommended for a site wide Construction Environmental Management Plan to be submitted for consideration prior to development commencing on site.

It is further noted that the site is situated within 140m of the Blaen Cynon Special Area of Conservation (SAC) and Cors Bryn-y-Gaer Site of Special Scientific Interest (SSSI). NRW advise that the SSSI is of special interest for its lowland bog and for areas of soligenous flush, marshy grassland, dry neutral grassland and lowland acid grassland. These habitats occur in a complex with wet heath, swamp and semi-improved grassland. The site is also of special interest for the Marsh Fritillary butterfly *Eurodryas aurinia*, which is fully protected under the 1981 Wildlife Countryside Act.

It is commented that the closest record for the Marsh Fritillary is 220m away from the development site and NRW note that the submitted PEA states that Devil's-bit scabious is not present on site. Therefore, the site is unlikely to provide habitat for Marsh Fritillary caterpillars and the proposed development is unlikely to cause significant negative impacts to the SSSI or SAC due to the distance from the protected side and its separation by road and housing.

### **Impact on Trees**

The application site currently comprises of a number of trees and hedgerows to the perimeter of and within the centre of the site. The plans indicate that whilst the trees and hedgerows to the site boundaries would be retained, a number of trees at the centre of the site would need to be felled in order to facilitate the proposed development. The Tree Survey that has been submitted to support the application indicates that the trees/hedgerows to be removed would include 1 small hedgerow and a total of 18 no. trees which includes hawthorn, sycamore and goat willow trees. Whilst the loss of these trees is regrettable, none of the trees are protected by a Tree Preservation Order and the Tree Survey indicates that mitigative planting would be provided as part of the site landscaping. The report advises that a minimum of 20 trees will be planted in mitigation of the removals and that there is sufficient space around the car parking area and within the proposed landscape buffer on the northern site boundary to accommodate this.

On this basis, the proposal is considered to be acceptable, subject to conditions for details of tree protection measures and also for a landscaping plan to be submitted for approval prior to the development commencing.

### **Comments received in objection to the proposal**

It is noted that a single letter of objection has been received in relation to the proposal, which highlights that the scheme does not include a lift, which would make the development inaccessible. Whilst these comments are noted, it would not be reason to refuse the application.

### **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 relate in particular to the following national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The development density is appropriate for the edge of settlement location and as an allocated housing site would contribute to the overall housing requirement within the Northern Strategy Area.
- **Facilitating Accessible and Healthy Environments:** The application site is located close to a bus route and is within a reasonable walking distance of the services and facilities located in the centre of Hirwaun. As the site is allocated and within the settlement boundary it is considered to be a sustainable location.
- **Maximising Environmental Protection:** The development would retain the boundary trees and hedgerows which would significantly reduce bat and nesting bird impacts. It would also provide large areas of retained or recreated semi-improved neutral grassland.
- **Growing Our Economy in a Sustainable Manner:** The development would have a positive effect in terms of construction jobs.

In respect of the other national outcomes the development would be considered to have a largely 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 is payable.

### **Conclusion**



The proposal would provide a much-needed specialist residential care home within an established residential area, which is considered to be situated in a sustainable location.

The site is physically large enough to accommodate the proposed building and associated car parking and outdoor amenity spaces without resulting in a significant impact upon the character and appearance of the surrounding area or the amenity and privacy of surrounding residential properties. Furthermore, the proposal offers ample off-street car parking within the site to serve the proposed use and it is not considered that it would result in an adverse impact upon highway safety in the vicinity of the site.

Consequently, the application is considered to comply with the relevant local and national planning policies and it is recommended for approval, subject to a number of conditions.

### **RECOMMENDATION: Approve**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans received by the Local Planning Authority on 05 May 2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. 10.266.01A: Existing Site Location Plan and Existing Block Plan.
- Drawing No. 10.266.03A: Proposed Site Location Plan and Proposed Block Plan.
- Drawing No. 10.266.04F: Proposed Site Layout Plan
- Drawing No. 10.266.05D: Proposed Ground Floor Plan.
- Drawing No. 10.266.06D: Proposed First Floor Plan.
- Drawing No. 10.266.07C: Proposed Elevation Plans.
- Drawing No. 10.266.08B: Proposed Site Sections.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting of that Order) no other use (other than a residential care home, and activities

linked to a residential care home) shall be operated from the site without the prior express permission of the Local Planning Authority.

Reason: To define and limit the extent of the permission and ensure no inappropriate uses be operated at the site to protect neighbouring amenities, in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

4. Building operations shall not be commenced until details of the finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The proposed dwelling shall be finished 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, in the interests of visual amenity and in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

5. Before the development is brought into use, the means of access, together with the turning and parking facilities, shall be laid out in accordance with Plan Drawing No, 10.266.04F and approved by the Local Planning Authority. The car parking spaces shall be retained for the parking of vehicles thereafter.

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

6. Notwithstanding the approved plans, development shall not commence until full engineering design and details of new junction layout, uncontrolled pedestrian crossing facilities including sections, street lighting details and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

7. No development shall commence, 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 construction of the development,
- f) Wheel cleansing facilities,
- g) The sheeting of lorries leaving the site.

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

8. Prior to any development commencing, other than site clearance, a works programme shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Welsh Government (Transport). The works shall be carried out in accordance with the approved programme.

Reason: To ensure co-ordination and limit conflict between site works and the ongoing works to the A465 trunk road, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall commence, including any works of site clearance, until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Details of all species and habitat mitigation;
- Details of hedgerow and tree protection;
- Details of long-term hedgerow and tree management;
- Details of the provision of semi-improved neutral grassland mitigation within the green spaces of the site, including re-use of the nutrient poor soils and existing seedbank, appropriate grass mix seeding, short-term aftercare establishment and long-term cut and collect grassland management.

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

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

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

- General Site Management: details of the construction programme including timetable, details of site clearance, details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management, species and habitats protection, avoidance and mitigation measure.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP masterplan: details of the extent and phasing of development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works, details of measures to minimize noise and vibration from piling activities, for example, acoustic barriers, details of dust control measures, measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment, details of wastewater.
- Traffic Management: details of site deliveries, wheel washing facilities.
- Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented in accordance with the approved details during the site preparation and construction phase of the development.

Reason: To ensure necessary management and implementation for the protection of the environment during construction, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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

protection during the course of development. The development shall be carried out in accordance with the agreed details.

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

12. 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.

13. The development shall be implemented in accordance with the mitigation measures set out within the Noise Impact Assessment, dated 02/05/23, by Hunter Acoustics.

Reason: To protect the amenity of future residents, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. The approved use shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted to and approved in writing by the local planning authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage.

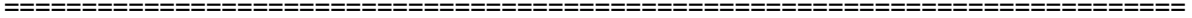
15. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

16. Prior to occupation of the building hereby approved, a potable water scheme to serve the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply

network in order to accommodate the site shall be delivered prior to the occupation of any building. The agreed scheme shall be constructed in full and remain in perpetuity thereafter.

Reason: To ensure the site is served by a suitable potable water supply, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.



## PLANNING & DEVELOPMENT COMMITTEE

20 July 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0422/08 (GD)  
**APPLICANT:** Rhondda Cynon Taff County Borough Council  
**DEVELOPMENT:** Demolition of caretakers house, reconfiguration of the car park/drop off area/bus bay, footpaths, 3G sports pitch, flood lighting, new play areas, plant and associated works (revised technical detail received 01/06/2023)  
**LOCATION:** PONTYPRIDD HIGH SCHOOL, CILFYNYDD ROAD, CILFYNYDD, PONTYPRIDD, CF37 4SF  
**DATE REGISTERED:** 26/04/2023  
**ELECTORAL DIVISION:** Cilfynydd

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#### RECOMMENDATION: Approve

**REASONS:** The principle of the proposed development is acceptable representing the improvement and adaptation of an existing school within an established school site. The proposals are acceptable in terms of planning policy and all other material planning considerations

The proposed alterations and new facilities will bring the school in line with the Council's wider objectives in education provision and will bring significant benefits to the pupils within catchment area.

The development will not result in major alterations to the property but will bring a marked improvement to the visual amenity of the site. It is not considered the alterations and changes would result in a significant increase in the impacts already experienced in the locality or to highway safety in the locality.

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#### REASON APPLICATION REPORTED TO COMMITTEE

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

#### APPLICATION DETAILS

The proposal seeks full planning permission for the demolition of the caretaker's house in the northern part of the site, the reconfiguration of the existing car park/drop off area and bus bay, footpaths, 3G sports pitch, new floodlighting, new play areas, plant and all associated works. The full extent of the works proposed includes -

- Upgrade of the existing external learning and social spaces
- Provide a 210 (including Nursery) pupil capacity primary school by refurbishing the existing D&T/Art Block wing. Providing an "all through School" which will accommodate those pupils currently attending Cilfynydd Primary School. The refurbishment will involve largely internal reconfiguration though externally there will be dropping of all window cil heights and the construction of canopy areas to meet Council requirements
- External cladding
- Drainage and service infrastructure
- Redevelopment of the car park in phases to provide a 12 place bus bay and parent drop off outside the school curtilage, with the existing caretakers house demolished to improve access arrangements and free up additional spaces and the existing car park areas redeveloped/reconfigure
- Provision of a 3G synthetic sports pitch on the existing redgra sports pitch including flood lighting. Though smaller than a standard pitch due to the restricted area, it will include flood lighting and be hired out for community use outside of school hours.

In addition to detailed plans and relevant application forms, the application is accompanied by the following:

- Planning Statement;
- Design and Access Statement,
- Pre Application Consultation Report.
- Flood Consequences Assessment
- Travel Assessment
- Travel Plan
- Phase 1 Ecology Report
- Arboricultural Impact Assessment including tree survey
- Construction Environment Management Plan
- Pollution Prevention Plan
- Acoustic Report, and;
- Ground Investigation Report.

## **SITE APPRAISAL**

The application site is comprised in the curtilage buildings and grounds of Pontypridd High School. The school is located north of Pontypridd and west of the northern tip of the village of Cilfynydd. The school is comprised in a number of institutional built for purpose buildings and associated playing fields and break out areas. An existing Multi



Use Games Area (MUGA) and redgra pitch lie to the south of the main buildings. One way and another the boundaries of the school are well defined. Trees line the eastern boundary providing both screening and a barrier to the A470(T), the access road forms the northern boundary to the site with adjoining fields and the river to the south and west of the site.

Albeit the site is separated from Cifynydd by the A470(T) the wider area is characterised by a mix of uses including, residential, recreational industrial and commercial uses

## **PLANNING HISTORY**

23/0383	Certificate of Lawfulness to convert part of the existing high school to a primary school	Approved 30 <sup>th</sup> May 2023
23/5010	Pre application advice in respect of demolition of caretaker's house, redevelopment of existing school wing to provide a primary school and car park, 3G sports Pitch, flood lighting and associated works.	Planning permission required
14/5050	Pre application advice in respect of a new skills building	Planning permission required
12/0024	Single storey extension to the rear of the existing garage and the installation of one asymmetrical canopy and 1no. bicycle storage compound	Approved 24 <sup>th</sup> February 2012
09/0008	6KW wind turbine consisting of a 15m tower and blades of 5.5m diameter. Total height to blade tip 17.75m	Approved 8 <sup>th</sup> May 2009
05/1381	Self-build construction workshop	Approved 6 <sup>th</sup> October 2005
02/1920	New lower school teaching block together with multi-purpose sports hall to be used for the benefit of the school and community, provision of additional car parking, replacement fencing	Approved 21 <sup>st</sup> February 2003
95/0245	Erection of double mobile classroom (Observations requested by Mid Glamorgan County Council).	Raise no objection 26 <sup>th</sup> June 1995

95/0186	New multi-purpose sports hall for use by school and Welsh Cricket Association (Observations requested by Mid Glamorgan County Council).	Raise no objection 21 <sup>st</sup> June 1995
93/0848	Provision of covered area to pupil entrance.	Approved 20 <sup>th</sup> December 1993
82/1034	Replacement new comprehensive school	No decision on record
76/0379	Land reclamation scheme	Approved 9 <sup>th</sup> July 1976

## **PUBLICITY**

The application has been advertised by way of press notice, site notices and neighbour notification letters. No observations or objections have been received

## **CONSULTATION**

Highways & Transportation: - No objections subject to conditions

Flood Risk Management: - the developer will be required to submit an application to the SUDS approval body and comply with Part H of the Building Regulations. Any works to a watercourse may also require Ordinary Watercourse Consent otherwise no objections are offered.

Public Health & Protection: - Comment in detail on a number of issues and suggest a number of conditions.

Countryside: - A European Protected Species licence will be required from NRW, and they need to be satisfied the amount of work undertaken to date is sufficient for the application to progress. Any new lighting at the site will need to be bat sensitive. The mitigation in the report for works to trees with low bat roost potential needs to be a protected by a condition to any consent.

Structural Engineer: - If any proposed modifications in the level of the car parking areas over the area of the old mine shafts are to be carried out, then due diligence must be undertaken for working in an area of old deep mine shafts.

Education & Lifelong Learning: - No objections

Corporate Estates: - no objections

Natural Resources Wales: - raise no objection to the proposed development subject to conditions.

Dwr Cymru Welsh Water: - no objections subject to conditions.

Western Power Distribution: - raise no objection and request that the applicant be made aware that if they require any new connection or service alteration, they will need to make a separate application to National Grid.

Wales & West Utilities: - no response received

South Wales Fire & Rescue Service: - Raise no objections to the development subject to adequate water supplies being maintained for firefighting purposes and access being designed so as it can accommodate fire-fighting vehicles.

The Coal Authority: - raise no objections to the proposal and suggest a note be attached to any planning permission outlining the potential risks of coal mining legacy to the proposed development.

South Wales Police: - raise no objections to the proposed development and make a number of recommendations relating to perimeter security, landscaping, vehicle parking, access control, reception areas, door security, drainpipes, window security, intruder alarms, CCTV etc.

