



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

**COMMITTEE SUMMONS**

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

Meeting Contact: Jess Daniel - Democratic Services (07385401877)

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

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

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

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

**AGENDA**

**1. DECLARATION OF INTEREST**

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

**Note:**

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

**2. HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS**

To note, that when Committee Members determine the development

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

### **3. WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015**

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

### **4. MINUTES 05.10.23**

To approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on 05.10. 2023.

5 - 8

## **APPLICATIONS RECOMMENDED FOR APPROVAL BY THE DIRECTOR OF PROSPERITY & DEVELOPMENT**

### **5. APPLICATION NO:22/1252**

Use of land for external police tactics training including external tactics equipment, maintenance access, landscaping, engineering and infrastructure works (in association with proposed police tactics facility at adjacent site within Bridgend County Borough, subject to separate planning application at Bridgend County Borough Council) (amended plans and supporting information received 09/08/23, 18/08/23 and 21/08/23).

**LAND TO THE SOUTH FELINDRE ROAD, PENCOED LLANHARAN**

9 - 34

### **6. APPLICATION NO: 23/0945**

Rhondda Fach Active Travel Route - Phase 2  
**FORMER MINERAL RAILWAY LINE FROM STATION ROAD,  
MAERDY, TO GRID REF. SS 98809 97765**

35 - 46

### **7. APPLICATION NO: 23/0979**

Timber decking to the rear of the property.  
**65 HEOL-Y-COED, PONT-Y-CLUN, PONTYCLUN, CF72 9AT**

47 - 52

## **APPLICATIONS RECOMMENDED FOR REFUSAL BY THE DIRECTOR OF PROSPERITY & DEVELOPMENT**

### **8. APPLICATION NO: 22/1103**

Demolition of existing building and erection of a single storey commercial bakery with drive-thru facility (mixed A1/A3 use), new and re-arranged car and cycle parking, green and blue infrastructure, bin store, and associated works (Supporting Letter re. Flooding rec. 11/11/22) (Additional Supporting Letter re. Flooding rec. 19/05/23)  
**PLOT G5, MAIN AVENUE, TREForest INDUSTRIAL ESTATE, PONTYPRIDD**

**53 - 74**

### **9. APPLICATION NO: 23/0969**

Erection of 3 no. near zero carbon bespoke self-build dwellings within the curtilage of existing dwelling and associated works.  
**ST DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA**

**75 - 86**

## **DEFERRED APPLICATIONS**

### **10. APPLICATION NO: 22/1261/10**

Change of use to convert a cow shed/store into a residential unit. (Preliminary Bat Roost Assessment and Surveys received 17/8/23)  
**West Caerlan, School Street, Llantrisant, Pontyclun, CF72 8EN**

**87 - 100**

### **11. APPLICATION NO: 22/1163/10**

Development of four flats, car parking, landscaping and associated works. (Amended Plans Received 04/08/23)  
**LAND OFF ST JOHNS ROAD, TONYREFAIL**

**101 - 122**

### **12. APPLICATION NO: 23/0896/10**

Demolition of the existing rear and side extensions, construction of a two-storey side extension and a complete first-floor extension. Works also include alteration to the structure of the existing dwelling and general renovation works (Amended site location plan received 13/09/2023)  
**Cartref Bungalow, Hobbs Lane, Hirwaun, Aberdare, CF44 9BU**

**123 - 136**

## **INFORMATION REPORT**

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

To inform Members of the following, for the period 09/10/2023 –

27/10/2023.

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

137 - 148

#### **14. URGENT BUSINESS**

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

#### **Service Director of Democratic Services & Communication**

##### **Circulation: -**

#### **Members of the Planning & Development Committee**

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

County Borough Councillors: Councillor J Bonetto, Councillor A Dennis,  
Councillor S Emanuel, Councillor D Grehan, Councillor G Hughes, Councillor M Powell,  
Councillor J Smith, Councillor L A Tomkinson and Councillor R Williams

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

**RHONDDA CYNON TAF COUNCIL  
Planning and Development Committee**

Minutes of the meeting of the Planning and Development Committee held on Thursday, 5 October 2023 at 3.00 pm at Council Chamber, The Pavilions, Cambrian Park, Clydach Vale, Tonypany, CF40 2XX.

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

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

Councillor W Lewis (Chair)

Councillor G Hughes    Councillor J Smith  
Councillor L A Tomkinson    Councillor R Williams

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

Councillor S Rees    Councillor J Bonetto  
Councillor A Dennis    Councillor S Emanuel  
Councillor G Hughes    Councillor J Smith  
Councillor L A Tomkinson    Councillor R Williams

**County Borough Councillors in attendance: -**

Councillor M Norris

**Officers in attendance: -**

Mr J Bailey, Head of Planning  
Mr G Howard, Senior Planner  
Mr S Humphreys, Head of Legal Services

**96      WELCOME & APOLOGIES**

Apologies for absence were received from County Borough Councillors D Grehan and M Powell.

**97      DECLARATION OF INTEREST**

In accordance with the Council's Code of Conduct, County Borough Councillor R Williams declared a personal interest in respect of Application No: 22/1261 Change of use to convert a cow shed/store into a residential unit. (Preliminary Bat Roost Assessment and Surveys received 17/8/22) WEST CAERLAN, SCHOOL STREET, LLANTRISANT, PONTYCLUN, CF72 8EN

“The applicant works with me and has asked me general questions about the planning process.”

**98 HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS**

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

**99 WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015**

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

**100 MINUTES 17.08.23**

It was **RESOLVED** to approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on the 17.08.2023.

**101 CHANGE TO THE AGENDA**

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

**102 APPLICATION NO: 23/0514**

**Residential development of 22 x one and two-bedroom apartments, with associated landscaping, boundary treatment and parking. SITE OF FORMER ROYAL NAVAL ASSOCIATION CLUB, 233 COURT STREET, TONYPANDY, CF40 2RF**

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

- Mr N Ahmed (Applicant)
- Mr A Silver (Objector)

The Applicant Mr N Ahmed exercised the right to respond to the comments made by the objectors.

The Senior Planner presented the application to Committee and following consideration Members were minded to refuse the above-mentioned application contrary to the recommendation of the Director, Prosperity & Development as Members were of the view that the development would result in overdevelopment, was premature and had concerns over lack of amenity space and parking.

Therefore, the matter would be deferred to the next appropriate meeting of the Planning & Development Committee for a report of the Director, Prosperity & Development, if necessary, in consultation with the Director, Legal Services, highlighting the potential strengths and weaknesses of making a decision contrary to the recommendation of an officer or any proposed or possible planning reason for such a decision prior to determining a matter

**103 APPLICATION NO: 23/0727**

**Change of use of the area from a mixture of both garden and agriculture to all equine use. Propose a change in ground level and material to provide free drainage to a horse training enclosure as shown on plans. PANTGLAS FARM, CAE PANTGLAS, YNYSMAERDY, PONT-YCLUN, PONTYCLUN, CF72 8GX**

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

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

**104 APPLICATION NO: 23/0350**

**Construction of detached garage building and associated private parking area (Amended plans received 07/07/23). LAND WEST OF WILLOWS FARM, RHIGOS ROAD, RHIGOS, ABERDARE, CF44 9UD**

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

**105 APPLICATION NO: 23/0623**

**Change of use from shop (A1) to restaurant with hot food takeaway (A3) including installation of ventilation flue and extraction equipment. 123 MOORLAND CRESCENT, BEDDAU**

The Head of Planning referenced a 'late' letter received from Non-Committee Local Member County Borough Councillor R Yeo expressing his concerns in respect of the application.

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development subject to an amendment to Condition 5 restricting the hours to 10pm rather than the suggested 9pm as follows:

The hours of operation for the business hereby approved shall be restricted to between the following hours: Monday to Sunday: 09.00hours – 22.00 hours.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with

Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

**106 APPLICATION NO: 22/1261**

**Change of use to convert a cow shed/store into a residential unit. (Preliminary Bat Roost Assessment and Surveys received 17/8/22) WEST CAERLAN, SCHOOL STREET, LLANTRISANT, PONTYCLUN, CF72 8EN**

The Head of Planning outlined the content of 'late' letters received from Non-Committee, Local Member Sarah Jane Davies in support of the application, and from the planning agent.

The Head of Planning presented the application to Committee and following consideration Members were minded to approve the above-mentioned application contrary to the recommendation of the Director, Prosperity & Development as Members were of the view that bringing the property back into use would outweigh the lack of amenity space.

Therefore, the matter would be deferred to the next appropriate meeting of the Planning & Development Committee for a report of the Director, Prosperity & Development, if necessary in consultation with the Director, Legal Services, highlighting the potential strengths and weaknesses of making a decision contrary to the recommendation of an officer or any proposed or possible planning reason for such a decision prior to determining a matter.

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

Members **RESOLVED** to receive the report of the Service Director, Planning in relation to Planning and Enforcement Appeal Decisions received, Delegated Decisions Approvals and Refusals with reasons, Overview of Enforcement Cases and Enforcement Delegated Decisions received for the period 28/08/2023 – 22/09/2023.

**This meeting closed at 4.15 pm**

**Councillor W Lewis  
Chair.**



## PLANNING & DEVELOPMENT COMMITTEE

9 November 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/1252/10 (MF)  
**APPLICANT:** South Wales Police and Crime Commissioner  
**DEVELOPMENT:** Use of land for external police tactics training including external tactics equipment, maintenance access, landscaping, engineering and infrastructure works (in association with proposed police tactics facility at adjacent site within Bridgend County Borough, subject to separate planning application at Bridgend County Borough Council) (amended plans and supporting information received 09/08/23, 18/08/23 and 21/08/23).  
**LOCATION:** LAND TO THE SOUTH FELINDRE ROAD, PENCOED LLANHARAN  
**DATE REGISTERED:** 21/08/2023  
**ELECTORAL DIVISION:** Brynna and Llanharan

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

**REASONS:** While greenfield in nature and outside of settlement limits, the application site lies within the employment land bank for Pencoed Technology Park and has a long history of planning permissions for employment use, benefiting from an extant outline consent. Furthermore, the proposed tactics facility is of both regional and national importance, being critical to national security. It will ensure that all firearms officers which attend are properly trained in tactics and firearms for the variety of incidents that may arise, and can do so within the local area generating economic growth and a number of employment opportunities. The principle of development is therefore considered acceptable.

It is accepted the proposed use will inevitably result in a degree of impact to the amenity standards currently enjoyed by occupiers of the closest neighbouring properties, but, on balance, it is not considered any potential impact would be significant enough to warrant refusal of the application, subject to appropriate conditions/mitigation.

Additionally, while the works would result in an alteration to the current character and appearance of the greenfield site, the development would be suitably contained from the open countryside to the north/east and would form an appropriate rounding off of the industrial estate in this location.

**It is also considered the impact of the scheme upon ecology and land drainage can be properly mitigated.**

**It is therefore considered the application complies with the relevant policies set out in the Local Development Plan and national guidance and is subsequently recommended for approval.**

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## **REASON APPLICATION REPORTED TO COMMITTEE**

3 or more letters of objection have been received from members of the public.

## **APPLICATION DETAILS**

Full planning permission is sought for the creation of a police tactics training facility at Pencoed Technology Park, Felindre. The site straddles the administrative boundaries of Rhondda Cynon Taf CBC (RCT) and Bridgend CBC (Bridgend) and therefore separate planning applications have been submitted to each Local Planning Authority (LPA) in respect of the relevant works proposed within each area.

The scheme within RCT and subject of this application proposes the change of use of a series of open fields currently used for grazing to an external police tactics training area, including some associated development. The external training area within RCT would be used in association with an indoor police tactics training centre that is proposed at the adjacent open fields within Bridgend (subject of a separate application currently being considered by Bridgend). As well as the main facility, the Bridgend area of the wider development site would also include most of the development's associated infrastructure such as access, parking, ancillary buildings, etc.

There is a limited amount of physical development proposed within RCT and subject of this application. No permanent buildings/structures are proposed within the RCT site, the fields would simply be used for outdoor training exercises in association with the adjacent main indoor facility within Bridgend, enabling officers to practice the skills learnt on tactical training equipment and outdoor areas.

The only physical development proposed at the RCT site is a small, mock train platform with carriages, located at the southern element of the plot. This feature would be enclosed to the north by a 2m high earth bund with 2m high acoustic fencing above and 3m high acoustic fencing at either side. The remainder of the RCT site would be used for 'open country' and 'cover and hide' exercises. Additional landscaping would be introduced throughout the site to provide enhanced screening and noise mitigation. An existing field access off the adjacent Felindre Road (east) would remain to allow for emergency access if necessary, but access to this external training area for exercises would be from the adjacent main facility within the wider development site (west).

It is advised that all aspects of training are undertaken throughout the year and in all weather conditions to replicate all potential operational deployments. As such, limited external lighting would be required at the mock platform but would only be used during training operations at that specific training area.

The applicant has advised that no live ammunition would be used externally at the outdoor training area within RCT. Officers/students would only use training ammunition outdoors, either 'simunition' which is essentially a paint round or blank rounds. Live ammunition would only ever be used within one of the dedicated internal live fire ranges at the indoor facility within the Bridgend area of the site. Externally, training is geared towards tactical awareness and the application of appropriate tactics rather than the physical use of firearms.

While the works proposed within Bridgend are outside of the control of RCT, and vice versa, both applications are intrinsically linked. The wider development could not go ahead unless both applications are approved. Therefore, while it is only the external training area and its potential impacts within RCT that is to be considered through this application, a brief outline of the development proposed within Bridgend is set out below to provide Members with an overview of the wider scheme:

A three-story building of modern design and finishing materials is proposed along the western boundary of the Bridgend site. It would comprise offices, warehouses, firing ranges, classrooms, plant areas, changing facilities, recreation facilities, stores and staff facilities. The training centre's off-street parking area would be sited at the north-eastern corner of this plot and various smaller ancillary buildings and landscaping located throughout. Several external training areas would also be sited within the Bridgend area, a street scene including several mock houses and mock roadway, a single decker bus and abseil / fast rope tower.