Welsh Government Transportation Directorate: - raise no objection to the proposed development and suggest that any floodlighting be suitably cowled to avoid glare distraction to users of the A470(T) trunk road.

Sport Wales: - no reply received.

## **POLICY CONTEXT**

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

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

The Rhondda Cynon Taf Local Development Plan 2011 – 2021

### **Core Strategy Policies**

Policy CS2 – promotes sustainable growth in the southern strategy area.

### **Area Wide Policies**

Policy AW – promotes development in sustainable locations

Policy AW 5 – New Development

Policy AW 6 – Design and Placemaking

Policy AW10 resists development when there is a risk from flooding.

### **Supplementary Planning Guidance**

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

### **National Guidance**

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

Planning Policy Wales Edition 11 (PPW) was issued on 24<sup>th</sup> 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 consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

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

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

#### SE Wales Policies

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

#### Other relevant policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 16: Sport Recreation and Open Space;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 23: Economic Development
- Manual for Streets

### **REASONS FOR REACHING THE RECOMMENDATION**

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

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

#### **Main Issues:**

The main issues in the consideration of this planning application are its acceptability in terms of compliance with planning policy, the impact of the proposals on the character and appearance of the area, impact on residential amenity and privacy and the access and highway safety implications of the proposed development. Members should note that the matter of whether or not the design and technology block can be used as a primary school has been dealt with under application 23/0383 and the change is permitted development and does not in and of itself require planning permission consequently this application only deals with the structural changes to that building and the impact of that in terms of the effect on material planning considerations.

## **Principle of the proposed development**

The proposed development seeks the partial redevelopment of an established school site with elements of demolition, building improvements, and parking provision, along with upgrades to external recreational / learning spaces and sports facilities. The proposed development would take place within the grounds of the established high school where, as the planning history above reveals, the principle of use and type of development proposed is well established. Further, the scheme is supported by the Council's Education and Inclusion Services Section who welcome the development.

The proposal is therefore broadly compliant with the objectives of Policy CS2. Though the proposals sit outside but immediately adjacent to the settlement boundary and technically does not comply with Policy AW2, it otherwise satisfies all other requirements of that policy

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

The proposals would, to some extent, redefine built development within the school site, however when considered collectively the changes are acceptable. The existing design and technology block will be the building subject of the greatest amount of change and that change is necessary to facilitate bringing the primary school element on to the site. The visible changes proposed such as lowering the eave levels and creation of a canopy are typical of educational buildings and will effectively improve the appearance of the building which currently best could be described as utilitarian in appearance. In any event, the location of that building which is relatively central to the northern part of the site means that it will continue to read as part of the wider school site. The alterations to the car parking arrangements represent a marked improvement over the existing arrangement, which in terms of layout and signage is a little haphazard. The new arrangement clearly defines the bus bays parent parking/drop off facilities and staff car parking. The more coherent arrangement now proposed represents an incremental improvement to the character and appearance of the area.

## **Impact on residential and visual amenity**

The proposed works as mentioned above will bring an incremental benefit to the character and appearance of the area and there will also be improvements to the visual amenity of the site. The improvements to the school buildings and redefined parking arrangements along with the improvements to the breakout area and playing fields will undoubtedly lift the visual amenity of the immediate area. Given the location of the school west of the A470(T) and the nature of the changes proposed the alterations to the built environment would have little or no impact on residential amenity. That said the changes to the overall pupil population with the school becoming a 3-16 "through-school" might have some impact in terms of how the facility is accessed used and supported this though is not considered to have any greater or lesser impacts on residential amenity than existing arrangements.

## **Access and highway safety**

Members will note from the above that Highways have raised no objections to the proposed development subject to conditions. In arriving at this position, they have given full consideration to the following key issues: -

- School access road
- Swept path analysis
- The nature of the A54054 Cilfynydd Road in the vicinity of the site.
- Transport Assessment issues including, trip generation (current and future years, base and development flow, percentage impacts assessment),
- Parking provision
- Cycle parking/stands.
- Learner travel assessments
- Sustainability
- Travel Plan, and;
- Accident data

The Highways Section in light of their assessment of the above issues conclude that the small volume of traffic flows involved at the school access and A4054/school access road junction results in no operational capacity issues. This is also so for the 2034 maximum occupancy future year scenario.

With a forecast mode share for vehicular traffic of 26%, the majority of pupils will travel to/from the school via School Buses (50%), public transport and walking. The associated Travel Plan will aim to improve the mode share for non-vehicular modes, while the formalisation of school bus and parent drop off/pick up facilities provides an improvement on the current situation.

Off-street car parking is in excess of the SPG requirement. However, based on existing staff numbers and travel patterns the provision is considered acceptable.

## **Ecology**

The application has been supported with a Preliminary Ecological Assessment (PEA) and this has been supplemented with additional bat survey work. The submitted details have been considered by both the Council's Ecologist and Natural Resources Wales (NRW) and, subject to conditions relating to lighting, tree surveys, and measures to deal with contamination and water quality are considered acceptable. The applicants have also secured the European Protected Species (EPS) licence for the works to the school building.

## **Historic Mining Activity**

Members will note the comments above from The Coal Authority. Having been consulted on this planning application and considered the supporting information no

further conditions are required, though they recommend the application of an advisory note relating to working within high-risk coal mining areas.

### **Drainage and Flood Risk**

As the applicant will also require the submission and agreement of a SuDs scheme for the approval of the Lead Local Flood Authority and Flood Risk Management. Dwr Cymru Welsh Water have raised no objection to the proposed development, subject to the imposition of conditions.

### **Public Health & Protection**

Public Health & Protection have raised no objections to the proposed development recommending the inclusion of conditions relating to hours of operation during the construction phase, Noise and Dust. Whilst these comments are appreciated, they are all matters that are better dealt with under other legislation. Matters requiring conditions to deal with contamination at the site are retained in the schedule of conditions below.

### **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.

### **National Sustainable Placemaking Outcomes**

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

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

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

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



- **Creating and Sustaining Communities:** The development would provide a state-of-the-art primary school facility for pupils, and wider community uses for local residents long into the future.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and employment at the new facility.
- **Making Best Use of Resources:** The development accords with the aim to prioritise the use of previously developed land and sustainable building practices/materials. Future energy consumption would be from renewable sources resulting in a 'net zero carbon in operation' facility.
- **Maximising Environmental Protection and Limiting Environmental Impact:** The development would include suitable tree/landscape planting and biodiversity enhancement measures.
- **Facilitating Accessible and Healthy Environments:** The application site is in a highly sustainable location, directly adjacent to the centre of Rhydyfelin, with many transport links and services/facilities located within walking distance.

### **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 set out in the Charging Schedule is £nil and therefore no CIL is payable.

### **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the wider policy considerations set down in Planning Policy Wales and Future Wales 2040. The proposals are also acceptable in terms of all other material planning considerations including all highway considerations subject to the application of appropriate conditions. The proposed works would represent a significant improvement for the existing facility in terms of what it is and what it can provide for the local community. The proposals also offer to opportunity to maximise an improved learning opportunities for local pupils in a much-changed educational environment.

### **RECOMMENDATION: Grant**

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

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

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

Site Location Plan	26CA09-LAW-XX-XX-0003 P4
Existing Site Plan - Sports Pitch	26CA09-LAW-XX-GF-0002_P2_
Existing Site Plan	26CA09-LAW-XX-GF-0001_P2_
Proposed Site Plan	26CA09-LAW-XX-GF-0001 P10
Proposed Sports Pitch	26CA09-LAW-XX-GF-0002_P3
General Arrangement Plans	26CA09-CAM-XX-XX-S2-P06
RW Details	26CA09-CAM-XX-XX-S2-P03
Proposed External Works Plan	26CA09-CAM-XX-XX-S2-P08
Proposed Drainage Strategy	26CA09-CAM-XX-XX-S2-P06
Proposed Site Sections	26CA09-CAM-XX-XX-S2-P05
External lighting arrangement (car park)	26CA09-CAM-XX-XX-S2-P03
Landscape plan	ZG-DWG-000227083!150623
SuDs Plan	2386201-SBC-00-XX-P03
Tree pit details	2386201-SBC-00-XX-P04
Off Site Highway Works - Existing Layout	26CA09-SOL-XX-XX-P01
Proposed Off Site Highway Works	26CA09-CAM-XX-XX-D1-P02
Proposed Off Site Highway Works Construction Details	26CA09-CAM-XX-XX-D1-P03
Off Site Highway Works - Road Marking Details	26CA09-CAM-XX-XX-D1-P02
Cut Fill Analysis	26CA09-CAM-XX-XX-D1-P01
Cut Fill Analysis - Site Strip & Formation Depth Extents Plan	26CA09-CAM-XX-XX-D1-P01

Proposed Levels and Contours	26CA09-CAM-XX-XX-DR-C-1202 D1-P04
Proposed Sections	26CA09-CAM-XX-XX-DR-C-1205 D1-P03
Soakaway Basins Proposed Sections	26CA09-CAM-XX-XX-DR-C-1206 D1-P03
3G pitch layout	20230130-PPHS-0001
3G pitch example drainage layout	20230130-PPHS-0004
3G pitch lighting spec	
3G lighting report	0400841966
3G lux plan	0400841966 DWG01
Solar Specification	JAM72S30 530-555/MR
Air Source Heat Pump	CAHV-R450YA-HPB

And documents received by the Local Planning Authority unless otherwise to be approved or superseded by details required by any other condition attached to this consent.

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

3. The use of the 3G pitch hereby permitted outside of school hours shall only take place between the hours of 16:00 and 20:00 Mondays to Friday's, 08:00 18:00 hours Saturdays and Sundays

Reason: To protect the amenities of the occupiers of nearby properties in accordance with Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan

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

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

5. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local

Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

- A desktop 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.
- 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 agreed in writing with the Local Planning Authority.
- A written method statement for the remediation of contamination affecting the site

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

6. No development hereby permitted, shall be occupied or brought into use until the measures approved in the scheme referred to in Condition 5 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

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

7. If during development works any contamination is 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 the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

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

8. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to approval of the scheme of investigation,

sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing by the LPA. Only material approved by the Local Planning Authority shall be imported.

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

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

10. The approved use shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted to and approved in writing by the local planning authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage.

11. The submitted Travel Plan, which sets out proposals and targets together with a timescale, to limit or reduce the number of single occupancy journeys to the site and to promote travel by sustainable modes of travel. The development shall be carried out in accordance with the travel plan.

Reason: To ensure satisfactory provision for alternative travel modes to and from the site and use of sustainable travel.

12. Notwithstanding the submitted plans, full engineering design and details of the road widening with new footway provision fronting the bus bays linking with the A4054 via the industrial access road including sections; street lighting details and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented prior to beneficial occupation of the new school.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety.

13. Prior to its installation full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The lighting plan shall include: -
1. Details of the siting and type of external lighting to be used.
  2. Drawings setting out light spillage in key sensitive areas.
    - a) Details of lighting to be used both during construction and/or operation.

The lighting shall be installed and retained as approved during construction and operation.

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

14. All works that will result in the loss of trees, tree groups or hedgerows must be undertaken in accordance with the conclusions and recommendations of the bats and trees survey report prepared by Ecological Services Ltd dated 27<sup>th</sup> April 2023.

Reason: In the interests of minimising and mitigating the impact of the proposed development on protected species in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

15. No development of land, known or suspected of contamination, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

- a) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site including sources, pathways and receptors
  - potentially unacceptable risks arising from contamination of the site.

- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- c) the results of site investigations and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c ) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: to ensure that the risks associated with contamination at the site have been fully considered, as controlled waters are of a high sensitivity; and where necessary remediation measures and long- term monitoring are implemented to prevent unacceptable risks from contamination.

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

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to first use of the development approved, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems., and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

17. Prior to the first use of the development hereby approved a long-term monitoring plan for land contamination shall be submitted to and approved in writing by the Local Planning Authority: The plan shall include:
- a) Details of the methods and triggers for action to be undertaken
  - b) Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required.
  - c) Timescales for the submission of monitoring reports to the Local Planning Authority e.g. annually

- d) Details of any necessary contingency and remedial actions and timescales for actions.
- e) Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason: To ensure that measures for the necessary monitoring of controlled waters in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan

18. Notwithstanding the details submitted in support of the current application, the Construction Environment Management Plan shall be updated to address the concerns raised by Natural Resources Wales in their observations dated 12/07/2023. Such details to be agreed prior to works taking place that might be affected by the issues raised.

Reason: To ensure that necessary management measures are in place for the protection of the environment during construction.

19. Development shall not commence until a water quality monitoring plan for protection of water quality in the Nant Cae Dudwg and the River Taf has been submitted to and approved in writing by the Local Planning Authority. The water quality monitoring plan should include:

- Details of the monitoring methods
- Timescale for construction
- Timescales for the submission of monitoring and interpretive reports to the Local Planning Authority during construction
- Details of triggers for specific action and any necessary contingency actions (e.g. the need to stop work, introduction of drip trays, make use of spill kits and shut off valves).

The water quality monitoring plan shall be carried out in accordance with the approved details during the site preparation and construction phases of the development.

Reason: to ensure necessary monitoring measures are approved prior to commencement of development and implemented to manage any potential adverse impacts of construction on water quality.



## PLANNING & DEVELOPMENT COMMITTEE

20 July 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/1464/10 (HB)  
**APPLICANT:** Mr C Davies  
**DEVELOPMENT:** Single storey side extension, two storey side extension and rear raised patio and associated works  
**LOCATION:** 45 HILL STREET, HENDREFORGAN, GILFACH GOCH, PORTH, CF39 8TW  
**DATE REGISTERED:** 27/02/2023  
**ELECTORAL DIVISION:** Gilfach-goch

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#### RECOMMENDATION: REFUSE

**REASONS:** The raised patio, by virtue of its scale and elevated height forms an unneighbourly form of development which directly overlooks and adversely impacts upon the amenity and privacy of neighbouring occupiers. It is not considered privacy screens would overcome these concerns.

The proposed two-storey side extension, by virtue of its scale and proximity to the curtilage boundary would result in an unneighbourly form of development which would have a significant overbearing impact upon the adjacent neighbours.

As such, the application is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the Council's Supplementary Planning Guidance 'A Design Guide for Householder Development'.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from Councillor Webb to assess the impact of the development upon the amenity of neighbours.

#### APPLICATION DETAILS

Full planning permission is sought for the erection of a single storey side extension to the eastern elevation of the dwelling, a two storey side extension to western elevation which would also include the raising of the ridge height of the existing property allow

for an attic conversion, and part-retrospective engineering works in the rear garden for an elevated terrace and boundary treatments. Specifically, the application proposes the following:

- The single storey extension will extend in front of the existing principal elevation by 2m. It would be approximately 10.5m in length, 3.1m in width at the rear and 3.7m in width at the front elevation, having a pitched roof with an eaves height of 2.4m and ridge height of 3.8m. Due to the ground levels falling between the front and rear of the site engineering works are required in this location, beneath the proposed extension, to provide a level floor slab. The ground level would be increased by a maximum of approximately 1m at the rear elevation of the proposed extension.
- The two storey extension would measure 8.4m in length by 3m in width. The property's existing ridge would be raised from 7.6m in height to 8.1m and the new addition would extend to the full height of the new ridge line to allow for the attic to be converted to living space. The two-storey extension would also require engineering works to provide a level floor slab. The ground levels would be increased by a maximum of approximately 0.95m at the rear elevation.
- Engineering works have been undertaken in the rear garden area but are not yet complete. An existing raised terrace area has been extended out by 2m through the construction of a 2m high and approximately 14.8m wide retaining wall, resulting in a raised patio with a total depth of 6.3m from the rear of the dwelling and cumulative floor area of 93m<sup>2</sup>. A 1.5m high timber fence would be sited on the western side of the raised terrace as a privacy screen.
- 1.8m high timber fencing would be erected along the west, east and south curtilage boundaries.

External materials of all aspects of the scheme would match that of the existing property where possible.

Members are advised that amended plans were received on 13/02/2023. The alterations involved re-siting the two-storey extension from the east to west elevation and single storey extension from the west to east elevation due to concerns for the amenity of number 43 Hill Street, given the proximity and scale of the extension. Additional plans were received on 28/02/2023 and 22/03/2023 to include the part retrospective engineering garden works – this aspect of the scheme was not included within the original submission.

## **SITE APPRAISAL**

The application property is a two-storey detached dwelling set in an irregular shaped plot located within the residential area of Gilfach Goch. It is set back from the adjoining highway and is finished with render and a pitched roof. There is amenity space to the front and rear, with a retaining wall constructed within the centre of the rear garden which does not benefit from planning permission and is subject of this application. The site is set upon a hill, with the ground levels significantly dropping off from the

house level to the south and west and the side curtilage boundary significantly lower than the dwelling's ground floor level adjacent to number 47 Hill Street. Number 43 Hill Street is at a higher ground level. Abutting the rear curtilage boundary are the rear gardens of adjacent properties at Cambrian Gardens which are sited at a lower ground level.

The dwelling is one of three detached dwellings at the end of Hill Street which are each of different scales, design and appearance. However, the remainder of the street scene is comprised of semi-detached dwellings of the same design and scale.

## **PLANNING HISTORY**

There are no recent or relevant applications on record with this site.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification. 2 letters of objection have been received, 1 from the adjacent neighbour and 1 from a consultant on behalf of the objector.

The basis of the objections are as follows:

- Overdevelopment/ impact on the character and appearance of the area
- Amenity impact: overlooking, privacy, loss of light, overbearing
- Unauthorised clearance of hedges and trees
- Unauthorised engineering works
- Foundation works encroaching into neighbour's land
- Drainage issues
- Parking provision

3 letters of support from neighbours have also been received on the basis of:

- Improving the appearance of the area
- Increasing the light provision by removing trees

## **CONSULTATION**

Highways and Transportation – 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 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 site is within the settlement boundary for Gilfach Goch but is not allocated for any specific purpose.

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

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

### **Supplementary Planning Guidance**

- Design and Placemaking
- A Design Guide for Householder Development
- Access, Circulation and Parking Requirements

### **National Guidance**

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

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

It is not considered the proposed development is consistent with the key principles and requirements for placemaking set out in PPW, the Well-being of Future Generations (Wales) Act or FW2040.

Other national policy guidance considered:

PPW Technical Advice Note 12 – Design

### **REASONS FOR REACHING THE RECOMMENDATION**

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

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

## **Main Issues:**

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

The application relates to the extension of and engineering works at an existing residential dwelling to enhance the existing residential use at the site. As such the principle of development could normally be considered acceptable. However, in this instance it is considered the works would result in a significant detrimental impact to the amenities of the adjacent properties (as set out in detail below).

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

Objectors have raised concerns with the potential terracing affect the extensions would result in, the lack of subservience/ scale of the extensions, conflicting finishes, and the single storey addition not being set back from the front of the host dwelling, which they comment are all issues contrary to the Council's householder design guide SPG.

#### *Engineering works*

The engineering works and terrace includes a substantial area of patio, however they are not visible from the principal elevation and are not overly prominent from any neighbouring properties. As such the general impact of stepping the rear amenity space on the character and appearance of the area is considered acceptable.

#### *Extensions*

The extensions are not considered to have a significant impact upon the character and appearance of the area for the following reasons:

While the single storey side extension would protrude from the existing principal elevation forming a visible feature, it would be of a minor scale and height, not dissimilar to development usually allowed via permitted development and similar to many other extensions throughout the County Borough. As such, it is not considered it would have any undue visual impact.

The attic conversion would increase the ridge height by only 0.5m, which is considered relatively minor and would not appear overly noticeable when taken in the context of

the wider development. As such, it is and not considered this element of the scheme would impact upon the character and appearance of the site or street scene significantly.

The proposed two-storey side extension, whilst large in scale, is not located within a prominent view within the overall street scene with a dwelling directly to the side elevation largely screening it from wider views. The west elevation is set back 0.15m and whilst it is noted there is not an adequate gap at the front of the dwelling for access to the rear, the rear is set in approximately 1.7m and the irregular plot shape limits the potential terracing affect. Additionally, as the dwelling is sat at a higher ground level and at a different orientation to no. 47 Hill Street, any future side extension development by number 47 would likely not be in a consistent building line to the proposed development. Finally, the external appearance of the additions will match the existing dwelling and there is subsequently no concern in this respect.

There is some concern regarding overdevelopment of the site when the works are considered as a whole, but the property is set within a large plot capable of accommodating the works and therefore it is not considered this would be significant enough to warrant refusal.

Therefore, whilst there will undoubtedly be an impact upon the character and appearance of the existing dwelling/site and the surrounding street scene, on balance, it would not cause a detrimental impact significant enough to warrant a refusal on visual grounds.

It is also noted that letters of support have been submitted siting the works would improve the overall appearance of the area, stating the current dwelling has been vacant for several years.

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

Comments have been submitted which raise concerns over overbearing, loss of light and loss of privacy. The proposal is considered to result in an unacceptable adverse impact upon the amenity/privacy of neighbouring properties for the following reasons:

#### *Engineering works and terrace*

There is an existing level of overlooking present within the site, from both the side elevation first floor windows and the historic rear amenity space ground levels. A level of overlooking that has recently been increased by the removal of trees along the western boundary of the site, evidence of which has been provided from the neighbouring occupiers. Although it is noted that the removal of trees has increased light provision to the rear gardens of Cambrian Terrace as set out by the supporters.

The top-tier of the raised patio would be at a similar level to the existing top of the 1.8m high boundary fence upon the west curtilage boundary. This exacerbates an already

poor relationship with the adjoining dwellings to Cambrian Terrace to the south, and no. 47 Hill Street to the west with high visibility from each outlook. Although mitigation of a 1.5m timber fence is proposed, this would impact the outlook from no. 47 and would not overcome the overlooking impact to the garden amenity space. Therefore, the raised patio area would result in an unacceptable form of development and is a recommended reason for refusal.

### *Two storey extension*

The comments received from objectors relate to loss of light, overbearing and impact of amenity enjoyed from habitable rooms.

There will be an impact upon the light received to no. 47, however, this would generally be in the morning only and would not impact the rear garden amenity space substantially. Additionally, there are no side elevation windows proposed which reduces the level of overlooking already present from the existing side elevation windows. Therefore, there are no significant concerns with regards to the level of overlooking or light from the extension.

The extension will however move the side elevation of the property 3m towards no. 47 Hill Street at a height of at least 8.1m from the existing ground level, with additional levelling ground works proposed. Whilst it is noted the side curtilage boundary is not flush with the whole extension, the overall height and scale will significantly impact upon no. 47 Hill Street's living room outlook and would be a dominant form to the side elevation. This is considered overbearing and would represent an unacceptable form of development and are grounds for refusal.

### *Single storey extension*

The single storey extension is similar to the development allowed via permitted development and will not significantly impact the amenity of neighbours.

### *Summary*

The proposal is considered to detrimentally impact the amenity enjoyed by others, contrary to Policy AW5.

## **Highways and Parking**

Comments have been received with regards to potential highway issues including an increase in bedrooms and associated parking/access provision, and content of any proposed conditions not being available on the Council's website for the public to view.

The Highways and Transportation department have been consulted on the matter and are satisfied with the proposal, subject to standard conditions being included with any consent relating to surface water drainage and the crossover/footway details. These

comments are and have been available to view on the Council's website since being produced.

Therefore, from a highways context, the application is deemed acceptable.

## **Other Matters**

### *Retrospective works impact*

Comments have been received with regards to the retrospective nature of the garden works. Whilst it is regrettable that works have commenced without the necessary planning permissions, any applicant is entitled to apply for planning permission retrospectively, albeit at their own risk. Should planning permission be refused, further enforcement investigation would be undertaken.

### *Foundation encroaching*

Concerns were raised with regards to building foundations in such close proximity of the site boundaries, which could impact upon the neighbouring properties. The applicant has signed Certificate A confirming that all land to be developed is within their ownership and the development would not encroach over the boundaries. Further, any works would be subject to separate Building Regulations approval that would assess the impact of foundations upon the neighbouring properties.

### *Drainage*

Comments have been received with regards to the amount of hard-surfaces within the development and potential surface water issues. Given the relatively minor scale of the proposed works it is considered any drainage works would be adequately controlled through the necessary, separate Building Regulations process.

### *Biodiversity*

Whilst it is regrettable the trees have been removed to the west elevation they were not protected and the applicant is permitted to remove these without planning consent. As such, these works do not form a material planning consideration.

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

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

The application is for development of a kind that is CIL liable under the CIL Regulations 2010 (as amended).

## **Conclusion**



The application is considered contrary to the relevant policies of the Local Development Plan in respect of the impact it would have upon the amenity and privacy of existing neighbouring properties.

**RECOMMENDATION: REFUSAL**

1. The raised patio, by virtue of its scale and elevated height forms an unneighbourly form of development which directly overlooks and adversely impacts upon the amenity and privacy of neighbouring occupiers. The addition of privacy screens would not overcome this concern. The application is therefore contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the Council's Supplementary Planning Guidance 'A Design Guide for Householder Development'.
2. The proposed two-storey side extension, by virtue of its scale and proximity to the curtilage boundary would result in an unneighbourly form of development which would have a significant overbearing impact upon the adjacent neighbours. The application is therefore contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the Council's Supplementary Planning Guidance 'A Design Guide for Householder Development'.

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL  
MUNICIPAL YEAR 2022-2023:**

**PLANNING AND  
DEVELOPMENT COMMITTEE  
20<sup>th</sup> JULY 2023  
REPORT OF: DIRECTOR  
PROSPERITY AND  
DEVELOPMENT**

	Agenda Item No. ....
<b>APPLICATION NO: 22/0273/10 – Change of use from public house to 4 dwellings (Transport Note received 4th July 2022, Foul Drainage Strategy received 2nd February 2023) THE BARN PUBLIC HOUSE, HEOL MISKIN, MWYNDY, PONT-Y-CLUN, PONTYCLUN, CF72 8PJ</b>	

**1. PURPOSE OF THE REPORT**

Members are asked to consider the determination of the above planning application.

**2. RECOMMENDATION**

That Members consider the report in respect of the application and determine the application having regard to the advice given.

**3. BACKGROUND**

This application was originally reported to the Planning and Development Committee meeting of 8th June 2023. A copy of the original report is attached as Appendix A.

Members resolved that they were minded to approve the application, contrary to the recommendation of the Director for Prosperity and Development. Members noted the benefits of bringing back a redundant building to beneficial use, the acceptability of the proposal in most material planning respects, save for a highway objection, and the various fall back uses to which the building could be put.

As a consequence, it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

**4. PLANNING ASSESSMENT**

The proposed redevelopment of The Barn from a public house, would result in its subdivision and conversion to provide a terrace of four dwellings. As the original report highlighted, with the exception of an objection from the Council's Highways and

Transportation Section, hence the recommendation for refusal on highway safety grounds, the development was considered acceptable in general policy terms.

Nevertheless, the material concerns debated by Members during their consideration of the application are acknowledged and set out below:

The constraints regarding the substandard highway leading to the site from the A4119 were recognised and it was noted that this highway provided access to numerous dwellings as well as the various industrial uses to the east, including Maxibrite and Leekes.

Members were made aware that the highway was currently shared by walkers as part of a longer public right of way network and that the route was used by employees of the adjoining businesses who would walk from a nearby bus stop to their place of work. It was further noted that the highway had no segregated footway, street lighting or other such infrastructure and would be used by a quantity of HGV traffic.