The training facility (whole site) would be open from 7am – 5pm Monday to Friday. The majority of staff would arrive prior to 7am with students arriving between 7.30am – 7.45am to commence training at 8am. Students would then leave the facility between 4pm – 4.30pm, with training staff leaving after 5pm. There would be approximately 150 students and permanent staff on site at any one time. It is noted however that some limited out of hours opening may be necessary if emergencies arise that require urgent tactic training before officers are deployed (instances where there is a major threat to life). It is advised that this would likely be less than 6 times a year based on previous events and that both LPAs would be advised of any such event within 72 hours of it occurring for monitoring purposes.

The applicant has detailed that the proposed tactics facility is of both regional and national importance, being critical to national security. It will ensure that all firearms officers which attend are properly trained in tactics and firearms for the variety of incidents that may arise; and while the facility would be used primarily by South Wales Police, Dyfed Powys Police and Gwent Police allowing officers of these forces to train

locally, it would also be available for use by any other constabulary from across the UK as necessary. There are currently only 6 existing facilities of this nature across the UK and this development would provide a much needed addition.

Finally, Members are advised that following initial comments from Natural Resources Wales (NRW) in respect of flooding (large areas of the site are located within a C2 flood zone), amended plans and relevant supporting information were received on 09/08/23, 18/08/23 and 21/08/23. The updated details relate largely to changes in ground levels and repositing of elements of the scheme within the Bridgend area of the site to remove them from or raise them above the flood zone.

Further ecology information was also submitted on 09/08/23 and 21/08/23 following initial concerns from NRW and the Council's Ecologist. As well as updated and additional surveys this also included an amended site location plan which sets out an area to the south of the RCT site, under the ownership of the applicant, for long term ecological mitigation.

Initial concerns were also raised by both RCT's and Bridgend's Public Health teams in respect of potential noise disturbance to the closest residential dwellings and Pencoed Cemetery. Consequently, updated noise impact assessments and other relevant supporting information such as details of acoustic barriers and a Noise Management Plan for External Firearms were received on 18/08/23.

## **SITE APPRAISAL**

The wider development site, both the plots within RCT and Bridgend, comprises several vacant fields that are currently used for grazing at the north-eastern extent of Pencoed Technology Park. Each of the fields are enclosed with mature trees / vegetation and are accessed off the adopted highway, Felindre Road, which forms the northern and eastern boundaries of the site. The Ewenni Fach runs through the centre of the site and forms the administrative boundary between RCT and Bridgend with the eastern element within RCT (subject of this application) and the western element within Bridgend (subject of a separate, concurrent application to Bridgend). The stream and its banks form the Ewenny Fach and associated Woodlands Site of Important Nature Conservation (SINC). Open countryside is located to the north and east of the site, although it is noted that several scattered residential and commercial properties are located in this area. Pencoed Cemetery is sited to the north-west and the wider Pencoed Technology Park is located immediately to the south and west, between the site and the nearby M4 Motorway approximately 400m away (south). Pencoed Technology Park is occupied by several large commercial/industrial units of varying design and scale and a number of vacant, undeveloped plots. The immediate office building to the south of the site is currently occupied by South Wales Police.

Much of the RCT element of the site is located within a C2 flood Zone, an area where there is potential for poor air quality to exist due to its close proximity of the M4 Motorway, and also both limestone and sand/gravel minerals resource areas. An

historic, undesignated moated homestead is also located at the north-eastern corner of the site.

## **PLANNING HISTORY**

Only the previous planning applications submitted at the RCT element of the wider development site are listed below:

06/0427 – Variation of condition to require permanent stopping up of highways prior to first occupation of the first building on the site; not prior to works commencing on site (as required by condition 11 imposed on outline planning permission 02/1850).

No decision, withdrawn by applicant, 24/05/06

05/1885 – Deletion of condition 12 (implementation of highway signalisation works at Felindre Road / A473 roundabout) and condition 33 (implementation of highway signalisation works at M4 Junction 35) as imposed on outline planning permission 02/1850.

Decision: Granted, 27/04/06

05/1884 – Variation of condition 1a (submission of reserved matters) as imposed on outline planning permission 02/1850.

Decision: Granted, 27/04/06

02/1850 – Erection of building for uses within Classes B1 and B2 of the Town and Country Planning (Use Classes) Order 1987, together with associated engineering and building operations and landscaping works.

Decision: Granted, 26/03/04

## **PUBLICITY**

39 of the closest neighbouring properties were individually notified of the application by letter. 5 notices were placed on and within the vicinity of the application site, and a notice was placed in the local press (Western Mail). This process was repeated following the submission of additional / amended details. Letters of objection have been received from 5 individuals, making the following comments (summarised):

- Concerns with the general use of firearms in close proximity of residential properties. Such a use is not appropriate near residential properties. The discharge of weapons is not a typical occurrence in such locations and will be distributing for surrounding residents, especially those with learning difficulties or disabilities. This type of use should be sited in a remote location away from any residential properties.
- The proposed use would result in significant noise disturbance to the nearest residential properties.
- The noise assessments submitted by the applicant are not objective and clearly weigh in favour of the applicant's proposals.

- The noise levels and considerations of the noise assessments are flawed and incorrect. Noise levels will exceed acceptable limits.
- Noise levels have been recorded at the boundaries of residential properties rather than within the curtilage and at the facades.
- The noise assessments have been carried out in accordance with recreational and sporting activities guidelines, e.g. clay pigeon shooting or sports stadiums, which is disingenuous. The proposed use has no resemblance to such uses.
- The noise level limits set out within the guidance used to produce the noise assessments would be exceeded. This demonstrates there would be an unacceptable impact to surrounding residents by way of noise disturbance.
- The noise assessments comment that the context of the site in close proximity of the M4 Motorway must be taken into account. The noise of gunfire is an emotive noise and should not be compared to ambient noise from road traffic.
- The need for the applicant to submit a noise management strategy with the application which details that local residents would have advance notice of training sessions, ways of complaining etc. clearly demonstrates that the proposed use would have a detrimental impact upon the nearest residents by way of noise disturbance.
- Noise from this development would affect existing surrounding businesses, including the use of holiday cottages at surrounding properties and a potential future wedding venue at one neighbouring property.
- Details have been submitted in respect of early engagement between the applicant and their acoustic consultants, by way of a scoping report which appears to suggest that acceptable noise levels may be difficult to achieve at this site based on research at a similar facility in Avon and Somerset.
- I previously worked 2 miles from a shooting range and the noise levels associated with that site caused me to develop migraine headaches so had to move away from that contract. I fear this proposed use in such close proximity of my property could impact further upon my health.
- It is understood that the existing tactics training centre is sited on an industrial estate in Bridgend. What is the need to move it to this location in close proximity of residential properties?

It is also noted that one objector commissioned their own noise consultant to assess the original noise reports submitted by the applicant. The rebuttal statement concludes that the noise information submitted by the applicant is lacking in detail, demonstrates that the proposed use would have a detrimental impact to the closest residential properties by way of noise disturbance, and that the mitigation measures set out by the applicant would not satisfactorily protect the amenities of the closest neighbouring residents.

Members are advised that this rebuttal statement relates only to the original noise information submitted by the applicant and that no further such submissions have been received following the several updates of the noise information throughout the application process, where residents have been reconsulted each time.

## **CONSULTATION**

Public Health and Protection – No objection subject to conditions.

Countryside, Landscape and Ecology – No objection subject to conditions.

Natural Resources Wales – No objection subject to conditions.

Flood Risk Management – No objection subject to condition.

Dwr Cymru Welsh Water – No objection subject to condition.

Highways and Transportation – No objection or conditions suggested.

Welsh Government Highways – No objection or conditions suggested.

Cadw – No objection or conditions suggested.

Glamorgan Gwent Archaeological Trust – No objection subject to condition.

South Wales Police – No objection or conditions suggested.

South Wales Fire and Rescue Service – No objection or conditions suggested.

National Grid – No objection or conditions suggested.

Wales and West Utilities – No objection or conditions suggested.

Bridgend County Borough Council – No objection subject to appropriate conditions being added to any consent restricting the use and hours of operation of the site and in respect to noise.

No other consultation responses have been received within the course of the application.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan (LDP)**

The current LDP's lifespan was 2011 to 2021. It has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 04 January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 04 January 2016 will remain the LDP for determining planning applications until replaced by a further

LDP. This was clarified in guidance published by the Minister on 24 September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

The site is located outside of the settlement boundary for Llanilid, but within the extents of the established Pencoed Technology Park which benefits from extant outline planning permission for commercial use.

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

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

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

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

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

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

Policy AW7 – sets out criteria for development proposals that would impact upon sites of historic merit and archaeological importance.

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

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

Policy AW 14 – safeguards minerals from development that would sterilise them or hinder their extraction.

## **Supplementary Planning Guidance**

- Design and Placemaking
- The Historic Built Environment
- Nature Conservation
- Planning Obligations
- 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 is not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.*



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

It is considered the proposed development is 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
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 33 – National Growth Areas – Cardiff, Newport and the Valleys

Other relevant national planning policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning
- PPW Technical Advice Note 11: Noise
- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 15: Development and Flood Risk
- PPW Technical Advice Note 23: Economic Development
- PPW Technical Advice Note 24: The Historic Environment

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

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

The application seeks full planning permission for the external training area element of a proposed wider police tactics training centre development that would straddle the

administrative boundaries of RCT and Bridgend (with the main building, infrastructure and associated facilities located at an adjacent plot within Bridgend).

The development would result in a state of the art facility that would allow 3 local police forces to undertake their necessary firearms training within the local area, as well providing facilities for all UK police forces if required, proving to not only be a development of regional importance but nationally also.

While the RCT element of the wider site is located outside of settlement limits, there would be very little development within this area, albeit the use would alter, and the site benefits from an extant outline planning permission for employment use, the wider Pencoed Technology Park development planning permission. It is therefore considered that the use of the site for future development and employment use has already been recognised and that this proposal would make use of vacant plots within the established business park, having significant economic benefits for both County Boroughs as a whole.

It is also considered that this edge of settlement location would be an appropriate siting for such development, away from urban areas and concentrations of residential properties. As such, while it is acknowledged there are several residential dwellings nearby, the proposal would result in little conflict with surrounding land uses which are largely commercial in nature (as set out in detail below).

Finally, while the site is located in both limestone and sand/gravel mineral resources regions, which Policy AW14 seeks to safeguard from any development that would unnecessarily sterilise them or hinder their extraction, any mineral extraction has already been sterilised at the site by the previous surrounding developments and the established employment use. As such there is no objection in this respect.

The development is therefore considered acceptable, in principle, subject to compliance with the other relevant material planning considerations set out below.

### **Neighbour Amenity**

The application site is located approximately 100m from the nearest residential dwellings (east/north-east). Given the separation distances and the very minor nature of the physical development works proposed at the RCT site, i.e. a mock train platform and associated acoustic screening, it is not considered there would be any physical detriment to the closest residential properties. Furthermore, it is not considered the development/use would result in any undue impact to the operation of the neighbouring industrial/commercial uses to the south/south-west located within the established Pencoed Technology Park.

It is acknowledged however that there would inevitably be a degree of impact to the amenity standards currently enjoyed by the occupiers of the nearest properties by way

of noise and disturbance due to the way the proposed use would operate, as set out by the objectors.

The main concerns in respect of noise will come from the use of firearms and raise voices during outdoor training sessions. All noise from the main building within Bridgend would be contained by the acoustic properties of the new building, being purpose designed for such use.

A list of firearms that could be used within the site has been provided with the loudest detailed being a revolver or AK47. However, it is noted that most training sessions do not involve the firing of any weapon, with external training geared towards tactical awareness and the application of appropriate tactics rather than the physical use of firearms. The majority of actual firearms deployment training would take place within the new building.

It is also noted that the mock train platform would only be used for specific modules, so only on limited occasions, with the mock roadway / buildings being the most extensively used facilities, both within Bridgend. It is advised the mock platform would be used a maximum of 60 times per annum and the fields for open country searching a maximum of 80 times per annum, with each session usually lasting between 5-20 minutes. Further, training sessions would only take place between 9am to 4pm on weekdays, unless an emergency use (significant threat to life) is needed outside of these hours which based on historic events, would be no more than 6 times per annum.

The applicant has acknowledged that impacts in terms of noise/disturbance would occur and has subsequently undertaken several surveys to identify any potential impacts and necessary mitigation measures, with the latest versions of the noise reports being submitted on 18/08/23. These documents include a Noise Management Plan for External Firearms, a Noise Impact Assessment, and also the introduction of acoustic bunds and fencing around the mock platform. The latest noise information was received following initial concerns raised by both RCT's and Bridgend's Public Health teams, as well as comments received from the objectors.

The Noise Management Plan for External Firearms sets out strict parameters for each area of the site and the firearms to be used, as well full details of how sessions would be managed, notification of the LPAs and surrounding properties before/after sessions and how feedback will be reviewed and complaints investigated.

The Noise Impact Assessment has been carried out based upon the guidance within 'CIEH Clay Target Shooting – Guidance on Noise', as advised by both the RCT and Bridgend Public Health teams as there is little to no other guidance in respect of this type of noise.

The document provides guidance based upon a noise parameter called the Shooting Noise Level (SNL). This SNL is calculated by the logarithmic average of the loudest

25 shots in a 30 minute period, not by the noise level of a single shot. The document highlights that research undertaken advises a guidance SNL of 55dB is generally considered acceptable at nearby residential noise receptors, but that this level has been limited and does not take account of the context of existing noise levels at any specific sites. The document states:

*“...annoyance is less likely to occur at a mean shooting noise level (SNL) below 55dB.”*

However, it also states:

*“For levels in between however, the extent of the annoyance varies considerably from site to site. Thus a level of, say, 60dB may be deemed acceptable at one site, but not at another.”*

The noise survey submitted by the applicant concludes that the typical existing  $L_{AF,max}$  noise level (very short duration loud noise events) on site and at the closest neighbouring residential dwelling, Velindre Farm approximately 100m to the east, is 60dB.