Nonetheless, whilst Members were clear that the highway would remain substandard by current standards, in the unfortunate absence of any opportunities for improvement, it was pointed out that the length of the lane from the A4119 to the site is quite short and that there is good forward visibility.

Members were also cognisant of the Applicants fallback position, and that whilst the market situation meant that reopening as a pub/restaurant was evidently unlikely, no planning permission would be required to operate any other uses within the scope of Use Class A3, including a hot food takeaway.

In addition, Schedule 2, Part 3, Classes A and C of the General Permitted Development Order 1995, as amended, permits a change from Use Class A3 to either Class A1 (shops) or A2 (financial and professional services) without the need for planning permission.

Such permitted changes would enable the building to accommodate a new business from quite a range of options, many of which would have the potential to create a greater intensity of use and therefore, significantly more traffic, in terms of deliveries, services and visiting members of the public.

Consequently, in coming to their resolution, Members recognised that there was no shortage of vacant or derelict buildings in the County Borough and considered that the benefits of proposed conversion and reuse of the building, together with the considerable fallback options available to the Applicant, were sufficient to outweigh the highway objection.

If Members remain of a mind to grant planning permission, it is suggested that the following reason for approval would be appropriate, subject to the conditions further below:

**The proposed development would result in an attractive and appropriate re-use of the building that would secure its long-term use and provide a modest contribution to the local housing supply.**

**Although the site is not within the settlement boundary and thus cannot be considered a sustainable location per LDP Policy AW2, marketing of the building, in accordance with Policy AW9, has resulted in an absence of interest for a pub/restaurant use.**

**Therefore, it is considered that greater material weight should be given to ensuring future beneficial use of the property and the proposed development is therefore acceptable both in principle and in detail.**

### 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 completed in accordance with the approved drawings and documents:

- 2125 1\_13 Site Plan Proposed
- 2125 1\_222 Ground Floor Plan Proposed
- 2125 1\_223 First Floor Plan Proposed
- 2125 1\_224 Roof Plan Proposed
- 2125 1\_341 Elevations N S Proposed
- 2125 1\_342 Elevations E W Proposed

and details and documents received on 3rd March 2022 and 2nd February 2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

4. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall evidence compliance with the requirements of Section 8.3 of PPW Technical Advice Note 15.

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

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

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

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

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

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

6. No development shall commence until scheme to deal with contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person and shall assess any contamination on the site, whether or not it originates on the site

The scheme shall include:

- (i) 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.

(ii) An intrusive site investigation to assess the extent, scale and nature of contamination which may be present, and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (i) above.

(iii) If remediation is required, a written method statement for the remediation of contamination affecting the site and justification for the preferred remedial option(s).

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

7. Prior to beneficial occupation of the development, should the contamination scheme, referred to in Condition 6, identify that site remediation measure are required, then

i) The measures approved in the contamination remediation scheme shall be implemented.

ii) A suitable validation report of the proposed scheme shall be submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by 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.

8. Prior to beneficial occupation the means of access, together with the car parking facilities, shall be laid out in accordance with the submitted site plan 2125 1\_13 'Site Plan Proposed'. The parking spaces shall be surfaced in permanent material and retained thereafter for the parking of vehicles.

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

9. The development shall be carried out in accordance with the recommendations identified within Section 6 of the Preliminary Roost Assessment (Spectrum Ecology, dated 19th November 2021).

The proposed bat and bird boxes, as described within paragraphs 6.4 and 6.5 of the aforementioned report shall be implemented in accordance with the approved details prior to beneficial occupation of any dwelling and maintained as such in perpetuity.

Reason: In the interest of the protection of the natural environment in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

10. 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.

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

11. Any topsoil (natural or manufactured), or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the local planning authority in advance of its importation. Only material approved by the local planning authority shall be imported.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with the approved scheme.

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



**PLANNING & DEVELOPMENT COMMITTEE**

**08 June 2023**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0273/10 (GH)  
**APPLICANT:** PPD Group Ltd  
**DEVELOPMENT:** Change of use from public house to 4 dwellings (Transport Note received 4th July 2022, Foul Drainage Strategy received 2nd February 2023)  
**LOCATION:** THE BARN PUBLIC HOUSE, HEOL MISKIN, MWYNDY, PONT-Y-CLUN, PONTYCLUN, CF72 8PJ  
**DATE REGISTERED:** 04/03/2022  
**ELECTORAL DIVISION:** Pontyclun

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

**REASONS:** The primary means of access to the development along the unnamed lane serving Mwyndy Industrial Estate is severely sub-standard in terms of horizontal geometry, forward vision/intervisibility, provision of segregated pedestrian footway facilities, passing bays, street lighting, highway drainage, and structural integrity with a high volume of heavy goods vehicles traffic accessing the adjacent industrial area. The proposed use of the sub-standard access to serve residential development with associated pedestrian movement would create hazards to the detriment of highway safety.

Furthermore, insufficient information has been provided to allow an assessment of the impact of the development on highway drainage infrastructure which crosses the proposed development.

Consequently, the proposed development would not be in accordance with the requirements of Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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**REASON APPLICATION REPORTED TO COMMITTEE**

A request has been received from Councillor Paul Binning for the matter to come to Committee due to the objection received from the Council's Highways and Transportation Section.

Specifically, Cllr Binning highlights that the alternatives to the development are either to re-open as a pub/restaurant, although there has been no market interest and this would lead to a greater volume of traffic, cyclists and pedestrians than the proposed four dwellings; or for the building and area to become derelict.

## **APPLICATION DETAILS**

Full planning consent is sought for the change of use of 'The Barn' Public House and its conversion and extension to provide four dwellings.

It is proposed that the property would be subdivided to create a row of four terraced houses, with principal elevations facing north towards the existing car park. The two end of terrace houses would have three bedrooms, whilst the mid-terraced houses would have four bedrooms.

Although no new significant construction is proposed to the front, alterations to the fenestration would be required to create separate entrances, including additional and relocated windows. The customer car park would be removed to create four driveways with lawned or planted areas.

To the rear of the site a large single storey extension to the western end of the building would be removed, and each separate dwelling would then benefit from a two storey rear offshot extension of a contemporary timber-clad style. The current beer garden and rear amenity space would be subdivided to form separate enclosed gardens.

The use of the property as a public house ceased in March 2020 at the time of the first Covid-19 lock down. Subsequently Marstons, who were operating the business, surrendered their lease in October 2020. The property has been marketed since May 2021 without success.

Further to the above, it has been clarified that the separate three bedroom dwelling to the south of the property is currently within the same land ownership and is accessed via the customer car park and its entrance onto Heol Miskin. However, this dwelling does not form part of the application at hand.

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

- Flood Consequences Assessment
- Preliminary Bat Roost Assessment
- Planning Statement (including Estate Agent's statement)
- Tree Constraints Plan

Lastly, as the description of development indicates, additional information comprising a Transport Note, Foul Drainage Strategy and further Highways comments, were provided during the consultation period in response to concerns raised by consultees.

## **SITE APPRAISAL**

The application property comprises a vacant public house located in the small hamlet of Mwyndy located outside of the settlement of Pontyclun. The site is accessed from an unnamed lane that connects with the A4119 to the west of the site.

The main building is located towards the centre of the site with an area of tarmacadam to the front which was previously used as an area for customer car parking. To the rear of the building there is an enclosed amenity area which was historically used as a beer garden.

The area surrounding the site consists of Mwyndy Industrial Estate to the east and north-west, a large pond to the north beyond the access road and a small cluster of residential dwellings to the south and west.

The site is located outside of the defined settlement boundary and within Tree Preservation Order Area TPO2 (1990), is adjacent to the Ty Newydd Woods and Grassland Site of Importance for Nature Conservation (SINC), is partially located within a designated C2 flood zone and is within a sandstone safeguarding area.

## **PLANNING HISTORY**

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

**21/5125/41:** Pre-app advice. Decision: 23/12/2021, Raise No Objections.

**13/5774/33:** Licensing Consultation - Minor variation of the Premises License. Decision: 30/10/2013, Raise No Objections.

## **PUBLICITY**

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

Two letters have been received from the residents of the neighbouring property 'The Cottage'. These residents, who also own the application property, express support for the proposal and raise the following comments:

- Highways comments are misleading – the unnamed road not only provides access to Mwyndy Industrial Estate but also serves as the sole access to The Cottage and the residential properties beyond the industrial estate.

- The unnamed road is already an active travel route - for us, as existing residents, and for the employees of the businesses in the Mwyndy Industrial Estate. We regularly witness people utilising active travel by walking the lane to and from work. The 122 Tonypanydy to Cardiff bus service stops on the A4119 close to the top of the unnamed road and we understand it was placed there to serve the existing residents and the industrial estate.
- The car park at The Barn is currently being used as an unauthorised park and ride. We regularly wake to find a full car park where people have left their cars to walk up the road and catch the bus to Cardiff (photographs of this have been provided to Cllr. Paul Binning).
- There are already several houses within the vicinity of the proposed development. It just so happens that none of them, as far as we are aware, have school age children at present although children have lived in these houses in recent years. If school age children were currently residing at either The Cottage, Mwyndy House or any of the properties beyond the industrial estate, the Council would be required to provide home to school transport as it deems the unnamed road to be a “substandard learner travel route”.
- The Highways comments do not mention that the road is also a recognised public footpath. It is used regularly at all times of the day by ramblers, dog walkers, runners and cyclists. We understand that NRW works with local authorities to ensure that public rights of way are “in excellent condition” and “as accessible to all lawful users as possible”. As the road is deemed by the Council to be unsafe for pedestrians, this public footpath clearly falls foul of both of these requirements and this ought to be addressed by the Council.
- If the junction and the road are deemed to be too narrow to accommodate HGV accessing and passing, we do not understand why permission was given for the extended development of Mwyndy Industrial Estate. In particular, the 2016 extension to the Leekes Head Office to increase the warehousing facility and distribution centre.
- We agree with the Report that the condition of the road is substandard, however this is due to the Council’s failure to maintain it. The muddy areas and puddles referred to in the Report would not exist if the road was adequately maintained.
- We are very concerned about the impact the Highways objection has on the future use of The Barn. If there are concerns about the safety of the lane for residential purposes, these concerns will apply regardless of the use of the building. It has already been established that there is no market for its sale as a pub, which has been accepted by the planning department, so we are at a loss to understand what is expected to happen to the building.

## **CONSULTATION**

### Highways and Transportation

An objection is raised due to the substandard primary means of access, and that insufficient information has been provided relating to highway drainage infrastructure.

### Flood Risk Management

Given the number of properties being developed, under Schedule 3 of the Flood and Water Management Act 2010, the applicant is required to submit an application to the Sustainable Drainage Systems (SuDS) Approval Body (SAB). The applicant is also required to comply with Part H of the Building Regulations.

Whilst the applicant has provided a Flood Consequence Assessment document, further information regarding the site's proposed drainage characteristics should be supplied to the Lead Local Flood Authority to ensure that the development does not adversely impact surface water flood risk, which can be secured via a condition.

### Public Health and Protection

Conditions are recommended in respect of demolition, construction hours of operation, noise, dust and waste. In addition, public health records indicate that the site is within 250m of a potentially contaminating land use, such that a further condition requiring a scheme to deal with contamination is also recommended.

### Natural Resources Wales

NRW has no objection to the proposed development and notes that foul drainage would be disposed of via a new package treatment plant (PTP). Applicants wishing to operate a private sewerage system would need either to apply to NRW for an environmental permit or register with them for an exemption from the permit requirement.

Furthermore, NRW notes that the very edge of the site boundary is within Flood Zone C2 but given the very limited extent of flood risk shown to be affecting the application site the proposals could be acceptable, subject to the developer being made aware of the potential flood risks.

### Dwr Cymru Welsh Water

There is no public sewerage system in the immediate vicinity. Any new development will require the provision of satisfactory alternative facilities for sewage disposal.

It may be possible for the Developer to requisition sewers from Dwr Cymru Welsh Water under Sections 98 - 101 of the Water Industry Act 1991.

### Western Power Distribution

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

### Countryside – Ecologist

No objection, subject to a condition requiring implementation of the recommended ecology measures contained within Section 6 of the Preliminary Bat Roost Assessment.

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

## **POLICY CONTEXT**

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

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

The application site lies outside the development settlement boundary.

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

**Policy 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. In addition, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

**Policy AW6** - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Furthermore,

proposals must be designed to protect and enhance landscape and biodiversity by providing measures for mitigation and enhancement, where appropriate.

**Policy AW9** - Residential conversion of existing buildings outside the defined settlement boundaries will be supported where the building is structurally sound, if it can be demonstrated that there are no viable alternative uses, and if the building is of architectural or historical merit.

**Policy AW8** - Permits new development where it can be demonstrated that there will be no harm to locally designated sites or unacceptable impact upon features of importance to landscape or nature conservation.

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

**Policy AW14** - Sandstone resources, where indicated on the LDP proposals map, will be safeguarded from development.

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

### **Supplementary Planning Guidance**

- Design and Placemaking
- Access, Circulation and Parking Requirements

### **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 would not be consistent with the key principles and requirements for placemaking set out in PPW; nor the Well-being of Future Generations (Wales) Act's or the FW2040's principles of sustainable development, due to the concerns relating to access and highway safety set out further below.

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 15: Development and Flood Risk

PPW Technical Advice Note 18: Transport

Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The application site is located outside of the defined settlement boundary in an area defined as countryside, where local and national planning policy primarily restrict this type of development.

Nonetheless, LDP Policy AW9 advises that the alteration, conversion and re-use of rural buildings may be acceptable subject to compliance with two main criteria.

Firstly, the existing building must be structurally sound, or capable of being made so without substantial alteration or reconstruction. Secondly, in the case of residential use, it can be demonstrated that there are no viable alternative uses to secure the retention of the building and that the building is of architectural/historical merit.

In the case of this proposal, the building appears to be structurally sound, is of some historical interest, given its age, and marketing information has been provided which suggests an absence of any interest to operate the property as a public house and restaurant.

It is noted that the application would result in the demolition of a large single storey rear wing on the western side of the property, which has been used as ancillary storage, cellar and toilet facilities to support its previous use. In addition, the proposal includes the construction of two storey rear extensions for each of the four new dwellings.



However, given that the rear wing is a later addition and that the overall footprint of the development would be only slightly larger than that of its current extent, these alterations and extensions are not considered to represent an unacceptable degree of alteration that would justify a recommendation of refusal as per Policy AW9.

Furthermore, whilst the application property occupies an unsustainable location as defined by Policy AW2, primarily for being outside the settlement boundary, it is recognised that its previous use would likely have resulted in a greater number of vehicle trips by private motor car than it would as four separate dwellings.

Consequently, greater material weight is apportioned to the benefits of bringing a redundant building, on a previously developed site, back to beneficial use, together with a small increase to the housing supply. Therefore, the proposal is considered, on balance, to be acceptable in principle.

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

The majority of redevelopment works proposed would be located to the rear of the property and would therefore be largely obscured from public vantage points.

In addition, the extensions and alterations proposed are considered to be of an attractive design that would form subservient and sympathetic additions without dominating the overall character and appearance of the site. Furthermore, the demolition of the later single storey extension would not be harmful to the character of the building.

With regard to the changes proposed to the front elevation, these largely relate to revised fenestration and the creation of new entrance doors to serve the proposed dwellings. Given the scale of the existing building these changes would have a minimal impact upon its appearance on this elevation and are considered acceptable in this regard.

Although the submitted plans currently lack some detail with regard to landscaping and the proposed arrangement for the front and rear amenity areas, it is acknowledged that these details could be secured by condition if required.

In light of the above, it is considered that the reuse and conversion of the building would result in an improvement to the character and appearance of the site and surrounding area.

### **Impact on neighbouring occupiers**

Given the relationship with the closest neighbouring property at Mwyndy House located roughly 40 metres to the south and with the site largely screened by existing hedgerows and vegetation, it is not considered that the proposal would result in any

adverse impact upon the amenity and privacy of the few neighbouring properties that it may potentially effect.

In addition, the conversion to residential use would result in a betterment to the existing impact on neighbouring properties through the removal of noise and disturbances associated with the beer garden and public house.

With regard to the impact upon future occupiers of the dwellings from noise and disturbance associated with the nearby Industrial Estate, as the most disruptive use is located 116 metres to the north east with less disruptive office uses in between, it is not considered that this would result in an impact great enough to warrant a refusal of the application. In addition, any impact upon residential amenity is not considered to be significantly greater than those experienced by existing residential properties within the vicinity.

## **Access and highway safety**

### Access

The proposed development is served via an unnamed lane which is maintained at public expense to the eastern boundary of the application site and provides access for industrial use beyond at Mwyndy Industrial Estate which include Maxibrite smokeless fuel, Leekes head office and warehouse, Contractors offices and plant hire.

The junction of the access road to Mwyndy Industrial Estate with the A4119 has no restriction on turning movements and incorporates a sub-standard right turning lane with a tapering width of up to 2.7m. Visibility at the junction is satisfactory and kerb radii are acceptable; however, the width of the access road at the junction is only 5m wide which is too narrow to accommodate heavy goods vehicles (HGV) passing and turning into the access road.

The width of the lane linking the A4119 to the development site and adjacent industrial use varies in width between 3.9m and 5m and as such is too narrow to allow HGVs to pass with resultant reversing manoeuvres to areas where the road widens adjacent to the development site and industrial area.

The lane serves predominantly industrial development and has no segregated footway, street lighting or engineered drainage. It also has substandard geometry, vertical alignment and forward vision with limited opportunities for pedestrians to step off the carriageway to avoid large vehicles due to the steep banks which bound the carriageway.

As noted above, the carriageway width which varies between 3.9m and 5m is not sufficient to allow large vehicles to pass. Therefore, should such vehicles meet, it would be necessary for one to reverse to a location where sufficient width is available to pass. This is of significant concern due to the lack of rear vision for reversing HGVs

and, swept path of reversing vehicles exacerbated by curved road alignment and passing movements particularly articulated HGVs and lack of pedestrian step-off facilities affording protection against reversing vehicles.

Due to these constraints and particularly the use of the lane by HGVs associated with the industrial activities it is considered that the lane would not provide a safe walking route to encourage walking and cycling as a sustainable means of travel in accordance with the aims of the Active Travel Act (2013) and FW2040. Therefore, the development would be heavily reliant on the private car.

At the existing site boundary there is no physical demarcation between the carriageway and the public house carpark which provides an informal passing area for industrial estate traffic when the car park is not fully utilised, however, it is noted that the site layout plan Drawing No 21251\_13 indicates that a footway will be provided along the site frontage with the existing carriageway width of 5.22m retained. Whilst the provision of a footway is considered acceptable in principle, there is concern with regard the remaining highway width to allow HGVs to pass which is exacerbated by the curved alignment and likely swept path of vehicles which include 8-wheel rigid chassis vehicles and articulated vehicles. Furthermore, the layout does make provision to accommodate calling service and delivery vehicles and encroaches onto highway maintainable at public expense. Whilst turning facilities are available to the north-east of the site within the industrial area, they are beyond the limit of public highway. Therefore, availability of turning facilities cannot be guaranteed.

The footway provided along the site frontage and the need to set back the site boundary to allow widening of the carriageway could be secured by suitably worded conditions, however, these limited measures would not overcome the concerns with the walking route between the A4119 and the development site for pedestrians.

It is also noted that no measures are identified to divert or protect highway drainage within the curtilage of the site and easements for future maintenance are not shown on the submitted drawings.

#### Secondary Access via Private Road

The submitted plans indicate a secondary access which also serves 'Mwyndy House' & 'The Cottage', two residential dwellings, circa 10m in width at its junction with the A4119 but which narrows to circa 4-3m for the majority of its length. The lane is not maintained at public expense and lacks sufficient passing bays which would result in vehicular reversing manoeuvres should two vehicles meet, which gives cause for concern. The lane also lacks segregated pedestrian footway facilities, resulting in potential conflict between vehicles (potentially reversing) and pedestrians.

Additionally, the secondary access/ junction of the private road with the A4119 does not accommodate right turning movements onto the dual carriageway and would require vision splays of 2.4m by 120m in accordance with the requirements set out

within TAN18: Table A. The vision requirements cannot be achieved and falls significantly below the requirement which gives rise to concern that intensification of use of the junction would be detrimental to highway safety and the free flow of traffic.

Furthermore, as the secondary access is not maintained at public expense its availability cannot be guaranteed; and the submitted Transport Note dated 26th June 2022, indicates that this route is not available and site visit confirms it is gated at Mwyndy House.

The secondary access is therefore not considered acceptable.

### Safe Routes to School / Learner Travel

The site would be within the catchment areas for the following schools:

- YGG Llantrisant – Welsh Primary
- Penygawsi Primary - English Primary
- Ysgol Llanhari - Welsh Secondary
- Y Pant - English Secondary

Currently pupils living to the east of the A4119 benefit from a school bus service which serves Groesfaen, however, the route along the substandard lane linking to bus stops on the A4119 may not be considered to be available in terms of Learner Travel.

New development at Cefn Yr Hendy will deliver improvements to pedestrian facilities and crossing facilities along the A4119 which could potentially result in the development falling within the safe walking distances to Welsh and English Primary/ Secondary schools, however, home to school transport would need to be provided due to the substandard learner travel route between the development and the A4119.

### Transport Note

In response to concerns raised by Highway Development Control the Applicant has submitted a Transport Note, (TN), by Apex Transport Planning to provide additional information in support of the application.

### Trip Generation

#### Existing Use as Public House

The submitted Transport Note assesses the multimodal trip generation associated with the use as a public house to generate up to 297 vehicle trips per day with peak trip generation occurring during the evening peak with approximately 70 two-way trips during the period between 17:00 and 20:00 which would fall outside the peak period for traffic associated with employees and HGV traffic associated with the adjacent Industrial use.

The multimodal trip generation provides a modal split of all trips within Table 2.2 of the TN which indicates 50 pedestrian trips daily, however, this is derived from the Trip Rate Computer Information System (TRICS) on the basis of data from sites for public houses and restaurants on the edge of town locations, but all are served by footways and in some cases cycle routes and are therefore not representative of the existing use of the site which does not benefit from segregated pedestrian access and would result in an overestimation of trips on foot and bicycles to the Barn Public House.

Table 2.1 indicates that peak trip generation from the use as a public house would be between 19:00 and 20:00 which would fall outside the normal operating times of the adjacent industrial estate.

### Proposed use

Table 2.4 of the TN indicates that the proposed development would generate approximately 21 daily vehicle trips and 10 pedestrian trips per day. Whilst the total trips associated with the proposed use are significantly lower than the existing use as a public house, peak periods for vehicle and pedestrian movements associated with the proposed dwellings would be aligned with the peak hour traffic flows associated with the industrial estate. Unlike patrons of the public house residents could not choose to access the proposed dwellings during the off-peak periods or outside peak traffic periods associated with the adjacent industrial estate use. Therefore, concerns remain with regard the adequacy of the unnamed lane to safely accommodate pedestrian movements associated with the residential use with potential conflict between industrial estate traffic consisting of cars, light vehicles, HGVs and articulated vehicles.

### Road Safety Data Review.

The TN includes a Road Safety Review within Section 2.3 which is based on crash map data and not data provided by the Welsh Government. The TN states that there are no fatalities within the study area during the last 22.5 years however, fatal accidents are recorded on the Council's database utilising Welsh Government verified data to the north of the study area.

### Traffic Flow Analysis

The TN indicates that a traffic flow analysis was undertaken between the 14<sup>th</sup> May and 20<sup>th</sup> May 2022 by means of a ATC count.

Table 2.6 of the TN indicates:

Weekday average AM peak 07:08:00	102 vehicles (two-way)
Weekday average PM Peak	86

Highest daily AM peak (Wednesday) 08:00-09:00	116 (two way)
Highest PM Peak (Wednesday) 16:00-17:00	86 ( two way
Daily Traffic (Highest )	871 (two way)

The data in Table 2-7 indicates 85<sup>th</sup> percentile speeds to be 28.5mph eastbound and 26.4mph westbound.

Paragraph 2.4.4 states that the maximum hourly flow across the entire week occurred on a Wednesday with 116 vehicle movements (two-way) during the AM peak 08:00-09:00 which equates to one vehicle movement every 31 seconds

Reference to the actual traffic count data at the end of the TN indicates that out of the 116 vehicle movements on the busiest day of the survey, 25 movements were by vehicles larger than a car derived Light Goods Vehicle (LGV), LGV including non-car derived LGVs, three axle rigid HGV and five axle articulated vehicle in addition to a multi-trailer arctic (five or less axles).

The peak period for pedestrian movements associated with the proposed residential use would be 08:00-9:00 which would be a period where the access road is busy with the industrial estate traffic including cars, light goods vehicles, heavy goods and articulated vehicles with a high likelihood that vehicles within the lane would meet opposing vehicles and need to reverse to a place where the width would allow vehicles to pass which are the same areas that the TN identifies as suitable step off or areas for pedestrians to pass larger vehicles.

### Unnamed Road Review

The TN at section 2.5 reviews the access route between the development site and the A4119 which comprises the substandard lane.

Paragraph 2.4.7 states that forward vision is satisfactory and therefore intervisibility between pedestrians and vehicles is acceptable, however, the forward vision in terms of the stopping sight distance relates to a requirement to allow vehicles to brake to avoid collision. Whilst the stopping sight distance may be acceptable in relation to the speed of vehicles there are no formal passing places for vehicles or pedestrians and intervisibility to allow vehicles to observe opposing movements by vehicles or pedestrians and wait at a suitable passing place.

Paragraph 2.5.2 states that the length of the substandard lane is 125m, however, the Council's OS mapping system and Google indicate a distance of 160m to the centre of the proposed development.

Paragraph 2.5.3 indicates that the substandard lane is an existing route for walkers, however, there are numerous alternative routes for walkers who would have the

opportunity to risk assess their route via the substandard lane and choose an alternative or time such as evening or weekend when industrial estate traffic would be lower to avoid potential conflict.

Paragraph 2.5.4 indicates that there is sufficient width to allow pedestrians to safely step off the carriageway or the edge of carriageway to allow vehicles to pass. The lane is bounded by hedgerow and embankment and unsurfaced areas and it would be unreasonable for pedestrians to step off into puddles and muddy areas. Such spaces even if available would provide no protection from the swept path of articulated vehicles or should HGVs need to reverse.

Paragraph 2.5.11 states that as set out in Manual for Streets (page 83 - shared space streets) that pedestrians are comfortable treating roads with traffic flows less than 100 vph as shared surfaces. However, this reference within Manual for Streets relates to the provision of Home Zones within residential streets. The lane in question is not a residential street and the traffic utilising the lane for access is not typical of such a residential environment, consisting of significant numbers of large HGVs with a substandard carriageway width.

Paragraph 2.5.13 states the highway code requirements for drivers of vehicles passing pedestrians, however, there are significant sections of the lane where these distances are not achievable particularly for HGVs.

Paragraphs 2.5.15 to 2.5.18 refers to English policy with regard quiet lanes, which is not applicable in Wales. Paragraph 2.5.18 states that the Active Travel Act accords with the 'Quiet Lanes' and Manual for Streets in terms of vehicle flows and confirms that the unnamed road should be suitable for shared use between all modes of travel as the traffic flows are less than 1000 vehicles per day and the recorded speeds are below the 30mph speed limit. However, Manual for Streets specifically states its focus on lightly trafficked residential streets and lightly trafficked lanes in rural areas and all guidance within is aimed at residential streets with the type of traffic associated with residential streets and not to industrial estate access roads carrying significant HGV traffic, lacking in adequate width, road geometry, formal passing places with intervisibility and facilities for pedestrians.