An objector has queried this background noise level commenting that the recordings were taken from the highway outside of Velindre Farm and not its façade, so is likely to be incorrect. The applicant has acknowledged this point and submitted further information which demonstrates that the existing mean average  $L_{AF,max}$  noise level at the façade of Velindre Farm is actually 58dB.

The applicant contends that the existing noise levels therefore provide justification that a higher level than the 55dB set out in the guidance is therefore appropriate for this site / proposed use; and that new noise events at 60dB  $L_{AF,max}$  would not be out of place in the context of the existing noise climate which is exposed to continual road traffic noise from the adjacent M4 Motorway and Felindre Road.

The supporting information goes on to set out that the majority of firearms noise impacts at the nearest residential properties will in any case be below the more conservative level of 55dB, with only the loudest events at the site, the firing of revolvers or AK47s which would only occur on rare occasions, achieving a predicted SNL value of 56dB at the nearest neighbouring property.

The supporting information therefore contends that any potential noise impacts would be in accordance with the relevant guidance and acceptable in amenity terms.

Public Health and Protection (PHP) have considered the relevant noise information and are content with the conclusions, advising the methodology of assessment is appropriate and results appear accurate.

PHP commented that there is some concern with regard noise and it is accepted a degree of noise / general disturbance will inevitably occur to the closest residents.

However, the reports demonstrate, with the introduction of the acoustic bunds/barriers and with conditions to restrict the use of the outdoor facility to that set out within the Noise Management Plan for External Firearms document, that any impact would not be so intrusive as to result in unacceptable impacts to the closest residential properties; especially with the context of nearby residents living adjacent to an industrial estate and the M4 Motorway which, as demonstrated by the noise reports, already result in a degree of noise and disturbance over and above that which would be generated by the proposed use.

Subsequently, PHP do not consider any potential impact would be significant enough to warrant an objection to the application.

PHP did however suggest a number of conditions be attached to any consent to ensure the mitigation measures set out within the application are implemented and retained in perpetuity, including areas where training exercises can be carried out; which firearms can be used; relevant future noise testing/monitoring; restriction of hours of operation and number of training sessions; and for use to be recorded for future monitoring purposes. It is considered that each of these conditions would be necessary to ensure any potential impact to the amenities of the closest residents would be minimised.

As well as the comments set out above, PHP also suggested a number of conditions be attached to any consent in relation construction noise, waste, dust and lighting. Whilst these comments are appreciated, it is considered that construction noise, waste, dust and lighting matters can be more efficiently controlled by other legislation available to the Council. Therefore, given the very minor nature of the development works proposed within RCT, it considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

Finally, while any impacts to neighbouring properties within Bridgend are a matter for Bridgend to consider, Members are advised that Bridgend's Public Health team have no objection to the scheme, including any potential impacts to the neighbouring Pencoed Cemetery.

Subsequently, whilst the comments raised by the objectors are fully acknowledged and it is accepted that a degree of impact would occur to the amenity standards currently enjoyed by existing closest residents, subject to suitable mitigation and on balance, it is not considered any impact would be so detrimental as to warrant refusal of the application.

### **Character and Appearance**

As set out above, no permanent structures are proposed within RCT other than the mock train platform and carriages and associated acoustic screening. It is also noted that the existing mature trees and vegetation that form field boundaries would remain in place following development and that additional landscaping and planting would be

implemented throughout the site which would further screen it from outside views. Consequently, although the use would alter, the general character of the site would largely remain unchanged and it is not considered there would be any detrimental impact to the visual appearance of site or the surrounding area.

## **Ecology**

Several supporting reports have been submitted with the application in respect of ecology and biodiversity impacts, the latest of which being submitted on 21/08/23 following initial concerns from NRW and the Council's Ecologist.

Following consideration of the information Natural Resources Wales (NRW) commented that they while they have some concerns with the proposal, the information submitted is generally sufficient to demonstrate that the proposed development would not result in a detrimental impact to protected species. This is however subject to the mitigation and enhancement measures set out in the ecology reports being implemented on site and an appropriate external lighting scheme being installed. Conditions to these effects are suggested and are set out below.

The Council's Ecologist commented that the surveys have included adequate habitat and species assessment and are acceptable, noting that NRW are satisfied with potential dormouse/bats impacts and that great crested newt and reptiles appear to be absent from the site. Further, badger, otter, amphibians, hedgehog and breeding bird impacts appear to be limited in extent, but that precautionary mitigation will be needed which can be controlled via condition.

The Ecologist also noted however that the protection of the Ewenny Fach corridor is also a key habitat mitigation requirement and in terms of habitat mitigation and enhancement, the restoration and enhancement (through management) of floodplain grassland is considered to be a more significant and important ecological benefit/objective than the proposals submitted for woodland planting or natural tree regeneration. The latter measures appear to be part of the precautionary dormouse mitigation strategy and clearly a balance of delivery of floodplain grassland mitigation/enhancement against new woodland has to be satisfied. To realise this very effective grassland mitigation through grazing and/or cut and collect management will need to be secured for the retained floodplain grassland areas. It is consequently considered that further conditions, in addition to those suggested by NRW, should be added to any consent to ensure such mitigation and robust and effective delivery of long-term ecological provision is delivered, however generally the scheme is considered acceptable in biodiversity terms. It was also advised that a further condition should be added to any consent to ensure that an appropriate landscaping scheme that is compatible with the ecology mitigation measures is implemented on site. Conditions to these effects are set out below.

Therefore, subject to the imposition of suitable conditions to secure the implementation and long-term maintenance of the ecological mitigation measures, it is considered the proposal is acceptable in ecological and biodiversity terms.

### **Land Drainage and Flood Risk**

The significant majority of the site, both the RCT and Bridgend elements, is located within a C2 flood zone and is therefore at risk of flooding. The application is subsequently accompanied by several documents that relate to site drainage including a Drainage Strategy Report and Flood Consequence Assessment that identify the applicant's proposed intentions for the wider site's surface water drainage arrangements, which would consist of a SuDS surface water management strategy.

Following initial comments from Natural Resources Wales (NRW) amended plans and relevant supporting information has been received throughout the application process, with the latest versions received on 21/08/23.

Having assessed the information NRW noted that following development the RCT element of the site in close proximity of the Ewenny Fach and areas of the existing, neighbouring South Wales Police site (south, and within RCT) in close proximity of the Ewenny Fach would see an increase in flood depths of between 5-50mm during both the 1% (1 in 100 year) plus climate change annual probability fluvial flood event and the 0.1% (1 in 100 year) annual fluvial flood event, which raises some concern. However, no objections are raised as there would be no development within the external training area subject to flooding, and the FCA demonstrates that South Wales Police has confirmed that the area within their adjacent, existing site that would flood is unused and will never be developed in future as it forms the watercourse embankments and an area of woodland.

The Council's Flood Risk Management (FRM) team also have no objection to the scheme. It was noted however that the drainage information submitted focuses mainly on the development within Bridgend and that further information in respect of the proposed site drainage arrangements within RCT should be submitted for approval before any development commences, through the addition of a condition to any consent.

While these comments are acknowledged, there would be minimal development within the RCT element of the site and therefore little or no drainage works required here. Further, the entire development would be subject to separate SuDS approval from both Authorities which would ensure an appropriate drainage scheme is implemented across both elements of the site; as well as various flood mitigation measures which are considered acceptable by NRW. As such, it is not considered the condition suggested by FRM is necessary.

Finally, it is also noted that no objections were received from Dwr Cymru Welsh Water. It was commented that the site is crossed by a 500mm public combined sewer and

that no development should be carried out within 3m either side of the centreline; and that a condition is requested to restrict surface water from entering the public sewerage system. While these comments are appreciated, as no connection to the public sewerage network is required within the RCT site and surface water would be drained via sustainable drainage methods, subject of a separate consent, it is not considered this condition is necessary.

## **Highway Safety**

The Highways and Transportation section noted that the site access and parking provision would be within the administrative boundary of Bridgend and therefore any issues associated with this would be a matter for Bridgend to consider; and that the existing field access within RCT would be used for emergency access only which is acceptable. As such, there are no concerns in respect of highway safety from an RCT point of view.

## **Archaeology**

Cadw noted that the undesignated moated site at the north-eastern corner of the plot would be enclosed by an 800mm high stock and rabbit proof fence and would not be used for training purposes. Furthermore, while the proposed development may result in a very slight visual change in views from the nearest Scheduled Ancient Monument (SAM), Gadlys medieval moated domestic site approximately 700m to the east, the development would have no effect on the way the SAM is experienced, understood, and appreciated. Consequently, no concerns were raised or conditions suggested.

Glamorgan Gwent Archaeological Trust have however requested a condition be attached to any consent requiring the fence around the undesignated moated site be maintained in perpetuity to ensure protection of the feature. While these comments are noted, given the fence would have to be erected as part of the ecology mitigation and landscaping schemes controlled by other conditions any such condition would be duplication and therefore unnecessary.

## **Neighbour consultation responses**

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

- *Noise from this development would affect existing surrounding businesses, including the use of holiday cottages at surrounding properties and a potential future wedding venue at one neighbouring property.*

While these comments are noted and it accepted the proposed use would inevitably result in a degree of noise and disturbance to the nearest properties, as set out in detail above, it not considered any impact would be significant enough warrant refusal of the application.



- *Details have been submitted in respect of early engagement between the applicant and their acoustic consultants, by way of an early report which appears to suggest that acceptable noise levels may be difficult to achieve at this site based on research at a similar facility in Avon and Somerset.*

The document submitted by the objector appears to have been produced by the applicant's acoustic consultant and does set out that it may be difficult to achieve acceptable noise levels at this site. However, this document appears to be an early scoping report by the consultant to provide general information to the applicant before producing the necessary documents for the planning application. The document does not include any data, testing or assessment and does not form part of this application. It is only the supporting information to this application that is to be considered and as set out above, having considered the latest versions of the noise information submitted by the applicant, PHP have no objection to the scheme advising that any potential noise impact would be at acceptable levels.

- *I previously worked 2 miles from a shooting range and the noise levels associated with that site caused me to develop migraine headaches so had to move away from that contract. I fear this proposed use in such close proximity of my property could impact further on my health.*

While the objector's health issues are regrettable, there is no evidence to suggest the proposed development would negatively impact upon the health of the nearest residents.

- *It is understood that the existing tactics training centre is sited on an industrial estate in Bridgend. What is the need to move it to this location in close proximity of residential properties?*

Whether there is a 'need' to move the existing facility from one site to another is not a material planning consideration and cannot be taken into account during the determination of this application. It is noted however that South Wales Police have advised the existing site at Waterton Industrial Estate, Bridgend is no longer fit for purpose and there is no scope to improve that site to include the facilities necessary.

### **Community Infrastructure Levy Liability**

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

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

### **Conclusion**

Having taken account of all issues identified above, while it is accepted the proposed use will inevitably result in a degree of impact to the amenity standards currently enjoyed by occupiers of the closest residential properties, on balance and subject to appropriate conditions/mitigation, it is not considered any potential impact would be significant enough to warrant refusal of the application.

Furthermore, while the proposed use would result in an alteration to the current character of the greenfield site, the site would be suitably contained from the open countryside to the north/east and would form an appropriate 'rounding off' of the industrial estate in this location.

Finally, it is considered the impact of the scheme upon ecology and land drainage can be properly mitigated.

It is therefore considered the proposed development complies with the relevant local and national planning policies and is acceptable, subject to the conditions detailed below.

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

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

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

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

- Site Location Plan – Rhondda Cynon Taff – JFU-PDA-ZZ-00-DR-A-05-090 Rev. P03
- RCT Existing Site Plan – Topographical Survey – ZZ 00 DR 05 096 Rev. P03
- Proposed Site Plan – RCT – ZZ 00 DR 05100 Rev. P17
- Proposed Site Plan – ZZ 00 SK 20
- Strategic Landscape Plans (Enabling Works) – JFU-SOL-WX-XX-D-L-0001 Rev. PR11
- Strategic Landscape Plan (Enabling Works + Main Works Fencing) – JFU-SL-WX-XX-D-L-0002 Rev. PR12
- Green Infrastructure Masterplan – JFC-SOL-VX-XX-D-L-0003 Rev. PL01
- Enabling Works – Setting Out Plan – JFU-SOL-WX-XX-D-L-0008 Rev. C04
- Drainage Layout – JFU-BHP-XX-XX-DR-C-(50)001 Rev. P10
- Miscellaneous External Facilities 1 of 2 – JFU-PDA-ZZ-00-R-A-(05)102 Rev. P03

- Site Constraints Plan – JFU-BHP-XX-XX-DR-C-(60)001 Rev. P03
- Interim Site Levels Plan – JFU-BHP-XX-XX-DR-C-(60)003 Rev. P04
- Indicative Sections – Sheet 1 of 2 – JFU-BHP-XX-XX-DR-C-(60)004 Rev. P04
- Indicative Sections – Sheet 2 of 2 – JFU-BHP-XX-XX-DR-C-(60)005 Rev. P04

and documents received by the Local Planning Authority unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

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

- Tactics & Training Facility - Noise Management Plan for External Firearms (V3.1)
- Soltys Brewster, 15 March 2023)
- Preliminary Ecological Appraisal (Thomson Environmental Consultants, August 2022)
- Extended phase 1 Habitat Survey (Thomson Environmental Consultants, March 2021)
- Bat Activity Survey (Thomson Environmental Consultants, November 2021)
- Hazel Dormouse Survey (Thomson Environmental Consultants, November 2021)
- Draft Dormouse Mitigation Strategy (Thomson Environmental Consultants, October 2022)
- Preliminary Ground Level Roost Assessment (Thomson Environmental Consultants, July 2021)
- Invasive Species Survey (Thomson Environmental Consultants, November 2021)
- Arboricultural Survey (Thomson Environmental Consultants, June 2021)
- Arboricultural Impact Assessment (Thomson Environmental Consultants, October 2022)
- Flood Consequence Assessment Rev. C (Ashfield Solutions Group, August 2023)
- Drainage Strategy Report (Bingham Hall Partnership Ltd, October 2022)
- Site Investigation Report (Integra Geotechnique, October 2022)
- Transport Assessment (Asbri Transport, October 2022)

- Travel Plan (Asbri Planning, October 2022)

Unless otherwise agreed in writing by the Local Planning Authority or 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.