### Sustainability

The information provided within the TN to demonstrate that the site is in a sustainable location is noted although the majority of amenities and facilities are towards the higher end of desirable walking distances, however, distances stated to educational establishments are incorrect and underestimate the walking distance via suitable routes.

Access to the local amenities and facilities is compromised by the substandard pedestrian connectivity between the site and the footways along the A4119 to access

the wider locality and public transport, therefore increasing reliance on the private motor vehicle.

### Parking

The Public House to be altered is located in Parking Zone 4. It therefore required 1 commercial vehicle space for operational purposes and 1 space per 3 staff and 1 space per 5m<sup>2</sup> of public area.

The existing building, with a GFA of approximately 490m<sup>2</sup> requires 98 off-street car parking spaces in accordance with the SPG Access, Circulation & Parking 2011, with 44 provided.

The proposed dwellings have an off-street car parking requirement of a maximum of 3 spaces per dwelling in accordance with the same SPG. This requirement has been met by means of driveway spaces and spaces alongside the private access lane to the west of the site. As such no cause for concern is raised with regard to parking provision.

### Conclusion

The proposed residential development raises major concern due to the lack of a safe pedestrian access between the site and footways along the A4119. The lane varies in width between 5.5m and 3.9m and lacks segregated footways, drainage and street lighting. The lane provides the only means of access to the Mwyndy Industrial Estate. Traffic associated with the industrial estate includes significant numbers of HGVs serving the Maxibrite smokeless fuel site, Leeks Warehouse, construction companies and plant hire. Due to the substandard width and curved alignment of the lane HGVs are unable to pass and would need to reverse to wider areas where they can pass. Therefore, there is a major concern with regard pedestrian safety and use of the lane by potential residents to undertake journeys on foot or bicycle as set out within the Active Travel (Wales) Act and PPW 11, which will make the development heavily reliant on the private car contrary to local and national policy.

The substandard route for pedestrians along the lane will also impact Learner Travel provision as the pedestrian route between the development and bus stops on the A4119 would be classed as not available requiring home to school transport via a taxi instead of the current school bus and negating the impact of improvements along the A4119 to facilitate walking to school.

The submitted Transport Note does not satisfactorily address these safety concerns.

The proposed arrangement of the dwellings does not cater for parking of calling service and delivery vehicles and turning should access to informal turning areas within the private industrial estate road cease to be available. Furthermore, the site layout plan does not appear to retain an area of public highway and encroaches onto



highway maintained at public expense at the junction of the lane with the private access to Mwyndy House along the western site boundary.

The submitted plans do not indicate diversion of highway drainage or provision of easements to facilitate future maintenance and the absence of the pipe on the submitted plans does not allow the impact on the development of highway drainage infrastructure to be considered.

### **Other matters**

The site is partially located within Zone C2 of the Development Advice Map (DAM) referred to in TAN15 where new highly vulnerable development such as a residential use is not considered acceptable.

However, as referenced by NRW in their consultation response, the area located within Zone C2 is a small section of the rear amenity space and does not include any part of the building or access to the site; hence there is no objection to the development on this basis.

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

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £7879.39.

### **Conclusion**

Although some concerns have been raised in respect of the principle of the development, given the location of the site outside of the defined settlement boundary, it is recommended that the development would accord with LDP Policy AW9 and that greater material weight should be apportioned to the beneficial re-use of this previously developed site. It is also noted that no other uses for the site, either proposed or in relation to the established use have come forward and that the conversion of the property would be acceptable in terms of visual and neighbour amenity.

However, whilst there have been no other objections from any statutory consultees the Council's Highways and Transportation Section has consistently maintained an objection to the initial proposal and subsequent addition supporting information. On

this basis, the application is considered to be unacceptable since it would not comply with Policy AW5 of the Local Development Plan in terms of highway safety.

**RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:**

1. The primary means of access to the development along the unnamed lane serving Mwyndy Industrial Estate is severely sub-standard in terms of horizontal geometry, forward vision/intervisibility, provision of segregated pedestrian footway facilities, passing bays, street lighting, highway drainage, and structural integrity with a high volume of heavy goods vehicles traffic accessing the adjacent industrial area. The proposed use of the sub-standard access to serve residential development with associated pedestrian movement would create hazards to the detriment of highway safety.

Furthermore, insufficient information has been provided to allow an assessment of the impact of the development on highway drainage infrastructure which crosses the proposed development.

Consequently, the proposed development would not be in accordance with the requirements of Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### MUNICIPAL YEAR 2022-2023:

#### PLANNING AND DEVELOPMENT COMMITTEE

20<sup>th</sup> JULY 2023

REPORT OF: DIRECTOR  
PROSPERITY AND  
DEVELOPMENT

Agenda Item No. ....

**APPLICATION NO: 22/0668/10** - Conversion of former church to 11 flats.(FCA received 11th July 2022, Ecological Impact Assessment received 20th September 2022),  
**Ystrad English Congregational Church, 1 Church Road, Ton Pentre, CF41 7AD**

#### 1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

#### 2. RECOMMENDATION

That Members consider the report in light of the additional information received and determine the application having regard to the advice given.

#### 3. BACKGROUND

This application was originally presented to the Planning and Development Committee for determination on 3rd November 2022. A copy of the original report is attached as Appendix A.

During the Committee debate Members were very supportive of the proposed conversion of the former Church to 11 apartments and resolved to approve the application, subject to a range of conditions and a Section 106 agreement.

The original report outlines the S106 heads of terms as follows:

*LDP Policy NSA11 requires an affordable contribution of 10% or more, for developments of 10 residential units or more. In this case the Council's Housing Strategy Team has identified that a financial contribution equal to 30% of the open market value of one of the two-bedroom flats would be required.*

#### **4. PLANNING ASSESSMENT**

Following the Committee meeting of 3rd November 2022, the Applicant's Agent advised that the general economic environment has worsened in the period since the building was acquired by his client.

The Agent has written to confirm that the viability of the scheme has been affected to a point where the off-site affordable housing contribution has become unsustainable. Furthermore, a Viability Assessment, as circulated to Members, has been provided, which clearly shows a negative return whether the units are sold or rented.

In this regard it is noted that the application was submitted prior to the UK Government's 'mini-budget' of September 2022, which resulted in a sterling crash and interest rate hikes. Alongside inflationary pressures and falling property prices it is acknowledged that these factors are having a significant and widespread impact on development costs.

Paragraph 4.1.7 of the Council's SPG for Affordable Housing makes provision for exceptional circumstances where site viability is considered to be an issue and, in this case, it is considered that the submitted Assessment demonstrates that an affordable housing contribution, although modest, would add to that lack of viability.

In all other respects, the proposed development remains a well-designed and thought-out scheme which would provide quality housing and secure the future of an existing, vacant building.

**Consequently, it is recommended that planning permission be granted on the basis of that previously agreed and set out in Appendix A below, but without the requirement for a Section 106 agreement for an off-site affordable housing contribution.**

**PLANNING & DEVELOPMENT COMMITTEE**

**03 NOVEMBER 2022**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0668/10 (GH)  
**APPLICANT:** Taff Developments Ltd  
**DEVELOPMENT:** Conversion of former church to 11 flats. (FCA received 11th July 2022, Ecological Impact Assessment received 20th September 2022)  
**LOCATION:** YSTRAD ENGLISH CONGREGATIONAL CHURCH, 1 CHURCH ROAD, TON PENTRE, PENTRE, CF41 7AD  
**DATE REGISTERED:** 20/09/2022  
**ELECTORAL DIVISION:** Pentre

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

**REASONS:**

The proposed development would contribute towards the local housing supply and provide a range of one and two bedroom flats in a sustainable and convenient location.

In addition, the reuse and conversion of the building would secure the retention of a prominent and attractive building, remove opportunities for dereliction, and result in a positive impact to the street scene.

Whilst there are concerns that the site is physically incapable of providing any off-street parking, these have been set against the benefits of the re-use of the site and its proximity to local facilities and the rail and bus network.

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**REASON APPLICATION REPORTED TO COMMITTEE**

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

## **APPLICATION DETAILS**

Full planning consent is sought to convert the former Ystrad English Congregational Church at 1 Church Road, Pentre, to provide 11 flats.

The accommodation would be arranged over four floors and would include 8 x one-bed flats and 3 x two-bed flats.

Minor alterations are proposed to the external appearance of the building, to include the insertion of rooflights and replacement fenestration. In addition, the main access into the building would be from an existing doorway on Church Street, whilst what was formerly the public entrance into the building on Church Road would be blocked up.

However, other than for those works indicated above, together with general replacement and repair works, the footprint, scale and form of the building would be unaltered, since the majority of the works would be internal.

No off-street parking can be provided on site, however the small green space to the north-facing part of the site would be landscaped, together with a new gate and an enclosed cycle store provided.

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

- Planning Statement
- Ecological Impact Assessment Report
- Flood Consequences Assessment

## **SITE APPRAISAL**

The application property is a large church building which was constructed in the late 1800s but ceased as a place of worship in early 2020, and which occupies a prominent position on the corner of Church Street and Church Road.

The property is of a four storey height and is constructed from typical Victorian materials of dressed stone beneath a slate roof with contrasting ridge. Window and door openings to the north-east and south-east elevations have engineering brick detail and there are matching brick quoins to elevation corners.

Conversely, the north-western elevations, which represented the main public entrance to the Church, appear to be more decorative and openings are surrounded by stone rather than brick. Similarly, window detail is greater, and the glazing is formed of small leaded panes, albeit that these are very damaged.

The existing development surrounding the site comprises a mix of residential and commercial uses. The property is close to Ton Pentre Railway Station and is on a bus route.

Whilst the site is within the settlement boundary and a Registered Landscape of Outstanding Historic Interest in Wales, it is also within a C2 flood risk zone and designated as high, medium and low risk from surface water flooding.

## **PLANNING HISTORY**

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

**21/5114/41:** Pre-application advice. Decision: 27/10/2021, Further Information Required.

## **PUBLICITY**

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

One letter of objection was received raising the following concerns:

- There is no parking provision for the flats. An existing problem is caused by people parking near the site to catch the train to Cardiff and by large lorries delivering to the nearby builder's yard.
- There is a right of way through the back of the Church for numbers 21 and 22 Church Street.
- The Church is a home to bats.
- There are already flats next door to the site.
- The application does not acknowledge the trees and hedge on site.

Whilst highway issues are considered within the body of the report further below, the matter of any neighbouring rights of access or easements are not a material planning concern and the conversion of the Church does not require any enlargement of its footprint into the space around it.

The Ecological Impact Assessment found no bat roosts, but evidence of jackdaw nests. Biodiversity enhancement measures are recommended accordingly. In addition, the garden area to the front of the site, which currently accommodates overgrown shrubs and a conifer, is proposed to become a small garden.

## **CONSULTATION**

### Highways and Transportation

No highway objection is raised or condition suggested.

### Flood Risk Management

Objection - the site falls entirely within an area of high, medium and low surface water flood risk. Surface water appears to accumulate within the proposed site.

### Public Health and Protection

Conditions are recommended in respect of 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 and an informative note is proposed to be added to any consent instead.

### Natural Resources Wales

No objection.

### Glamorgan Gwent Archaeological Trust (GGAT)

The proposal requires archaeological mitigation and a historic building survey should be sought by condition.

### 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

No objection, subject to a condition for biodiversity enhancement measures and a nesting bird method statement as identified within the Ecological Impact Assessment.

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

The application site lies within the settlement boundary for Ton Pentre.

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

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

**Policy AW4** - sets out that planning obligations, including affordable housing contributions, may be sought to make proposals acceptable in planning terms.

**Policy AW5** - identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development 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** - 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** - development proposals which impact upon sites of historical interest will be supported where it can be demonstrated that the proposal will 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** - 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** - 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 NSA11** - the provision of at least 10% affordable housing will be sought on sites of 10 units or more.

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

**Policy NSA13** - supports the conversion of large buildings within the Northern Strategy Area.

### **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 15: Development and Flood Risk

PPW Technical Advice Note 18: Transport

Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

LDP Policy AW1 identifies a housing land requirement for the provision of 14,385 dwellings within the plan period and states that this total includes a contribution from the conversion of suitable structures.

The reuse of previously developed land and buildings is also supported by PPW11 and Policy CS1, the latter seeking to ensure the removal and remediation of dereliction – or in this case, the potential for the fabric of the former Church to deteriorate if left unused.

Likewise, Policy NSA13 supports the rehabilitation of large buildings for residential purposes within the Northern Strategy Area, if located within the settlement boundary, is of historic or architectural importance, or if there are no economically viable alternative uses for the building.

Firstly, the site is within the settlement boundary, in accordance with Policy NSA12, where there is a presumption in favour of housing development. This presumption is made on the basis that public open space would not be affected and there would be no detrimental impact upon the highway network and provision of car parking in the surrounding area.

Secondly, the property is of local architectural importance – the Coflein record of the building notes that the original Chapel was built in 1870 in the Gothic style – and therefore makes a valuable contribution to the townscape of the settlement.

Thirdly, no other uses have come forward for the building, including any which fall within the same planning Use Class D1, such as a nursery, creche, public hall, clinic, training centre etc., and it is considered, given the closeness of existing residential properties to the site, that a residential use would be preferable to a business or industrial one.

The site is very close to the centre of Ton Pentre and has good access to a range of shops and services. There is also good access to sustainable transport, with the property being located on a bus route and within walking distance, approximately 219m, of Ton Pentre Railway Station; all of which means that this site would be considered to be a highly sustainable location and accord with the relevant criteria of Policy AW2.

The site is however, currently within a C2 flood zone and the development proposes highly vulnerable development. PPW Technical Advice Note 15: Development and Flooding and a recent Chief Planning Officer letter from the Welsh Government affirms highly vulnerable development should not be allowed in Zone C2.