4. No development shall commence on site until an in-perpetuity Habitat and Species Mitigation, Enhancement and Compensation Management Plan to include all woodland, hedgerow, grassland, river corridor and any SuDS provisions within both the application site and the adjacent land to the south under the control of the applicant, within the blue line of approved plan ref. Proposed Site Plan – RCT (ZZ 00 DR 05100 Rev. P17), has been submitted to and approved by the Local Planning Authority. The plan shall include, but not be limited to:
  - i. Purpose, aim and objectives of the Plan.
  - ii. A review of the Plan's ecological (habitat and species) potential and constraints including trees, woodland, grassland, hedgerows and species.
  - iii. Details of the species and habitat mitigation and enhancement works, to include but not be limited to:
    - a. A plan figure of the habitat areas covered and details of specific features within that.
    - b. Management specifications for each habitat area and trigger dates for the commencement of delivery of action.
    - c. Management specifications for each priority species and group and trigger dates for the commencement of delivery of action.
    - d. Habitat and species monitoring and any species licensing requirements.
    - e. Ecologically sensitive tree and hedgerow management.
    - f. Provision and maintenance of bat and bird boxes.
    - g. Process of updating and reviewing the plan to reflect monitoring recommendations.
    - h. Process of annual consultation, reporting and plan review with the Local Planning Authority, to include RCT representation on a management committee.
    - i. Litter removal.
    - j. Invasive plant control.
    - k. Ecological, tree and history site interpretation and to include information boards and public engagement.
    - l. Personnel responsible for the work and contact details.

- m. Schedule of works and the process for rolling forward the works schedule.

The Plan shall be implemented on site in accordance with the approved details and be maintained/retained as such in perpetuity.

Reason: In the interests of biodiversity and the protection of the natural environment, in accordance with PPW and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

- 5. No development shall commence on site until a Landscape Ecological Management Plan (LEPM) for the provision, management and maintenance of the landscape and ecological features at the site has been submitted to and approved by the Local Planning Authority. The LEMP shall include, but not be limited to:

- i. Details of habitats, environmental and ecological features present or to be created at the site.
- ii. Details of the desired/target conditions of features (present and to be created) at the site.
- iii. Details of short and long-term management, monitoring and maintenance of new and existing environmental and ecological features at the site to deliver and maintain the desired condition.
- iv. Details of replacement measures should any environmental features die, be removed, or become seriously damaged or diseased at both pre and post establishment of habitats.
- v. Details of management and maintenance responsibilities.
- vi. Details of length of plan, the method to review and update plans (informed by the monitoring) at specific intervals as agreed.

The LEMP shall be implemented on site in accordance with the approved details.

Reasons: To ensure necessary landscape and environmental management measures are agreed prior to the development commencing and are implemented to ensure the site's landscape and environmental features are adequately managed long-term, in accordance with PPW and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

- 6. The development hereby approved shall not be brought into beneficial use until a comprehensive scheme of landscaping, which includes only native species, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To afford protection to local wildlife species, in accordance with PPW and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

7. All planting, seeding or turfing in the approved details of landscaping (referred to in Condition 6) shall be carried out in the first planting and seeding season following construction of the development being completed. Any trees or plants which within a period of five years from planting 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 afford protection to local wildlife species, in accordance with PPW and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

8. Prior to its installation, full details of any external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The lighting details/plan should include, but not be limited to:
  - i. Details of the siting and specification of all external lighting to be used, including control measures to reduce light spill.
  - ii. Drawings setting out light spillage in key sensitive areas, based on a device maintenance of 1 (100%) for all luminaries to evidence that features will be subject to minimal light spillage (<1 lux).
  - iii. Details of lighting to be used during construction and/or operation.

The lighting shall be installed and retained as approved during construction and/or operation.

Reason: To ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of dormice, in accordance with PPW and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

9. The application site shall be used only for external police tactics training in association with the wider police tactics training facility to which this site forms a part thereof. At no time shall the site be used for any other operations associated with the police or any independent body/use within the same planning use class.

Reason: For the avoidance of doubt as to the extent of this consent and to safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. The use of the site for external tactics training, in association with the wider police tactics training facility to which this site forms a part thereof, shall only take place between the hours of 09:00am to 16:00pm Monday to Friday. No external tactics training shall take place on weekends or Bank Holidays

unless it is needed in the case of emergency rehearsal where there is a major incident event and there is a major threat to life.

The use of the external training area for such emergency use shall take place no more than 6 times in any one 12 month period. A written statement from South Wales Police explaining why the emergency use was required in determining there was a 'major threat to life incident' and the date/time of when the facility was used outside of permitted hours shall be provided to the Local Planning Authority within 72 hours of its emergency use.

Reason: For the avoidance of doubt as to the extent of this consent and to safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. The mock train platform and carriages shall be used for external training purposes, in association with the wider police tactics training facility to which this site forms a part thereof, no more than 60 days in any calendar year. A record of all external training sessions associated with the mock platform and carriages shall be kept by the applicant and made available on request by an authorised officer of the Council within 72 hours of that request.

Reason: For the avoidance of doubt as to the extent of this consent and to safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. The open country search area shall be used for external training purposes, in association with the wider police tactics training facility to which this site forms a part thereof, no more than 80 days in any calendar year. A record of all external training sessions associated with the open country search area shall be kept by the applicant and made available on request by an authorised officer of the Council within 72 hours of that request.

Reason: For the avoidance of doubt as to the extent of this consent and to safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. Firearms/weapons used as part of any external tactics training, in association with the wider police tactics training facility to which this site forms a part thereof, shall only be discharged within the designated areas set out on plan ref. Proposed Site Plan – RCT (ZZ 00 DR 05100 Re. P17) and Figures 5.1 (Shooting Zone for Simulation Rounds or Similar) and 5.2 (Shooting Zones for AK-47 or Revolver) of Tactics & Training Facility – Noise Management Plan for External Firearms (V3.1); and only firearms, weapons and

ammunition assessed within the Noise Impact Assessment (JFU-MAC-ZZ-XX-RP-Y-100, 16/08/23) shall be discharged on site.

Reason: For the avoidance of doubt as to the extent of this consent and to safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. The Noise Impact Assessment (JFU-MAC-ZZ-XX-RP-Y-100, 16/08/23) and Tactics & Training Facility – Noise Management Plan for External Firearms (V3.1) document outline the conditions under which the noise modelling was carried out and the proposed operations of the site. At no time shall the activities on site deviate from the details set out within the approved documents.

Reason: For the avoidance of doubt as to the extent of this consent and to safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. No external tactics training shall take place on site until the acoustic bunds / barriers, as detailed within Noise Impact Assessment (Ph2) (6131/NIA1\_Rev1, 01 March 2022) and on plan ref. Proposed Site Plan – RCT (ZZ 00 DR 05100 Rev. P17, have been installed. The acoustic bunds / barriers shall remain in place and be maintained in good order in perpetuity. Should any part of the bunds/ barriers become seriously damaged they shall be repaired in good time with like-for-like materials, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. Within 1 month of beneficial use of the facility, the developer shall submit to the Local Planning Authority for approval a noise assessment undertaken by an independent acoustic consultant to demonstrate compliance with the noise levels set out in the Noise Impact Assessment (JFU-MAC-ZZ-XX-RP-Y-100, 16/08/23), the methodology of which shall first be agreed in writing with the Local Planning Authority.

Should noise levels not be in compliance with the details set out in the Noise Impact Assessment, then further mitigation measures shall be submitted to the Local Planning Authority for approval within 1 month of the noise survey being undertaken.



Any additional mitigation required as a result of the above shall be installed on site within 1 month of the date of agreement by the Local Planning Authority and a further noise assessment, using the agreed methodology, shall be undertaken and submitted to the Local Planning Authority for approval.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

17. Within 21 days from receipt of a written request of the Local Planning Authority, and following a complaint to the Local Planning Authority relating to noise emissions arising from the operation of any part of the application site, the site operator shall provide a written protocol for the assessment of the noise levels to the Local Planning Authority for approval. The written protocol shall be produced by an independent acoustic consultant.

Within 2 months of the protocol being approved by the Local Planning Authority the site operator shall provide to the Local Planning Authority the independent noise consultant's assessment, unless the Local Planning Authority gives written consent to any variation. The assessment shall include all data collected for the purposes of undertaking the compliance measurements and analysis and certificates of calibration of the equipment. Such data is to be provided in a format to be first agreed with the Local Planning Authority.

The assessment shall propose further noise mitigation measures should there not be compliance with the noise levels set out in Noise Impact Assessment (JFU-MAC-ZZ-XX-RP-Y-100, 16/08/23), and any additional mitigation required as a result of the above shall be installed on site within 1 month of the date of agreement by the Local Planning Authority and a further noise assessment, using the agreed methodology, shall be undertaken and submitted to the Local Planning Authority for approval.

Reason: To safeguard the levels of amenity enjoyed by neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

9 November 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0945/08 (GH)  
**APPLICANT:** Rhondda Cynon Taf County Borough Council  
**DEVELOPMENT:** Rhondda Fach Active Travel Route - Phase 2  
**LOCATION:** FORMER MINERAL RAILWAY LINE FROM STATION ROAD, MAERDY, TO GRID REF. SS 98809 97765  
**DATE REGISTERED:** 17/08/2023  
**ELECTORAL DIVISION:** Ferndale and Maerdy

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

**REASONS:** The proposed development would result in a substantial upgrading of the track for existing and new users. In addition to the improved surface and introduction of positive drainage measures, which will make the route safer and easier to use, it will also make all-year use more practicable and contribute to community health and wellbeing.

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

The application has been submitted by, or on behalf of the Council or involving land owned by the Council, where the Council's interest is of more than a minor nature.

#### **APPLICATION DETAILS**

Full planning consent is sought for the construction of the second phase of the Rhondda Fach Active Travel Route.

The scheme covers a distance of around 7km and will eventually connect the site of the former Maerdy Colliery with Pontygwaith to the south-east, most of which will follow the alignment of the former mineral railway. The route will include links to communities, as well as schools and leisure facilities.

Phase 1 has already been completed and phase 2 will run from the southern side of Station Road, Maerdy, as far as grid reference SS 98809 97765; the latter being a point approximately 340m to the north of the A4233 at Ffaldau Terrace.

The phase 2 section is currently an unsurfaced footpath which is used by walkers and cyclists. This will be upgraded to a 3m wide route with a metalled surface and any surface water drained to the nearby river.

Whilst the majority of the route has a flat surface, it is noted that small areas of cut and fill will be necessary to maintain a constant running width and also for the repair of eroded areas.

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

- Ecological Impact Assessment
- Ground Investigation Report
- Preliminary Sources Study Report
- Arboricultural Statement
- Drainage Strategy

## **SITE APPRAISAL**

The application site comprises an unmade or gravelled footpath between Station Road, Maerdy (opposite its junction with Institute Street) and an area to the north of Highfield Industrial Estate, Ferndale.

The path is a section of former railway line which connected Maerdy Colliery to its junction, at Porth, with the line from the Rhondda Fawr valley.

The surface area of the path to which the application relates is 0.89 hectares and has a length, as the crow flies, of approximately 1.5km.

All of the footpath is outside of the settlement boundary and passes close to or crosses over, the Rhondda Fach River. This section of the route includes two railway bridges.

The path is also within a Site of Importance for Nature Conservation (SINC) and a Registered Landscape of Outstanding Historic Interest in Wales.

## **PLANNING HISTORY**

There are no recent or relevant applications on record with this site.

## **PUBLICITY**

The application has been advertised by direct notification to eighty-two neighbouring properties and notices were displayed on site in eight locations.

No letters of objection or representation have been received.

## **CONSULTATION**

### Highways and Transportation

No highway objection is raised nor conditions suggested.

### Flood Risk Management

The Applicant has outlined that surface water will be disposed of via SuDS and has provided a relevant surface water drainage strategy, which demonstrates surface water will be appropriately managed and disposed of on site. The Applicant has outlined discharge rates for the proposed layout and identified that the watercourse can cope with an increase in flows.

### Public Health and Protection

An adequate desk top study and site investigation has been undertaken which demonstrates there are no unacceptable risks to potential receptors from contamination. Therefore, only conditions relating to contamination found during development and importation of soils are required.

### Natural Resources Wales

Conditions are recommended to be attached to any planning permission to require a Precautionary Working Method Statement, Construction Environmental Management Plan and Habitat Management Plan.

### Dwr Cymru Welsh Water

DCWW has provided sewer and water plans for the benefit of the developer, together with recommended informative notes.

### Countryside Section – Ecologist

No objection, subject to a condition to secure ecological mitigation and enhancement measures.

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

## **POLICY CONTEXT**

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

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

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

The application site lies within open countryside.

**Policy CS2** - The policy emphasis in the Northern Strategy Area (NSA) includes the promotion of accessibility via investment in walking and cycling infrastructure.

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

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

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

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

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

**Policy NSA23** - Identifies that the application site is part of an existing network of cycle paths and community routes that will be extended, improved and enhanced.

### **Supplementary Planning Guidance**

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

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local

Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

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

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

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

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

SE Wales Policies

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 16: Sport Recreation and Open Space;  
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**

In this case, the principle of the development does not relate to a change of use of the land since the former railway line has long been established as a community route and the improvements are required to enhance and preserve its long-term usage.

Nevertheless, the route from Maerdy to Pontygwaith, of which this application is part, has long been identified by LDP Policy NSA 23 as one of those to be developed and extended as part of the cycle network within the Northern Strategy Area.

PPW11 is also very supportive of active travel schemes that provide opportunities for non-car travel or recreational purposes and which fit in with wider sustainable development aims such as wellbeing and placemaking.

Therefore, subject to the other material matters considered below, the development is considered acceptable in principle.

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

The former railway alignment and the retained structures associated with it are already evident both from within the site and from some areas of adjacent land; hence the development is unlikely to result in a significant change in appearance.

It is appreciated that the use of a permanent surfacing material, such as tarmacadam, will create a more formal arrangement to what is currently an unmade surface of stone, dust and mud.

However, experience of other active travel routes indicates that where similar works have taken place it is a relatively short time before the immediate impact is softened by weathering and natural regrowth around its periphery. In addition, much of the route is already well-screened by the trees and scrub which cover large parts of the valley floor.

In light of the above, it is considered that the development would not be harmful to the context of the site or have an unacceptable landscape impact.

### **Impact on neighbouring occupiers**



Unlike many former railway lines, much of this active travel route is located well away from neighbouring properties, e.g., in excess of 60m, with the exception of the north-eastern start point close to Station Terrace.

That said, the proposed development would not introduce a new land use, only formalise an existing one, and therefore its continued use for those purposes would not be considered to be of a kind which would conflict with the amenity of residents or other property owners.

Furthermore, for most of its length the route is well below that of Oxford Street and the A4233 and is well screened by mature vegetation. Both that and the absence of large above-ground structures means that the development would be very unlikely to cause an impact to third-party amenity.

### **Access and highway safety**

The Council's Highways and Transportation Section has noted that the 3m wide route will primarily follow the direction of the former mineral line but will also include links to local communities and facilities such as schools and leisure centres.

Phase 2 of the Route begins to the south of Station Road, Maerdy and continues along the former mineral line as far as grid reference SS 98809 97765. The existing recreational route will be upgraded to a 3m wide shared use route.

The development will be managed by the Council's Strategic Projects Team and will, therefore, be constructed in accordance with standard detail drawings, which is acceptable.

### **Ecology**

The Council's Ecologist has reviewed the Wildwood Ecology Phase I and II Ecological Impact Assessment and has undertaken a site visit/walkover with Wildwood Ecology, which provided a good context for assessment of the impacts of this application.

The Rhondda Fach Corridor includes a lot of SINC designated habitat, although the largely linear nature of the community route involves a relatively small footprint. The site supports a rich mosaic of habitats with woodland, scrub, grasslands, heath, wetland and river corridor. The Ecology Assessment has included an appropriate level of habitat and species assessment. The Assessment sets out key habitat/species impacts and Table 9 of Section 5 sets out the ecological mitigation and enhancement proposals.

The impacts on habitats are relatively minor and peripheral, and with careful and controlled construction methods, water pollution prevention and management mitigation or enhancement of adjacent habitat areas, the Ecologist is confident that

habitat impacts can be mitigated, and effective biodiversity enhancement is achievable.

An appropriate suite and range of species surveys have been undertaken. There are potential species impacts but given the relatively small direct impacts of the scheme, plus the avoidance of lighting and the implementation of precautionary mitigation measures, those impacts are mitigable.

A key component of the scheme will be the delivery of effective biodiversity mitigation and enhancement in the form of a habitat management plan for the community route and surrounds, primarily in the form of wildflower/heath management and small scale scrub/woodland management.

Therefore, the application has been supported by appropriate ecology assessment work, and that effective mitigation and enhancement is available. Consequently, any planning permission will need to be subject to a condition to secure all ecological mitigation and enhancement measures identified, together with an additional habitat management plan requirement.

### **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 surfacing of the community route and associated engineering works would comply with LDP Policy NSA23 which establishes that the site is part of a wider network strategy.

The development would help to improve accessibility in line with Policy AW2 and would align well with national planning policy, in the form of PPW11, TAN16 and the National Sustainable Placemaking Outcomes which seek to support the health and wellbeing of communities and improve sustainable travel opportunities.

Furthermore, the location of the site and the nature of its use means that it would not have a detrimental landscape impact and would not physically affect the amenity of the nearest neighbouring properties.

### **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:
  - P187-S2-71-01 P00
  - P187-S2-71-02 P00
  - P187-S2-71-03 P00
  - P187-S2-71-04 P00
  - P187-S2-71-05 P00

and details and documents received on 17th August 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 details of the following have been submitted to and approved in writing by the Local Planning Authority:
  - (i) A scheme for the delivery of all biodiversity mitigation and enhancement measures set out within Table 9, Section 5 of the Ecological Impact Assessment (Wildwood Ecology, dated 19th July 2023).
  - (ii) A Habitat Management Plan

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

Reason: In the interests of ecology and to deliver a biodiversity net gain in accordance with PPW11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until a Precautionary Working Method Statement has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved statement.

Reason: To ensure protected species are adequately protected during the construction phase in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by

the Local Planning Authority. The CEMP shall include the following measures:

- 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.
- Daily visual inspection of the Rhondda Fach to ensure pollution prevention.
- 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.

Development shall be carried out in accordance with the approved plan.

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

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

7. 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 suitably qualified independent person in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority. Only material approved by the Local Planning Authority shall be imported.

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

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## PLANNING & DEVELOPMENT COMMITTEE

9 November 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0979/10 (MF)  
**APPLICANT:** Mr Lewis  
**DEVELOPMENT:** Timber decking to the rear of the property.  
**LOCATION:** 65 HEOL-Y-COED, PONT-Y-CLUN, PONTYCLUN,  
CF72 9AT  
**DATE REGISTERED:** 30/08/2023  
**ELECTORAL DIVISION:** Pontyclun Central

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

**REASONS:** The raised deck is of an appropriate design and scale that ensures it has no detrimental impact to the character and appearance of the site or surrounding locality. While it is accepted a degree of overlooking of the immediate properties does occur, it is not considered the levels of overlooking from the site have been significantly increased over and above that which would have previously occurred.

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

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

The application has been submitted by an immediate family member of a serving Councillor.

#### **APPLICATION DETAILS**

Planning permission is sought for the retention of a raised timber deck to the rear of the application property. The deck measures 4.9m in width, spanning almost the full width of the dwelling's rear elevation, and projects from the rear of the house by 6m. The rear garden falls away from the property and therefore the deck is set at ground level at the back of the dwelling but extends to a maximum of 1.1m above ground level at its highest point (southern elevation). A 1m high timber balustrade is located along the southern and western elevations facing the garden area, and timber close board fence along the eastern elevation on the boundary with the adjoining property, no. 67.

#### **SITE APPRAISAL**

The application property forms a traditional, two-storey, semi-detached dwelling located within a residential area of the village. The dwelling is set back from the street by a small, enclosed garden area to the front. A footpath is located to the western side which leads to an enclosed garden area at the rear which falls away from the dwelling. A raised timber deck structure has been erected in the rear garden (subject of this application). Neighbouring properties are all of the same design and scale, with several having examples of deck structures comparable to that at the application property.

## **PLANNING HISTORY**

No previous planning applications have been submitted at the site.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification. No representations have been received.

## **CONSULTATION**

None undertaken.

## **POLICY CONTEXT**

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

The current LDP's lifespan was 2011 to 2021. It has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 04 January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 04 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24 September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

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

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

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



## **Supplementary Planning Guidance**

- Design and Placemaking
- A Design Guide for Householder Development

## **National Guidance**

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

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

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

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

Other relevant national planning policy guidance consulted:

- PPW Technical Advice Note 12: Design

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

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

The application seeks planning permission for the retention of a raised deck structure at the site, constructed to enhance the living conditions of residents at the property. The principle of development is therefore considered acceptable, subject to compliance with the relevant material considerations set out below.

### **Visual Impact**

The development works inevitably result in a visible addition to the site. However, sited to the rear of the dwelling the structure is only visible from within the site and from the rear of the immediate neighbouring properties, from which it is largely screened by existing boundary treatments. It is also noted that there are several similar structures throughout the locality and therefore this type of development is typical of the area. Finally, the deck has been constructed of appropriate external materials and to a high standard that does not detract from the character and appearance of the site and ensures any visual impact is minimised.

The application is therefore considered acceptable in visual terms.

### **Residential Amenity**

Given the relatively minor scale and height of the deck it does not result in any overshadowing or overbearing impact to the adjacent properties. It is however accepted that any raised deck structure of this nature would inevitably result in a degree of overlooking to the immediate neighbouring properties, but that overlooking from these types of structures has generally been considered acceptable in recent appeal decisions, depending on the scale and height of the raised platform and the use of appropriate screening.

In this instance as all rear gardens along the street fall away from the dwellings in the same manner as that at the application site, all gardens in the street already overlook one another and the properties to the rear to a certain degree. As such, it is not considered a raised deck of a relatively minor height of 1.1m has significantly increased the degree of overlooking than that which would have previously occurred.

It is noted however that the boundary fence along the eastern side of the site is located at ground level. Therefore, as the garden falls away from the dwelling, while the fence is 1.8m above the deck at the rear of the dwelling it reduces in height towards the back of the structure which does result in some direct overlooking of the adjoining property's rear garden area. However, this impact is considered minimal and it is noted that no objections have been received from this property, or any other adjacent properties,

following consultation. It is however considered that a 1.8m high screen should be installed along the full length of the deck in this location, at deck level, to remove any opportunities for direct overlooking. A condition to this effect is set out below. While it is accepted the screen would result in a degree of overshadowing/overbearing to the adjoining property, it is not considered any impact would be significant given the screen would not be considerably higher than the existing boundary fence.

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

### **Community Infrastructure Levy Liability**

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

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

### **Conclusion**

The raised deck is of an appropriate design and scale that ensures it has no detrimental impact to the character and appearance of the site or surrounding locality. While it is accepted a degree of overlooking of the immediate properties does occur, it is not considered the levels of overlooking from the site have been significantly increased over and above that which would have previously occurred; and any impact can be reduced through the installation of an appropriate privacy screen.

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

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

1. The development hereby approved shall be carried out in accordance with the approved plans ref:
  - Site Location Plan
  - Block Plan
  - New Decking Elevations
  - New Decking – Plans and Details

and documents received by the Local Planning Authority unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

2. Within 3 months of the date of this consent a 1.8m high privacy screen shall be erected on top of the raised deck along its eastern boundary with No. 67 Heol-y-Coed.

Reason: To protect the amenities of the immediate neighbouring properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

## PLANNING & DEVELOPMENT COMMITTEE

9 November 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/1103/10 (KL)  
**APPLICANT:** Treforest Unit Trust  
**DEVELOPMENT:** Demolition of existing building and erection of a single storey commercial bakery with drive-thru facility (mixed A1/A3 use), new and re-arranged car and cycle parking, green and blue infrastructure, bin store, and associated works (Supporting Letter re. Flooding rec. 11/11/22) (Additional Supporting Letter re. Flooding rec. 19/05/23)  
**LOCATION:** PLOT G5, MAIN AVENUE, TREFOREST INDUSTRIAL ESTATE, PONTYPRIDD  
**DATE REGISTERED:** 12/09/2022  
**ELECTORAL DIVISION:** Hawthorn and Lower Rhydfelen

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**RECOMMENDATION:** Refuse

#### REASONS:

1. The application site lies within Zone C1 of the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk and the Flood Consequences Assessment fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development. As such, the proposal does not comply with the requirements of Technical Advice Note 15: Development and Flood Risk and the application is contrary to Policy AW10 of the Rhondda Cynon Taf Local Development Plan.
2. Insufficient information has been submitted to demonstrate that the proposed development would not have an adverse impact upon the ecology of the site and the application would therefore fail to comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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#### REASON APPLICATION REPORTED TO COMMITTEE

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

#### APPLICATION DETAILS

Full planning permission is sought for the construction of a single storey commercial bakery with drive-thru facility and associated parking on a brownfield site at Treforest Industrial Estate. The development would result in the demolition of an existing two-storey office building known as unit G5.

The proposed drive-thru unit would be sited fairly centrally within the site with a rectangular shaped footprint measuring 10.8 metres in width by 16.5 metres in depth (165m<sup>2</sup>). It would incorporate a flat roof design that would measure 5.2 metres in height from ground level with an overall design that would be typical of other Gregg's drive-thru facilities in the wider South Wales area. External materials would consist of mixture of blue smooth faced brick and anthracite and blue cladding with an aluminium shop front window system and aluminium drive-thru windows.

Internally, the building would provide for a service counter, display cabinets, customer seating, a food preparation zone and back of house facilities. A further customer seating area would be provided externally, adjacent to the main pedestrian entrance to the building (to the south-western elevation).

Access to the site would be provided to the north-western corner, off The Willowford with the drive-thru lane extending around the perimeter of the building. A total of 17 off-street car parking spaces would be provided within the site, 15 of which will be short stay and 2 for a longer wait. Cycle parking is also proposed to the south of the building and drive-thru lane. Areas of soft landscaping and SuDs drainage would also be incorporated into the site.

Details submitted with the application indicate that the unit would be operated by Greggs and would thus comprise of a mixed A1/A3 use, which reflects the proposal incorporating an element of the sale of food and drink for consumption offsite (usually considered to be Class A1) and also for the consumption of food and drink onsite using the tables and chairs both inside and outside of the unit (usually considered to be Class A3).

The application seeks permission for 24 hour opening, delivery and servicing hours in order to provide maximum flexibility for Greggs however, it is indicated that the opening hours are unlikely to be 24 hours. It is further indicated that Greggs units are typically serviced via a pre-set delivery route where delivery drivers serve a series of stores within a certain area and the applicant seeks unrestricted delivery and servicing hours to accommodate this.

The use would employ 15 no. full time members of staff.