Notwithstanding the C2 status, which is considered separately below, the planning policy framework weighs strongly in favour of the proposal. Therefore, subject to consideration of the other material matters, the principle of development is considered to be acceptable.

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

The application details show that save for some minor changes to windows and doors and the landscaped area to the front of the building, the mass and form of the building would not be altered.

In a general sense, therefore, the development would have little impact on the appearance of the site or affect the local character.

However, the conversion of the building and the repair of its fabric means that its physical condition would be greatly enhanced; thus this, together with its reuse by future residents means that there would be a positive contribution to the street scene and preservation of a historic asset.

### **Impact on residential amenity**

Firstly, the proposed development has been considered against the criteria set out within the SPG for the Development of Flats, relating to access and the amenity of future occupiers.

Although the site is constrained, like many others in urban locations, some external garden space would be provided, together with cycle storage and a bin store. In

addition, a comparison of proposed floor plans and elevation drawings show that habitable rooms would benefit from natural light and windows.

Secondly, the development has been considered with regard to the existing neighbouring properties. Since there would be no significant external development the relationship between neighbouring properties, in terms of their built form, would be largely unchanged and the development would not alter the outlook for current residents, or exacerbate problems from shading.

Nonetheless, the windows within the south-east and south-west facing elevations of the new flats were considered in relation to the closest dwellings at Church Street and Elias Court. Although these windows are already present in the Church, an occasional outwards glance from non-resident Clergy or worshippers is a different matter to having a permanent residential presence.

However, it was noted that the aforementioned windows would mostly face either towards the blank gable ends of Elias Court and 22 Church Street, or towards the rear car park serving the former. Any other views towards habitable rooms would be very unlikely due to the angle of skew between structures and the small windows and deep reveals of the Church.

Consequently, it is considered that the development would not cause detriment to the amenity and privacy of neighbouring occupiers and is therefore acceptable in this regard.

### **Access and highway safety**

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

#### *Access*

The site is located in the heart of the community in Ton Pentre. The existing Church is located within easy walking distance of public transport, both bus and rail, and the retail area of Ton Pentre which offers a variety of local facilities.

Church Road has a carriageway width of 7.3m with double yellow lines opposite and parking restrictions on the development side which limits on-street car parking between the hours of 09:00 - 18:00 hours on Monday to Saturdays. To the side the highway has a width of 7.9m with double yellow lines on the opposite side and on-street car parking available on the development side. Pedestrian access is gained via footways which vary in width between 1.8m - 2m which are acceptable for safe access.

#### *Parking*

The Council's SPG for Access, Circulation & Parking notes that established use of the Church as a place of worship requires in the region of 50 off-street car parking spaces with none provided, although it is recognised that a number of local trips would have been undertaken on foot or by public transport.

The same SPG outlines that the proposed 8 x one-bed flats and 3 x two-bed flats require 1 space per bedroom, which gives a much lower requirement of 14 spaces.

There is considerable on-street parking demand within the streets surrounding the site due to the nature of the existing terraced dwellings which have limited or no off-street car parking provision. It is also noted that there is potential for a residential development to generate additional on-street car parking for longer durations than the previous use as a Church.

However, taking into account that the on-street demand for the proposed residential use would be substantially less than the previous use, the proposal is, on balance, acceptable in this respect.

### *Cycle Parking*

The submitted plans provide for 6 secure cycle stands within the front garden area to promote sustainable modes of transport with less reliance placed on private motor vehicles. The provision of 6 cycle stands accords with the Council's SPG for residential use.

### *Sustainability*

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

Such development will be supported where residents would have access to a wide range of services, including public transport, and where development would contribute to the continued viability of existing services. Conversely, the development of flats in locations which would result in residents having limited access to services are likely to be resisted.

The Council's SPG for the Development of Flats notes that residents are less likely to own cars than other household types, and special consideration should be given to ensuring that flats are not built in locations where such residents would be isolated. In addition, the creation of flats in locations where residents do not require a car is likely to contribute to the creation of more sustainable patterns of movement.

Proposed larger and higher density development of flats are likely to be supported in or close to town centres, where it contributes to regeneration objectives, or supports the re-use of buildings of historic or community value.

## *Conclusion*

Taking into account the existing demand generated by the established Church use, the sustainable location within easy walking distance of both bus and rail stops and local facilities within Ton Pentre, the proposed development is acceptable in this regard.

## **Archaeology**

The consultation response from GGAT notes that the internal change to the building means that the internal worship space and layout will be lost, and that the site is of historic importance by virtue of its history and cultural significance.

GGAT advises that although the exterior is not protected by statutory designation, since no major external changes are proposed, the interior should be recorded in the form of a Level 2 survey, as set out within 'Understanding Historic Buildings: A Guide to Good Recording Practice' produced by Historic England (2016), which will include a measured scale in photographs and a directional plan.

Therefore, a condition, similar to that within Welsh Government Circular 016/2014, has been included within the list of recommended conditions at the end of the report.

## **Flooding**

NRW has confirmed that the planning application proposes highly vulnerable development within Zone C2 of the Development Advice Map (DAM) contained within PPW TAN15.

Both TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, affirm that highly vulnerable development and emergency services should not be permitted in Zone C2 and that justification tests do not apply in this scenario.

However, a Flood Consequences Assessment (FCA) was produced on behalf of the Applicant, by Grays Consulting Engineers, which was assessed by NRW. The FCA shows that the site would be flood free in the 1% AEP (Annual Exceedance Probability) plus climate change flood event but may experience some shallow flooding in the most extreme 0.1% AEP flood event.

NRW notes that the FCA uses the River Rhondda model and that they are satisfied with the use of the flood data. Furthermore, NRW advises that the FCA shows that the risks and consequences of flooding are manageable to an acceptable level and therefore have "no objection to the application as submitted".

Conversely, the Council's Flood Risk Management Team has objected to the proposal on the basis of the site's surface water risk and that the development would be contrary to TAN 15. Nevertheless, although surface water flooding is referenced in TAN 15, this is only in general terms of it being desirable for new development not to create additional run-off.

In this case, the development does not propose any increase in impermeable surfacing and as NRW advises, the development would not result in significant alterations to site levels and they have no concern about the development resulting in an increased risk elsewhere.

Whilst there is a risk to the property from flooding, this is not considered to be of sufficient material weight to warrant a recommendation of refusal. In this regard, it is noted that the established use of the building already constitutes highly vulnerable development as would all of the other potential uses of the site which fall within Use Class D1, for which planning permission would not be required.

### **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 the central settlement 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 would not be car dependent.
- **Maximising Environmental Protection:** The development would result in mitigation and 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.
- 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 neutral impact.

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

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

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

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

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

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

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

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

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

In this case the proposed development would provide 11 market flats for sale.

LDP Policy NSA11 requires an affordable contribution of 10% or more, for developments of 10 residential units or more. In this case the Council's Housing Strategy Team has identified that a financial contribution equal to 30% of the open market value of one of the two-bedroom flats would be required.

## **Conclusion**

The application property is within the settlement boundary and therefore the principle of residential development and the re-use of a brownfield site would be supported by LDP Policies CS1, AW1, AW2, NSA12 and NSA13.

Ideally, it would be preferred that new developments were able to provide sufficient off-street parking provision to accord with the SPG for Access, Circulation and Parking. However, this site, like many others, were constructed in an era when vehicular traffic was neither a problem nor a consideration, and where the constrained curtilage gives no scope to accommodate parking for either existing or new uses.

In this case, the recommendation gives greater weight to the provision of new housing, where there is a national shortage; and to ensuring that this prominent and historical building continues to have a future beneficial use.

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

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:

- A109
- A110
- A111
- A112
- A113
- A114
- A115

and details and documents received on 26<sup>th</sup> May 2022, 11<sup>th</sup> July 2022 and 20<sup>th</sup> September 2022, unless otherwise to be approved and superseded by

details required by any other condition attached to this consent.

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

3. No development shall commence on site until the following have been submitted to and approved in writing by the Local Planning Authority:
  - i) details of a scheme for the provision of biodiversity enhancement measures for bats and nesting birds, as per Section 5 of the Ecological Impact Assessment (Wildwood Ecology, dated 15<sup>th</sup> September 2022).
  - ii) a method statement in respect of the protection of nesting birds relating to the redevelopment works for the site.

The development shall be carried out in accordance with the approved details prior to beneficial occupation.

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

4. No development shall commence on site until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: The building is of architectural and cultural significance and the records are required to mitigate the impact of the development in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

tudalen wag

## PLANNING & DEVELOPMENT COMMITTEE

20 JULY 2023

### INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN

#### UNDER DELEGATED POWERS

#### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

##### 1. PURPOSE OF THE REPORT

To inform Members of the following, for the period 12/06/2023 – 07/07/2023

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

##### 2. RECOMMENDATION

That Members note the information.

**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**PLANNING & DEVELOPMENT COMMITTEE**

**20 JULY 2023**

**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:** 22/0510  
**APPEAL REF:** CAS-02453-H7T1C5  
**APPLICANT:** Castell Construction Ltd  
**DEVELOPMENT:** The demolition of the existing warehouse building and the construction of a block of 16 affordable housing apartments with associated parking and amenity areas. (Revised plans incorporating solar panels to main roof received 19/05/22, Ownership Certificate 'C' received 04/08/22, revised elevation drawings, floor plans, site layout, lighting details and additional cross section received 08/08/22. Further revised elevation drawings and site sections received 21/09/22)  
**LOCATION:** W R BISHOP AND CO FRUIT AND VEGETABLE WHOLESALE, PENRHIWFER ROAD, TONYREFAIL, PORTH, CF39 8EY  
**APPEAL RECEIVED:** 11/01/2023  
**APPEAL START DATE:** 21/06/2023

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**APPLICATION NO:** 22/0947  
**APPEAL REF:** CAS-02753-P3Q3Y0  
**APPLICANT:** Katherine Evans  
**DEVELOPMENT:** Proposed new dwelling (amended plans received 11/10/2022)  
**LOCATION:** LAND OPPOSITE 1 GLANFFRWD TERRACE, YNYS-Y-BWL, PONTYPRIDD, CF37 3LW  
**APPEAL RECEIVED:** 19/05/2023  
**APPEAL START DATE:** 15/06/2023

### APPEAL DECISION RECEIVED

**APPLICATION NO:** 21/1494  
**APPEAL REF:** CAS-02230-H0C5X5  
**APPLICANT:** Mr L Drew  
**DEVELOPMENT:** Proposed outline planning permission with some matters reserved for a detached dwelling together with new turning head to Cledwyn Terrace (amended plan received 30/11/2021 and 28/04/2022).  
**LOCATION:** LAND TO THE SOUTH EAST OF WHITEHAVEN, 5 CLEDWYN GARDENS, TRECYNON, ABERDARE, CF44 8HP  
**DECIDED:** 21/06/2022

**DECISION:** Refused  
**APPEAL RECEIVED:** 12/10/2022  
**APPEAL DECIDED:** 13/06/2023  
**APPEAL DECISION:** Allowed with Conditions

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**APPLICATION NO:** 22/1291  
**APPEAL REF:** CAS-02660-V2G6B3  
**APPLICANT:** Mr R Tann  
**DEVELOPMENT:** Retrospective application for rear garden timber decking  
**LOCATION:** TY HEB ENW, FENWICK STREET, PONT-Y-GWAITH,  
FERNDALE, CF43 3LW  
**DECIDED:** 14/02/2023  
**DECISION:** Refused  
**APPEAL RECEIVED:** 05/04/2023  
**APPEAL DECIDED:** 21/06/2023  
**APPEAL DECISION:** Dismissed

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**12/06/2023 and 07/07/2023**

**Ynysybwl**

**21/0314/10**

Decision Date: 13/06/2023

**Proposal:** Demolish existing office building to make way for new Modular building to be used as a semi independent supported living annex. Change of use of existing barn to office, associated with the operation of the existing

**Location:** TYN Y WERN, WINDSOR PLACE, YNYS-Y-BWL, PONTYPRIDD

**Tonypandy**

**23/0455/10**

Decision Date: 26/06/2023

**Proposal:** Removal of stepped stone copings to the front elevation of the building including the old stone bell housing and construction of fascia and soffit and slate over to existing.