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

- Planning Statement

- Noise Impact Assessment
- Site Investigation Report
- Flood Consequences Assessment
- Transport Assessment
- Drainage Strategy
- Ecological Impact Report and Letter
- Marketing Letter
- Additional Letters in respect of Flood Risk (By Mileway, dated 11<sup>th</sup> November 2022, and by Ashfield Solutions Group, 19<sup>th</sup> May 23 and 30<sup>th</sup> August)

## **SITE APPRAISAL**

The site relates to an irregular shaped parcel of land which is situated towards the most southern end of Treforest Industrial Estate. The site itself measures approximately 0.18 hectares in area and currently comprises of an ‘L’ shaped building to the north-eastern corner. The remainder of the site comprises of a hardstand area which appears to have previously been used as parking. It is understood that the existing unit is subdivided into four office suites which are all currently vacant.

The site is situated within an established industrial estate with the surrounding area predominantly being characterised by a number of industrial and commercial properties which are predominantly in B1, B2 and B8 use, however, there are a number of other leisure (Use Class D2) and food and drink (Use Class A3) uses throughout. The estate is predominantly served via Main Avenue with a series of estate roads running off it and connecting to other roads within the estate.

Main Avenue is situated to the east of the application site with Willowford Lane cutting across its northern boundary. Further to the north is the recently completed Ty Taf building (Department for Work and Pensions) which forms a large office block. The overflow car park to Ty Taf is situated to the south and west of the application site. Whilst predominantly being of an industrial/commercial character, there are a number of residential properties located approximately 70m and 100m to the south-east (Oxford Street) and east (Rhyd-yr-Helyg) respectively.

## **PLANNING HISTORY**

The following planning applications are on record for this site:

14/0102	Unit G5 National Grid, Treforest Industrial Estate, Treforest	Application for prior notification of proposed demolition of Unit G5 of a former office block which has a floor area of 863sqm.	Permission Not Required 26/02/14
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05/1103	Unit G5, Treforest Industrial Estate, Treforest	Advertisement consent – directional signage works	Granted 02/09/05
83/0023	Unit G5, Treforest Industrial Estate, Treforest	Conversion of unit into an industrial resource centre for learning and technology and offices	Granted 21/03/83

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification as well as through the erection of site notices in the vicinity of the site. A total of 3 letters of objection have been received and are summarised as follows:

### Amenity

- Residents already experience noise coming from refrigerated lorries at night.
- There will be noise, smell and light pollution with noise from their proposed fridge freezers.
- Light and noise levels will be disruptive to residential areas.
- It is sited on an industrial estate where units operate from 8am-8pm and the 24hr drive-thru will set a precedent for other firms on the estate to follow suit.
- There are already a number of food outlets by the Bowlplex that operate 24 hours (i.e. McDonald's).
- There are always problems involving the police.
- Gregg's being at the front of Main Avenue opposite Oxford Street doesn't make any sense.
- The amount of boy racers during the early hours of the morning on Main Avenue is high and a nuisance.
- The development will increase nuisances with another place for youth to gather as there will be indoor and outdoor seating.
- The traffic using Oxford Street will also affect residents' well-being.
- There is no need for a 24hr drive-through in this area, especially when it is close to a residential street.
- It would be concerning enough if it was to open normal retail hours.

### Highways

- The proposal would be sited right opposite houses on a corner by two new crossings, a bus stop and a pinch point. It is not safe at all.
- The site is directly opposite a well-used bingo hall.
- Concerns are raised with regards to traffic.



- There are already parking problems along Oxford Street and residents do not need any more problems.
- A query is raised with regards to whether adequate parking and road space to keep traffic away from the main road would be provided.

### Other

- There hasn't been any neighbour consultation nor many planning notices erected.
- The proposal affects Taffs Well and Nantgarw, not Hawthorn.
- A query is raised with regards to the length of time demolition and construction will take and whether works would be undertaken at night.
- Residents have experienced enough disruption between the Department for Work and Pensions building, the college, Metro and the floods of 2020.

A further objection has been received from **Taffs Well and Nantgarw Community Council** which raises the following concerns:

- There is already noise pollution at night from the existing Greggs, caused by refrigerator lorries.
- It is anticipated that this proposal will lead to both increased refrigerator plant noise and increased movement of refrigerated lorries in the compound, accentuating the difficulties already caused to residents.
- Resident's sleep is already disturbed by vehicles turning in and out.
- There is room for indoor and outdoor seating which may lead to further noise pollution.
- The proposal is on top of a new crossing and a bus stop. The bus stop has room for multiple buses and is right on a bend. It is clear that there will be increased risks to road users.
- The industrial estate factories and other outlets can only operate between 8am and 8pm and there is concern that this is a change that others will seek to utilise.
- There are already significant police issues at the food outlets by the Bowlplex.

## **CONSULTATION**

The following consultation responses have been received:

### Countryside, Landscape and Ecology:

**Objection raised.** Whilst the application is supported by an Ecology Survey Report (dated 12/10/21), the report expired in March 2023 and is no longer considered to be appropriate (discussed in more detail in the *Ecology* section of the report below).

### Flood Risk Management:

**No objection** is raised to the proposal however, a standard drainage condition is recommended to ensure that drainage from the proposed development does not

cause or exacerbate any adverse condition on the development site or surrounding area (discussed in more detail in the *Land Drainage* section of the report below).

Highways and Transportation:

**No objection**, conditions recommended (discussed in more detail in the *Access and Highway Safety* section of the report below).

Natural Resources Wales:

**Objection raised** in respect of flood risk (discussed in more detail in the *Flood Risk* section of the report below).

Public Health and Protection:

**No objection**, standard conditions recommended in respect of noise, dust, waste and lighting during construction. Further conditions are recommended in respect of contaminated land, odour control, noise and grease containment, site lighting, and deliveries (discussed in more detail in the *Contaminated Land* and *Amenity and Privacy* sections of the report below).

South Wales Police:

**No objection** raised. A number of recommendations are made in respect of designing out crime, lighting etc.

Welsh Water:

**No objection**. It is advised that a water supply can be made available to serve this proposed development and that the principle of discharging foul flows to the public sewer is acceptable.

## **POLICY CONTEXT**

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

The application site is located within the defined settlement boundary and is situated within but adjacent to the southern edge of Treforest Industrial Estate. The following policies are considered to be relevant in the determination of this application:

**Policy CS2 – Development in the South:** emphasis is on sustainable growth that benefits RCT as a whole. This will be achieved by focusing development within defined settlement boundaries and by promoting the reuse of under used and previously developed land.

**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 AW11 – Existing Employment and Retail Uses:** development proposals promoting alternative uses for existing employment sites will be permitted where the retention of employment sites for employment purposes has been fully explored without success by way of marketing for appropriate employment purposes at reasonable market rates for a minimum of 12 months.

**SSA13 – Development within Settlement Boundaries:** development proposals within the defined settlement boundaries.

**SSA27 – Treforest Industrial Estate/Parc Nantgarw:** indicates that other uses such as retail and food and drink will only be permitted where they are complimentary and ancillary to the main B class uses.

*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**

Design and Placemaking  
Nature Conservation  
Planning Obligations  
Access Circulation and Parking

## **National Guidance**

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

Planning Policy Wales Edition 11 (PPW) was issued on 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 that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also not consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 11: Noise;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 15: Development and Flood Risk;  
PPW Technical Advice Note 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 situated inside the defined settlement boundary and at the southern edge of the boundary for Treforest Industrial Estate. The site is therefore considered to be situated in a sustainable location and the main sustainability objectives of Policy AW2 of the Rhondda Cynon Taf Local Development Plan are therefore met.

Policy SSA27 (Treforest Industrial Estate/Parc Nantgarw) states that within the defined boundary of Treforest Industrial Estate, development, redevelopment and changes of uses will be permitted for offices, research and development, light and general industry, storage and distribution (use classes B1, B2 & B8) and other sui generis employment generating uses which display the characteristics of B Class Uses. It goes on to say that other uses, including retail (A1), financial and professional services (A2), food and drink (A3) etc. will only be permitted where they are complementary and ancillary to the main B class uses. The supporting text also indicates that proposals for non B-Class uses will be assessed against Policy AW11.

It is considered that the proposal to use the site for an A1/A3 use would be complementary and ancillary to the existing B uses on the estate, given that the use would likely be associated with a number of linked trips with other uses on the wider estate and that it is also likely to be used by the employees of other employment uses in the vicinity. Whilst it is accepted that the drive-thru element may result in some pass-by trips, whereby customers would stop off at the drive-thru before continuing on their original route to another destination, the Transport Statement submitted with the application indicates that a significant proportion of vehicular trips will already be visiting other complimentary uses in the area, such as employment uses (Ty Taf, SSE Swalec, Yodel), other food outlets (Nando's, Frankie and Benny's and McDonalds), leisure facilities (Castle Bingo, Showcase Cinema and Bowlplex) and other retail stores, the nearby college campus and nearby residential development.

The following table sets out the trip type assumptions set out in Table 5.5 of the Transport Statement.

<b>Land Use</b>	<b>Primary (New) – Single purpose trips with the specific aim of visiting the site</b>	<b>Primary Transferred – Single purpose trips that previously used an alternative drive-thru</b>	<b>Linked Pass-by – pass-by trips from the A4054/Main Avenue</b>	<b>Linked Diverted – a multi-purpose trip further than the A4054/Main Avenue i.e., a diversion to visit the site</b>
Fast Food (Drive-thru)	10%	15%	50%	25%

Policy AW11 states that proposals for alternative uses for existing employment sites will be permitted where evidence can be provided to demonstrate that the retention of employment sites for employment purposes has been fully explored without success by way of marketing for appropriate employment purposes at reasonable market rates for a minimum of 12 months, or where the redevelopment of derelict, unsightly, underused and vacant land/premises for alternative uses will have significant regeneration benefits.

In the case of this proposal, the application is supported by a marketing letter (by Jenkins Best, dated 5<sup>th</sup> August 2022) which sets out the details of the property, the ways in which the property has been marketed and the vacancy rates for office accommodation across the wider Treforest Industrial Estate. The letter states that the building was vacated in 2019 and that the site was widely marketed via a marketing board, brochures and web listings including 3<sup>rd</sup> party websites such as Right Move and Zoopla. The letter confirms that there has been little/no interest in the site since the building became vacant with past enquiries including the use of the site for a children’s nursery/creche and a doggy day care facility, neither of which are considered to be Class B1, B2 or B8 uses. The letter further states that the vacancy rate for office accommodation across the estate has increased since the flooding in 2020 and the Covid-19 Pandemic.

Whilst the letter lists the ways in which the site has been marketed, it does not include any evidence of the marketing which is said to have been undertaken. However, having undertaken a property search of the building, it is noted that the building is currently listed as available on a number of property websites. Whilst the dates of those listings are not available, given the length of time this application has been in with the Local Authority, it is likely that the listings have been available for quite some time.

In terms of the vacancy of the building, records held by the Council show that the building has previously been subdivided into two sections with one section being recorded as in use up until 2021 and the other being recorded as in use up until 2015. From an external inspection of the site, the building appears to be dated and it is clear that it has been neglected/unmaintained for quite some time. It is further indicated by the applicant that the building has a number of physical constraints due to the design and age of the building which makes it undesirable for modern office purposes. The 'L' shaped footprint of the building results in long and narrow internal spaces and the floor to ceiling height is also poor, particularly at first floor. The building also does not benefit from a lift which restricts accessibility to users. As such, it is accepted that the building, as it currently stands, is likely to remain vacant and fall further into a state of disrepair.

In terms of vacancy rates within the wider estate, the most recent records held by the Council indicate that there is a vacancy rate of 30% on the estate, with 33 out of 110 units currently being vacant. Whilst this relates to all types of units on the estate rather than just units within office use, it is accepted that there has been a decline in the need for office space since the Covid 19 Pandemic with office staff working from home in many cases and with a desire for office spaces to be modern, accessible and fit for purpose.

As such, whilst sufficient evidence has not been provided to fully demonstrate that the building has been appropriately marketed for the required time scale, it is accepted that the building has been vacant, in part, for quite some time and it currently appears to be in a declining condition which negatively impacts upon the appearance of the immediate and wider area. Therefore, given that Policy AW11 would permit alternative developments on sites which are derelict, unsightly, underused and vacant land/premises and that the proposed development is likely to have significant regeneration benefits, the proposal is, on balance, considered to be acceptable in this regard.

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

### **Flood Risk**

The application site is situated entirely within Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note 15: Development and Flood Risk and the Flood Map for Planning (FMfP) identifies the site to be at risk of flooding within Flood Zone 3 Rivers.

The application is supported by a Flood Consequences Assessment (FCA) (dated 09/08/22) which has been assessed by Natural Resources Wales (NRW). The initial response received from NRW raised concerns with the application as it was considered that insufficient information had been provided to support the application. The comments received indicated that the submitted FCA failed to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in that

it states that during the 1% plus climate change fluvial event, the flood level is 37.71m AOD whereas the building level would be at 37.46m AOD, which demonstrates that the development would flood to a depth of 250mm, which fails the flooding frequency threshold, as set out in Section A1.14 of TAN15. Furthermore, during the 0.5% fluvial event, the flood level is 38.68m AOD, which means that the development would flood to a depth of 1220mm, which is outside the indicative guidance on what is considered tolerable conditions for commercial and retail development, as set out in Section A1.15 of TAN15.

The flood risk issue was discussed with the applicant and further supporting information was submitted in the form of numerous letters which set out to address the concerns raised by NRW.

The first letter (dated 11<sup>th</sup> November 2022) sets out the design principles of the building, stating that the building is designed to fully resist flood water ingress into the building up to a 1% (1 in 100 year) plus climate change allowance flood event through the use of flood proof walls, flood doors and other measures with the footprint of the site being kept as close to present levels as possible. It is further indicated that the development would have a dedicated Flood Management Plan, which alongside NRW Flood Alerts and Warnings, would fully ensure that there was no risk to life. The letter indicates that the scheme would generate approximately 15 jobs, bring a vacant portion of land back into active use, and deliver a high-quality development at a gateway location on the estate. The letter further sets out the potential implications of refusing the application in that this would have similar effects on large portions of Treforest Industrial Estate, preventing its redevelopment, regeneration and renewal.

NRW reviewed the information put forward however, the response received continued to raise concerns. The comments received indicated that the design principles proposed are types of 'property level' flood resistance measures which attempt to keep water out of a property however, it is widely accepted that these measures do allow seepage and so a small volume of flood water is still likely to enter a property. It was advised that 'site level' mitigation, such as raised finished floor levels, would be expected in order to satisfy the criteria set out in Section A1.14 of TAN15.

A further letter of support (dated 18<sup>th</sup> May) was subsequently submitted by the applicant, which sought to address the updated comments received from NRW. The letter indicates that the site is not undeveloped vacant land, rather the proposed development would see the demolition of an existing building and the construction of a much smaller building in its place. Whilst NRW seek the finished floor level of the development to be set at or above the aforementioned design flood level, it is confirmed that this cannot be realistically achieved due to the nature of the proposed use which requires members of staff to be stood within the building whilst serving customers with adjacent cars externally. In order to accommodate a finished floor level at the design flood level or above, this would require significant portions of the site to be raised above the design flood level, which would result in substantial increase in flood water displacement.



The letter demonstrated that detailed flood modelling had been undertaken, comparing the potential flood storage at the site as it currently stands against the proposed development layout. Furthermore, 2 options were provided to manage flood risk:

1. This sets the site out as submitted in the application and which relies upon a series of flood resistance/resilient design measures in lieu of site level mitigation. It is indicated that this would likely have no or limited negative impact on flooding elsewhere.
2. This option raises the floor and/or ground levels of the site (where necessary), which would deliver effective mitigation in line with Section A1.14 of TAN15. This would reduce flood storage volume by 482m<sup>3</sup> but will likely result in flooding elsewhere.

The letter concluded that the design approach of utilising flood resistance at this site demonstrates that the risk can be managed for the lifetime of the development, providing negligible detriment as well as acknowledging the requirement to manage the residual risk where seepage may emerge. The letter indicates that the provision of a draft Flood Management Plan outlines the proactive actions which would be embedded within the site's asset management and business continuity plans going forward in order to ensure that risk to life is avoided and that business interruption is minimised as far as possible.

Further consultation with NRW subsequently resulted in **an objection** being raised to the proposals. The comments received recognise that setting levels above the design flood event would have an impact on the effective operation of the drive-thru and the comments accept that this would not be feasible given the nature and operations of the proposed building. In terms of the two options provided by the applicant to manage flood risk, NRW advise that the flood resistant/resilient design is not considered acceptable to satisfy A1.14 of TAN15 as it relies on human intervention to ensure that the site does not flood during the design flood event. This form of mitigation alone is not considered acceptable to demonstrate that the proposal is in accordance with A1.14. Furthermore, noting that option 2 will reduce flood storage volume by 482m<sup>3</sup> and therefore likely to increase flooding elsewhere, NRW advise that there is no assessment on whether this loss would have a measurable and negative impact on flooding elsewhere, in comparison with the wider floodplain/defended area at this location. As such, it is advised that the application fails to demonstrate that the consequences of flooding can be acceptably managed on the proposed site.

One final letter (dated 30<sup>th</sup> August 2023) has been submitted by the applicant which follows a series of meetings held between the applicant and the Local Planning Authority and NRW in which the issue of flood risk was discussed at length. The letter reiterates that the development design ensures that no detrimental flood water displacement will be caused and this has been achieved by reducing the overall size of the development footprint in comparison to the existing building on site, as well as by lowering the levels across the development site. It is further stated that, unlike the

current arrangement where the site around the existing building is laid as hardstanding, the proposal incorporated areas of soft landscaping and SuDs.

The letter indicates that the design of the proposed development ensures that it would remain flood resistance up to and including 1 in 100 year plus Climate Change scenario and that the design exclusively includes passive property level flood defences which do not require human intervention to become active. It is indicated that the flood resistant design features are all aligned with the latest industry standards and best practice and that the requirement for the incorporation of these design features could be controlled through the use of a planning condition.

The letter further stipulates that the development would incorporate its own emergency planning provision so that RCT is not required to provide an emergency response in the case of flooding and it is stated that the implementation of this, along with a framework for regular review and monitoring, can be controlled via condition.

Notwithstanding the information provided by the applicant, the comments received from NRW state that the information submitted with the application does not demonstrate that the consequences of flooding can be acceptably managed for the lifetime of the development and the proposal fails to satisfy the requirements of TAN15 (specifically, Section A1.14). As such, the application would not comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan, or Technical Advice Note 15.

### **Character and Appearance**

The proposed building would be sited adjacent to the main route through Treforest Industrial Estate and its position close to one of the southern entrances of the estate would inevitably result in the development forming a visible feature within the street scene. However, the proposed building is considered to be acceptable in terms of its overall scale and design, such that it would have no adverse impact upon the character and appearance of the surrounding area.

The site is currently occupied by a large vacant office building, which appears to be falling into a poor state of repair. Indeed, the current appearance of the site is not particularly attractive and the building appears very dated when viewed in context with other units along Main Avenue. As such, the re-development of the site would be welcomed in order to improve the visual impact of the site.

The proposed building would be of a modest scale in comparison to the existing building at the site and with it being set back from the road with a soft landscaping scheme being implemented between the building and Main Avenue, it is considered that the overall visual impact of the development would be reduced. The landscaping scheme would further ensure that the development would integrate positively within the surrounding area.

The building would sit comfortably within the site alongside the associated drive-thru and parking facilities and it is not considered that the development would result in overdevelopment of the plot. Furthermore, the overall design of the building is acceptable with appropriate finishing materials proposed. Any signage details would form part of a separate application for advertisement consent.

In light of the above, the application is considered to be acceptable in terms of its impact upon the character and appearance of the site and the 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 application site is situated within the boundary of Treforest Industrial Estate, which is primarily characterised by other commercial and industrial uses. However, being situated to the southern edge of the estate, it must be noted that there are a number of residential properties located in some proximity of the site, with the nearest properties being situated approximately 65 metres away in Oxford Street to the south-east. It will therefore be important to consider the potential impacts of the proposal upon the amenity and privacy of those properties.

The proposal would result in the construction of a modest sized building of a single storey height. Given the separation distances and relationship between the proposed building and the nearest residential properties, the building would not give rise to any overshadowing or overlooking, nor would it result in any adverse loss of outlook.

However, it is acknowledged that the use of the building as a drive thru restaurant is likely to have some impact upon residents in terms of noise and disturbance, particularly given that the application seeks 24 hour opening, which includes deliveries and servicing, and includes mechanical plant such as refrigeration condensers. There is certainly some degree of concern with operations, deliveries and servicing potentially taking place late into the evening, overnight and during the early morning however, the application is supported by a Noise Impact Assessment, which suggests that the level of noise and disturbance would not be so significant that it would have an adverse impact upon the nearest sound sensitive receptors (identified as residential properties in Oxford Street).

### **Deliveries**

The Noise Impact Assessment indicates that only 1 no. delivery would take place with this taking place either during the day or night. It is understood that delivery vehicles would reverse into the site with unloading being undertaken at the northern elevation. Goods would then be transported on trolleys to the cold store door on the eastern elevation. It is indicated that unloading would last up to 11 minutes.

The report concludes that daytime delivery noise levels would fall below the background sound level (low impact), whilst night-time delivery noise levels would be 2dB above sound level. British Standard documents advise that this is not likely to have an adverse impact however, this will largely depend on context. The report suggests that in the context of a single night-time delivery, which would take place over a 11 minute time period, the impact would be marginal, providing that the following mitigation measures are implemented:

1. Night-time vehicles must park and unload at the northern elevation (north-western corner) of the building;
2. Goods must be transported through the main doors on the northern elevation (rather than via the cold store door on the eastern elevation). Alternatively, goods could be taken via the cold store door providing that no trolleys/cages are used during night-time delivery).
3. Broadband reversing alarms should be fitted to vehicles and used.

### Drive-thru Operation

The report indicates that noise levels from predicted car movements on the site fall well below the existing road traffic noise climate and therefore a 'no change' magnitude of impact is indicated for both daytime and night-time operations.

### Fixed Plant

2 no. refrigeration condensers would be located to the eastern elevation of the building in an external compound with weather louvre doors. The condensing plant would run during the day and night. Whilst the plant specification has not been finalised, the Noise Impact Assessment accounts for a total plant limiting level, against which all future plant must be selected. The limiting plant noise rating levels have been set at 34 dB, 5 dB below the measured night-time background sound level in order to allow for any cumulative noise impacts from deliveries. It is advised that this should ensure a 'low' impact is achieved, in accordance with British Standards.

It is noted that concerns have been raised by residents in respect of the potential noise impact of the proposal and whilst these are duly noted, the Council's Public Health and Protection department have not raised any objection to the proposal. Whilst it is specifically stated that daytime deliveries would be preferred, any night-time time deliveries must be carried out in accordance with the mitigation measures set out in the report (as above). This can be secured via a suitably worded condition however, should Members have concerns with regards to night-time deliveries, then an alternative condition could be imposed to restrict delivery hours to daytime hours only.

It is further noted that residents raise concern with regards to light pollution as a result of the proposed development however, the Council's Public Health and Protection team have not raised any objection in this regard. The application is supported by an external lighting plan which demonstrates a 'drop-off' in lux towards the houses. There

is also street lighting present between the proposed development and the houses and, the Public Health and Protection team therefore advise that the development is unlikely to result in a negative impact upon local residents.

Further comments have been provided in respect of odour and it is accepted that in the case of this proposed use, no specialist kitchen extraction equipment is required as operations will involve final baking of items where the primary cooking element of the product has been undertaken elsewhere. A further planning application would be required for such equipment, should the operations of the use change in the future.

The Public Health and Protection department have recommended the use of a condition to secure details for grease traps to be installed to prevent waste cooking oil, fats, grease and food debris from entering the foul drainage system and this condition is considered to be necessary.

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

### **Access and highway safety**

The application has been assessed by the Council's Highways and Transportation section with a view to determining the potential impact of the proposed development upon highway safety in the vicinity of the site. It is noted that three letters of objection have been received in relation to the proposal which raise concerns in respect of highway safety and whilst these concerns are duly noted, no objection has been raised by the Highways Officer. The response received is summarised as follows:

#### Access

Vehicular access into the site would be via The Willowford which in turn is accessed from Main Avenue (A4054). The drive-thru would follow a one-way route through the car park to the west, continuing around the perimeter of the new building before egressing onto the same internal route to the west.

No details have been submitted with regards to the widened access point to the proposed car park off The Willowford or for a site boundary setback for the provision of a 2.4m x 43m vision splay. A condition is therefore recommended for details to be submitted prior to commencement of development for full engineering design and detail of the access to include vision splays and uncontrolled pedestrian crossing facilities.

#### Parking

The Council's SPG: Access, Circulation and Parking indicates that the proposed drive-thru restaurant requires up-to 12 no. spaces for the restaurant, 5 no. spaces for staff and 6 no. waiting spaces for the drive-thru which results in a total requirement of 23 no. car parking spaces and 1 commercial space.

The plans indicate that the proposal would provide for 17 no. dedicated spaces and space within the drive-thru lane to accommodate 6 no. cars, which broadly accords with the standards above.

It is noted that no commercial vehicle space has been provided however, the submitted information indicates that servicing would be undertaken outside of peak times and the drive-thru lane would be used to access/egress the site in a forward gear, which is considered acceptable.

### Cycle Parking

The site will provide a total of eight cycle parking spaces in the form of 4 no. Sheffield stands, which goes some way to promote sustainable modes of transport and which is considered acceptable.

### Swept Path Analysis

Swept Path Analysis has been provided which indicates that all anticipated vehicles can access/egress the site onto The Willowford in forward gear.

### Trip Rate

The Transport Statement indicates that the proposed Greggs Drive-Thru would likely result in an increase in vehicle trips to the site. This increase during the network peak hours would be expected to be 13 two-way vehicle trips during the morning peak hour and 38 two-way vehicle trips during evening peak hour. Approximately 92 trips during the Saturday peak hour are forecast between 13:00-14:00 (two-way). Given the location of the development within the existing Treforest Industrial Estate, it is expected that a large proportion of these trips will be a result of linked and pass-by trips.

A traffic impact assessment has been undertaken on the A4054 / The Willowford junction. This demonstrates that the maximum impact would be 1.7% during the weekday AM peak and 4.6% during the weekday PM period peak. Despite there being no Saturday data available, a review of the ATC data shows that the highest number of trips generated on a Saturday would still be less than the weekday AM and PM peaks.

It is concluded that the resultant 'new' trips forecast for the development is nominal. There will be some new trips, however the quantum is so small that it will have a negligible effect on the local highway network on a weekday and a Saturday.

### Accident Data

Recorded road collision data has been obtained from the CrashMap website ([www.crashmap.co.uk](http://www.crashmap.co.uk)) for the most recently available 5 year period (2017 to the end of 2021). During this period, there was one recorded incident at the Main Avenue / Castle Bingo junction, which was classed as slight. There have been two serious incidents recorded on Main Avenue. The first occurred in 2017 approximately 290m to the south of the site involving 1 car and resulted in 1 pedestrian casualty. The second occurred approximately 770m to the north of the site and involved 1 car and 1 taxi / private hire car and resulted in 1 slight casualty and 1 serious casualty. There have been no recorded incidents along The Willowford.

Taking into account there are no accident clusters or accidents as a result of the existing road layout, the proposal is acceptable.

### Sustainability

The site is readily accessible by a variety of modes of transport that have the potential to reduce reliance upon the private car. These include good pedestrian, cycle and public transport connections in the vicinity of the site, and as such, the proposal promotes travel choice. It is assumed that a number of trips would be pass by trade or employees on the estate with trips already on the network.