**Location:** LIVING WAY CHURCH, DUNRAVEN STREET, TONYPANDY, CF40 1AL

**Ynyshir**

**22/0081/10**

Decision Date: 04/07/2023

**Proposal:** Garage to rear.

**Location:** 74 YNYSHIR ROAD, YNYS-HIR, PORTH, CF39 0EN

**Aberaman**

**23/0496/10**

Decision Date: 03/07/2023

**Proposal:** External alterations to the existing What! Store following the subdivision of unit (23/0294/10).

**Location:** WHAT STORES, ABERAMAN PARK INDUSTRIAL ESTATE, ABERAMAN, ABERDARE, CF44 6DA

**Abercynon**

**23/0487/23**

Decision Date: 05/07/2023

**Proposal:** Prior Approval - Alteration to existing bridge parapet.

**Location:** YNYSBOETH ROAD BRIDGE ABERCYNON

**Aberdare West and Llwydcoed**

**23/0375/10**

Decision Date: 12/06/2023

**Proposal:** Proposed single storey rear extension and two storey side extension, new garage location

**Location:** 3 LAKESIDE, CWMDARE, ABERDARE, CF44 8AX

**23/0427/10**

Decision Date: 14/06/2023

**Proposal:** Two storey side extension.

**Location:** 8 MAES-YR-HELYG, LLWYDCOED, ABERDARE, CF44 0YW

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**12/06/2023 and 07/07/2023**

**Aberdare West and Llwydcoed**

**23/0471/10** Decision Date: 12/06/2023  
**Proposal:** Construction of porch to the front  
**Location:** 37 HAULWEN, CWMDARE, ABERDARE, CF44 8RW

**Beddau and Tyn-y-nant**

**23/0502/10** Decision Date: 30/06/2023  
**Proposal:** Change of use from storage room to IPL and Laser Treatments  
**Location:** 36 COMMERCIAL STREET, BEDDAU, PONTYPRIDD, CF38 2DB

**23/0534/10** Decision Date: 27/06/2023  
**Proposal:** Outbuilding to rear  
**Location:** 14 CWRT FAENOR, BEDDAU, PONTYPRIDD, CF38 2JL

**23/0543/10** Decision Date: 20/06/2023  
**Proposal:** Two storey rear extension and external canopy.  
**Location:** 94 CLOS MYDDLIN, BEDDAU, PONTYPRIDD, CF38 2JT

**Brynna and Llanharan**

**22/0725/01** Decision Date: 20/06/2023  
**Proposal:** Retrospective application for illuminated signage  
**Location:** SCOOPS, BRIDGEND ROAD, LLANHARAN, PONTYCLUN, CF72 9RP

**23/0374/10** Decision Date: 26/06/2023  
**Proposal:** Canopy to rear elevation  
**Location:** 11 HEOL YR ALARCH, LLANILID, PONTYCLUN

**23/0403/10** Decision Date: 27/06/2023  
**Proposal:** First floor side extension  
**Location:** 15 POWELL DRIVE, LLANHARAN, PONTYCLUN, CF72 9UU

**Church Village**

**23/0224/10** Decision Date: 27/06/2023  
**Proposal:** Change of use of an agricultural storage building into ancillary residential accommodation  
**Location:** BROOKFIELD FARM, HEOL-Y-CAWL, TON-TEG, PONTYPRIDD, CF38 1SR

**Cilfynydd**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**12/06/2023 and 07/07/2023**

**Cilfynydd**

**23/0332/10** Decision Date: 14/06/2023  
**Proposal:** Planning application for retrospective works to the construction of a retaining/boundary garden wall (finished with coping stones), replacing a dilapidated close boarded fence, removal of brambles and over growth spillin  
**Location:** 61 BRYNDERWEN, CILFYNYDD, PONTYPRIDD, CF37 4EX

**Cwmbach**

**23/0347/09** Decision Date: 12/06/2023  
**Proposal:** Single storey flat roof extension.  
**Location:** 30 CONISTON RISE, CWM-BACH, ABERDARE, CF44 0HN

**23/0438/10** Decision Date: 28/06/2023  
**Proposal:** Window installation  
**Location:** 5 GLAS-Y-GORS, CWM-BACH, ABERDARE, CF44 0BQ

**23/0520/10** Decision Date: 12/06/2023  
**Proposal:** Extension for a garage, dormer loft conversion and raise roof height  
**Location:** 2 CLAERWEN CLOSE, CWM-BACH, ABERDARE, CF44 0LQ

**Ferndale and Maerdy**

**23/0504/10** Decision Date: 07/07/2023  
**Proposal:** Two storey extension, loft conversion, internal works.  
**Location:** 11 BEECH STREET, FERNDALE, CF43 4HH

**Graig and Pontypridd West**

**23/0513/10** Decision Date: 07/07/2023  
**Proposal:** Single storey flat roof wrap around extension to rear/side elevation  
**Location:** 5 LANELAY TERRACE, MAES-Y-COED, PONTYPRIDD, CF37 1ER

**Hawthorn and Lower Rhydfelen**

**23/0442/08** Decision Date: 16/06/2023  
**Proposal:** First floor rear extension, front porch and attic conversion  
**Location:** 1 LAUREL AVENUE, HAWTHORN, PONTYPRIDD, CF37 5AU

**23/0443/10** Decision Date: 16/06/2023  
**Proposal:** Extensions and attic conversion  
**Location:** 3 LAUREL AVENUE, HAWTHORN, PONTYPRIDD, CF37 5AU

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**12/06/2023 and 07/07/2023**

**Hirwaun, Penderyn and Rhigos**

**23/0458/10** Decision Date: 28/06/2023

**Proposal:** Ground floor extension

**Location:** THE RHYD, HEOL PENDARREN, RHIGOS, ABERDARE, CF44 9HJ

**Llanharry**

**22/0733/10** Decision Date: 16/06/2023

**Proposal:** Change of use to garden curtilage, new garden fence and shed (amended description received 05/09/2022).

**Location:** FFOREST HOUSE, FFOREST ROAD, LLANHARRY, PONTYCLUN, CF72 9GQ

**Llantrisant and Talbot Green**

**23/0382/10** Decision Date: 15/06/2023

**Proposal:** Two storey rear extension, front porch, side parking bay / hardstand

**Location:** CLYTHA, 31 DANYGRAIG DRIVE, TALBOT GREEN, PONTYCLUN, CF72 8AQ

**23/0415/09** Decision Date: 12/06/2023

**Proposal:** Proposed side extension to property to provide toilet & utility plus small porch

**Location:** 32 MAES-Y-RHEDYN, TALBOT GREEN, PONTYCLUN, CF72 8AN

**Llantwit Fardre**

**22/1459/10** Decision Date: 07/07/2023

**Proposal:** Double storey side extension.

**Location:** ASHDOWN, PEN-YR-EGLWYS, CHURCH VILLAGE, PONTYPRIDD, CF38 2HJ

**23/0426/10** Decision Date: 14/06/2023

**Proposal:** Porch to front

**Location:** 86 PARC NANT CELYN, EFAILISAF, PONTYPRIDD, CF38 1AJ

**23/0478/10** Decision Date: 23/06/2023

**Proposal:** Garage conversion, garage door replaced with window, roof added above garage, skylights/velux and internal alterations.

**Location:** 69 HEOL DYHEWYDD, LLANTWIT FARDRE, PONTYPRIDD, CF38 2RE

**Mountain Ash**

**23/0390/10** Decision Date: 12/06/2023

**Proposal:** Proposed attic conversion, two dormers to front elevation and internal works.

**Location:** 50 FOREST VIEW, MOUNTAIN ASH, CF45 3DU

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**12/06/2023 and 07/07/2023**

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**Pen-y-graig**

**23/0435/15** Decision Date: 13/06/2023  
**Proposal:** Variation of condition 2 (approved plans) of approved permission 22/0242/10  
**Location:** LAND ADJACENT TO, 1 GRAIG YR EOS, PENYGRAIG, CF40 1PG

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**Penrhiw-ceibr**

**23/0463/10** Decision Date: 29/06/2023  
**Proposal:** Extension above the porch  
**Location:** EIRIANFA, WOODFIELD TERRACE, PENRHIWCEIBER, MOUNTAIN ASH, CF45 3UT

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**Pentre**

**23/0355/10** Decision Date: 14/06/2023  
**Proposal:** Change of use from A2 bank into two A1 shops on the ground floor and a single apartment on the first floor.  
**Location:** NATWEST, 215 YSTRAD ROAD, PENTRE, CF41 7BE

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**23/0537/10** Decision Date: 13/06/2023  
**Proposal:** Single storey rear extension.  
**Location:** 33 WHITEFIELD STREET, TONPENTRE, PENTRE, CF41 7AR

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**Pontyclun Central**

**23/0131/15** Decision Date: 07/07/2023  
**Proposal:** Variation of condition 2 to allow dwellings to be re-positioned. (Revised address and highway plan received 29/03/23)  
**Location:** LAND ADJACENT TO 8 RAILWAY TERRACE, TALBOT GREEN, PONTYCLUN, CF72 8HP

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**23/0380/10** Decision Date: 23/06/2023  
**Proposal:** Double storey side extension and erection of porch  
**Location:** SPRINGFIELD HOUSE, 69 YNYSDDU, PONT-Y-CLUN, PONTYCLUN, CF72 9UA

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**Pontyclun East**

**22/0763/10** Decision Date: 05/07/2023  
**Proposal:** Single storey rear extension and extend/ enclose existing front porch.  
**Location:** 35 MAES-Y-WENNOL, MEISGYN, PONTYCLUN, CF72 8SB

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**23/0341/10** Decision Date: 26/06/2023  
**Proposal:** Wrap around extension  
**Location:** 1 LLWYNPENNAU COTTAGES, GROES-FAEN, PONT-Y-CLUN, PONTYCLUN, CF72 8NW

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**12/06/2023 and 07/07/2023**

**Pontyclun East**

**23/0411/10** Decision Date: 14/06/2023  
**Proposal:** Stand alone garage on driveway, pavement and driveway amendments (Amended Plans received 06/06/23)  
**Location:** THE QUARRY HOUSE, LLANTRISANT ROAD, GROES-FAEN, PONT-Y-CLUN, PONTYCLUN, CF72 8NJ

**Pontyclun West**

**22/0998/10** Decision Date: 28/06/2023  
**Proposal:** Two storey extension to rear annex  
**Location:** 12 STATION TERRACE, PONTYCLUN, CF72 9ES

**23/0305/10** Decision Date: 27/06/2023  
**Proposal:** Demolition of existing outbuilding and erection of a new outbuilding. (Nesting Bird Survey received 19/06/23)  
**Location:** RHYDHALOG FARM, COWBRIDGE ROAD, TALYGARN, PONT-Y-CLUN, PONTYCLUN, CF72 9JU

**23/0406/09** Decision Date: 23/06/2023  
**Proposal:** Additional unit  
**Location:** INNOVATION CENTRE, ELY VALLEY INDUSTRIAL ESTATE, STATION TERRACE, PONT-Y-CLUN, PONTYCLUN, CF72 9DZ

**23/0431/10** Decision Date: 07/07/2023  
**Proposal:** Change of use from offices (B1) to a barber shop (A1)  
**Location:** SOUTHGATE VAUXHALL GARAGE, 38 COWBRIDGE ROAD, PONT-Y-CLUN, PONTYCLUN, CF72 9EE

**23/0510/09** Decision Date: 05/07/2023  
**Proposal:** Conversion to B8 (storage/distribution with minor ancillary retail A1 elements) and internal works to building.  
**Location:** UNIT 15, GREEN PARK, COEDCAE INDUSTRIAL ESTATE, TALBOT GREEN, PONTYCLUN, CF72 9GP

**23/0594/10** Decision Date: 05/07/2023  
**Proposal:** Change of use from garage to a habitable space including ground floor roof alterations  
**Location:** 19 CASTAN ROAD, PONT-Y-CLUN, PONTYCLUN, CF72 9EH

**Pontypridd Town**

**22/1466/10** Decision Date: 13/06/2023  
**Proposal:** Change of use from offices to 4 no. residential flats (Amended plans received 01/03/23 and 29/03/23 and 05/06/23)  
**Location:** N R B PROPERTIES LTD, 16 GELLIWASTAD ROAD, PONTYPRIDD, CF37 2BW

**23/0481/10** Decision Date: 28/06/2023  
**Proposal:** First floor rear extension over kitchen  
**Location:** 75 BERW ROAD, PONTYPRIDD, CF37 2AB

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**12/06/2023 and 07/07/2023**

**Pontypridd Town**

**Tonyrefail East**

**23/0466/10** Decision Date: 30/06/2023  
**Proposal:** First floor extension above kitchen and attic conversion (resubmission of previously refused applicaiton ref. 23/0091/10)  
**Location:** 15 SCHOOL STREET, TONYREFAIL, PORTH, CF39 8LE

**Tonyrefail West**

**23/0589/10** Decision Date: 03/07/2023  
**Proposal:** Single storey rear extension  
**Location:** 110 WORCESTER COURT, TONYREFAIL, PORTH, CF39 8JT

**Trallwng**

**23/0425/10** Decision Date: 19/06/2023  
**Proposal:** Proposed single storey rear extension to provide attached 'Granny Annex'  
**Location:** BATHOL, COMMON ROAD, PONTYPRIDD, CF37 4AF

**Treforest**

**23/0344/11** Decision Date: 27/06/2023  
**Proposal:** Proposed repair works to the Crawshay Obelisk  
**Location:** CRAWSHAY OBELISK, CASTLE INN FOOTBRIDGE, CASTLE STREET, TREFOREST, PONTYPRIDD

**23/0452/09** Decision Date: 14/06/2023  
**Proposal:** Rear extension  
**Location:** 130 WOOD ROAD, TREFOREST, PONTYPRIDD, CF37 1RQ

**Treherbert**

**23/0558/10** Decision Date: 03/07/2023  
**Proposal:** Two storey extension  
**Location:** 5 BLAEN-Y-CWM TERRACE, TYNEWYDD, TREHERBERT, TREORCHY, CF42 5ND

**Treorchy**

**23/0469/10** Decision Date: 21/06/2023  
**Proposal:** Conversion of 2 dwellings to 1 dwelling  
**Location:** 283 - 284 PARK ROAD, CWMPARC, TREORCY

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**12/06/2023 and 07/07/2023**

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**Upper Rhydfelen and Glyn-taf**

**23/0529/10** Decision Date: 07/07/2023

**Proposal:** External ramp

**Location:** 68 SHELLEY WALK, RHYDYFELIN, PONTYPRIDD, CF37 5EY

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**Ynysybwl**

**23/0071/10** Decision Date: 05/07/2023

**Proposal:** Alterations and extension to an existing community building including retrofit

**Location:** Y BWTH- COMMUNITY BUILDING, OLD STATION YARD, WINDSOR PLACE, YNYSYBWL,  
PONTYPRIDD

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**Rhondda**

**21/0415/12** Decision Date: 26/06/2023

**Proposal:** Change of use from Class D2 (assembly and leisure) to Class C3 (dwelling) including the replacement of a collapsed flat roof, new stud partition walls, windows and other associated works (application for Listed

**Location:** TREHAFOD MEMORIAL HALL, 44-45 TREHAFOD ROAD, TREHAFOD, PONTYPRIDD, CF37 2LR

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Total Number of Delegated decisions is 58



Decision Date:

**Proposal:**

**Location:**

**Reason:**

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Total Number of Delegated decisions is 0

tudalen wag