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

### **Other Issues:**

#### **Land contamination**

The application site was formerly occupied by factories and there is potential for contamination to exist on site. The application is supported by a Site Investigation Report, dated September 2021, which has been reviewed by the Council's Public Health and Protection department. The comments received raise a number of issues with regards to the information submitted, with particular reference to risk to human health from ground gas, mine gas and a supplementary ground investigation which has been referred to but not yet submitted. As such, the advice provided by Public Health and Protection recommends the use of the standard contaminated land conditions (with the exception of the desktop study element, which can be dispensed).

#### **Ecology**

The application is supported by an Ecology Survey (dated 12/10/21), which includes a bat roost survey assessment of building G5. The survey has been assessed by the Council's Ecologist who accepts that the survey is an appropriate assessment of the site with the conclusions being acceptable. Whilst the survey did not reveal an active bat roost, there was a dead bat in the building and a condition is recommended for details of all precautionary bat mitigation and enhancement to be submitted for approval prior to commencement of development.

The survey also recorded nesting herring gulls on the building, and apart from timing demolition to avoid the time gulls are nesting, no other mitigation for that species is provided. The Council's Ecologist comments that herring gulls are very unpopular and can be a problem in urban areas, however, they are a species with a steep population decline and are on the Red List of UK Birds of Conservation Concern. The current flat roofed buildings of the Treforest Industrial Estate offer suitable nesting places away from direct residential issues/problems however, as the proposal is for a fast food 'drive-thru' facility, it is strongly assumed that herring gulls won't be allowed to re-establish nesting on the roof of the new building for food hygiene reasons. As such, it is considered that the loss of the site for herring gulls is an unmitigated ecological impact however, there is no solution to this issue owing to the nature of the proposal and this must be recognised in the determination of this application.

Notwithstanding the above, the survey was undertaken in October 2021 and it is specifically stated within the report that it will remain valid for 18 months, until March 2023. Due to issues of flood risk, as outlined in the *Flood Risk* section above, and the applicant's wish to try and overcome the concerns and objections raised, the determination of the application has gone well beyond the validity date of the Ecological Survey and the survey has now expired. A further survey has not been sought due to the continued concerns and objections raised by NRW in respect of flood risk (as discussed above).

## **Land Drainage**

The proposed development exceeds 100 square metres in area and the applicant is therefore 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 applicant will also be required to comply with Part H of the Building Regulations.

The Council's Flood Risk Management team advise that the site is subject to areas of high, medium and low surface water flood risk which encroaches the northern boundary of the site, primarily along the highway network. Details submitted with the application indicate that surface water will be disposed of using SuDs and an existing watercourse. Whilst a surface water drainage strategy has been provided for review, further information is required to demonstrate how surface water will be managed and disposed of, including pre and post discharge rates to confirm that the ordinary watercourse flood risk is not increased. As such, a condition is recommended for this



information to be submitted in order to demonstrate that the development complies with Section 8.3 of Technical Advice Note 15: Development and Flood Risk.

### **Other Issues Raised by Objectors**

Where the concerns raised by objectors have not been addressed above, the following comments are offered:

#### Advertisement of the Application

One letter of objection suggests that there hasn't been any neighbour consultation and that there have not been many planning notices erected in the area. The application has been advertised in accordance with Article 12 of the Development Management Procedure (Wales) (Order), which requires application for non-major applications to be advertised by a site notice **or** neighbour notification letters. The DMPWO does not stipulate that both methods are required however, both methods were carried out in this case. In terms of direct neighbour notification letters, Local Planning Authorities are only required to directly notify properties that share a boundary with or lie directly opposite a site and the nearest residential properties at Oxford Street were identified and consulted with. Furthermore, in addition to site notices being erected at the site on Main Avenue on The Willowford, a further site notice was erected at the end of Oxford Street. As such, the consultation exercise has gone over and above the requirements set out in DMPWO.

One letter of objection suggests that the proposal affects the Taffs Well and Nantgarw Ward rather than the Hawthorn Ward. This is acknowledged and the nearest neighbouring properties in both wards have been consulted with. Furthermore, both Local Members have been notified as well as both Pontypridd and Taffs Well Community Councils.

#### Noise and Disruption as a result of Construction

A number of objectors have raised concern with regards to the impact of demolition and construction works however neither of these issues are considered to be material planning considerations due to the temporary nature of the impact. However, there is separate environmental health legislation available should demolition and construction activities become a statutory nuisance.

Whilst the disruption previously experienced by residents is acknowledged, the disruption caused by any future development in terms of construction cannot be used as a reason to refuse planning permission.

#### 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**

Whilst no concerns are raised with respect to the principle of the proposed development or with regards to its potential impact upon the character and appearance of the surrounding area, the amenity and privacy of nearby residential properties or upon highway safety in the vicinity of the site, the application fails to demonstrate that the consequences of flooding can be acceptably managed for the lifetime of the development, and the proposal fails to satisfy the requirements of TAN15. Furthermore, since the Ecological Survey originally submitted to support the application has now lapsed, insufficient information has been submitted to demonstrate the proposal would not have an adverse impact upon ecology.

## **RECOMMENDATION: Refuse**

1. The application site lies within Zone C1 of the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk and the Flood Consequences Assessment fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development. As such, the proposal does not comply with the requirements of Technical Advice Note 15: Development and Flood Risk and the application is contrary to Policy AW10 of the Rhondda Cynon Taf Local Development Plan.
2. Insufficient information has been submitted to demonstrate that the proposed development would not have an adverse impact upon the ecology of the site and the application would therefore fail to comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

## PLANNING & DEVELOPMENT COMMITTEE

9 November 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0969/10 (JE)  
**APPLICANT:** Mr Tuchli  
**DEVELOPMENT:** Erection of 3 no. near zero carbon bespoke self-build dwellings within the curtilage of existing dwelling and associated works  
**LOCATION:** ST DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA  
**DATE REGISTERED:** 25/08/2023  
**ELECTORAL DIVISION:** Beddau and Tyn-y-nant

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#### RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:

**REASONS:** The application site is located outside of the defined settlement boundary of Beddau. Consequently, the proposed development fails to comply with the key sustainable development objectives of Policies CS2, AW1, AW2 and SSA13 of the LDP and is therefore unacceptable in principle.

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#### REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from Councillor Yeo for the matter to come to Committee so Members can consider the full scope of the proposal.

#### APPLICATION DETAILS

Full planning permission is sought for the construction of 3no. dwellings within the curtilage of St Davids House, Castellau Road, Beddau. The dwellings would be located to the south of the existing dwelling and would share the existing access and driveway which adjoins Castellau Road to the north.

The dwellings would be orientated north-south and would be set back from a new shared communal courtyard which would provide access as well as additional parking spaces for the dwellings.

The dwellings would each measure a similar scale, approximately 225m<sup>2</sup>, and share a comparable overall appearance having a stone and timber clad ground floor and a

contrasting fibre cement clad second storey which is smaller in scale than the ground floor. However, each dwelling has been individually designed to meet the needs of the occupiers, in this instance the children of the applicant. As such, whilst of a similar design each dwelling would vary slightly in scale and layout both internally and externally. All dwellings would benefit from an individual private area of amenity space to the side and rear.

The application is supported by:

- Ecological Assessment Report

The application is a resubmission following refusal of an earlier application for a similar development at the site in 2022 (22/1184/10). The previous application was refused because the application site is located outside of the defined settlement boundary of Beddau. Consequently, the proposed development failed to comply with the key sustainable development objectives of Rhondda Cynon Taf Local Development Plan. Members are advised that other than the approval of a lawful development certificate which sought the lawful use of the application site as part of the garden curtilage of St David's House. There have been no changes to the scheme that previously came before Committee.

## **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 and extends to approximately 0.8ha, comprising an element of the existing dwelling's amenity space. 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 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.

Members are advised that the area to the south of the site which is edged in blue on the plans, whilst outside of the development area, has also been subject some clearance works.

## **PLANNING HISTORY**

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

**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

**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

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

Detached garage and extension to residential curtilage.

Decision: 23/03/2010, Grant

**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

**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

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

Pre-Application Advice (4 dwellings)

Decision: 15/12/2017, Raise Objections

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

Pre-Application Advice (3 dwellings)

Decision: 16/06/2022, Raise Objections

**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

**23/0360/09:** ST DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA

Continued use as a garden.

Decision: 25/07/2023, Grant

## **PUBLICITY**

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

No letters of objection have been received following consultation.

## **CONSULTATION**

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

**Public Health and Protection:** No objection. Conditions suggested with regard construction hours of operation, noise, dust and waste.

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

**Countryside (Ecology):** No objection subject to condition.

**Flood Risk Management (Drainage):** No objection subject to condition in relation to surface water drainage. Informative note also suggested to make the applicant aware that separate SuDS approval will be required should the application gain consent.

## **POLICY CONTEXT**

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

The current LDP's lifespan was 2011 to 2021. It has been reviewed and a replacement is in the process of being produced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 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 partially within and partially outside of the settlement boundary for Beddau and is within the Llantrisant Common Site of Importance for Nature Conservation (SINC), Llantrisant Surrounds Special Landscape Area and within a Sandstone Resources Area.

**Policy CS2** – The policy emphasis in the Southern Strategy Area (SSA) is on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries and promoting residential development with a sense of place that respects the character and context of the area.

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

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

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

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

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

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

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

**Policy AW14** – Identifies areas for the safeguarding of minerals within the County Borough.

**Policy SSA13** – supports new development within the settlement boundary in the Southern Strategy Area.

**Policy SSA23.5** – Identifies the site as being within the Llantrisant Surrounds Special Landscape Area. These areas are noted for their landscape quality and development will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

### **Supplementary Planning Guidance**

- Design and Placemaking
- Delivering Design and Placemaking: Access, Circulation and Parking
- Nature Conservation

### **National Guidance**

*In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local*

*Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.*

Planning Policy Wales (Edition 11) (PPW) 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 not considered the proposed development is consistent with the key principles and requirements for placemaking set out in PPW and the FW204; or the Well-being of Future Generations (Wales) Act's sustainable development principles.

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The application relates to the construction of 3no. detached dwellings within the curtilage of St David's House, Beddau.

The site lies partially within/outside the settlement boundary, as defined by Policy SSA13 of the LDP. An element of the access which passes through the existing dwelling's curtilage is inside settlement limits but area that would accommodate the proposed dwellings is outside of settlement limits, contrary to several policies of the LDP including CS2, AW1, AW2 and SSA13.

Policy SSA13 explicitly states *"in order to protect the identity of these settlements, ensure the efficient use of land and protect the countryside from urbanisation and incremental loss, development will not be permitted outside the defined settlement*



*boundaries*". As such any future application for residential development at the site would be contrary to this Policy.

Further, whilst it is noted that the site is in close proximity to the settlement of Beddau which accommodates a number of services, due to its location outside of the settlement boundary, the site cannot be considered a sustainable location and therefore does not meet the relevant criteria of Policy AW2.

It is appreciated that sites outside of settlement limits to the north and north west of the proposal have been granted permission for residential development, as set out in the supporting information, however, these developments were for affordable housing and were classed as exception sites which can be permitted in the countryside in accordance with Policy AW3 of the LDP. This policy is not relevant to private housing such as that proposed.

The supporting information also sets out that paragraph 3.60 of Planning Policy Wales Edition 11 is relevant in this instance and provides weight alongside the other merits of the scheme to overcome the siting outside of the settlement boundary.

Para 3.60 sets out "*Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity.*"

Whilst it is noted that PPW sets out that minor extensions to existing settlements may be acceptable in certain circumstances, in this instance the 3no. dwellings proposed would not deliver affordable housing to meet local need or increase local economic activity, contrary to Policy AW3 of the LDP. As such, it is not considered that para 3.60 of PPW provides sufficient weight to overcome the siting outside of the settlement boundary.

Members are also advised that the lawful use of the site as garden curtilage associated with the main dwelling known as St David's House does not provide any weight in overcoming the location of the site outside of the settlement boundary.

As such, whilst it is acknowledged that the proposed site would be physically linked to the settlement of Beddau, being located outside of the settlement boundary any residential development here would be contrary to LDP Policies AW1, AW2 and SSA13 which do not support the provision of new housing in this location.

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

The proposed development would form a large-scale addition to the application site and would fundamentally alter its current appearance from garden curtilage, which is

set out as mown lawn. However, the development is considered to be of an attractive high quality modern design and appearance which would respect the existing character and appearance of the site.

Additionally, the subdivision of the existing property would also allow for a sufficient amenity space to be retained at St David's House due to its significantly larger than average amenity space. As such, the development is not considered to result in overdevelopment of the plot. Furthermore, the use of external materials such as wood cladding and stone would be sympathetic to the surroundings of the application site.

It is also noted that given the location of the development to the rear of St David's House and its position within the wider landscape, the proposed development would be largely screened from view in the area surrounding the site.

Taking the above into account, the proposal is considered acceptable in respect of its impact upon the character and appearance of the application property and surrounding Special Landscape Area.

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

Given the location of the site and the relationship with the closest neighbouring properties along Castellau Road, it is not considered that the proposal would result in any adverse impact upon the amenities of the occupiers of these properties which are sufficiently separated and screened by existing development and vegetation.

With regard to the impact upon the occupiers of St David's House, whilst the proposal would inevitably form a prominent addition when viewed from this property, it is noted that the dwellings would be separated by approximately 16 metres which is considered acceptable. Members are also advised that as the applicant is the current occupier of this property, it can be assumed they would not consider the impact unacceptable in this regard and this matter would have been subject to consideration during the design process.

In addition to the above, it is also noted that no objections have been received following consultation with neighbouring occupiers. As such, the proposal is not considered to adversely impact upon the residential amenity of surrounding properties.

### **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, visibility, circulation and car parking:

The proposed dwellings are served off Castellau Road and via an existing vehicular access point serving St David's House. Castellau Road fronting the site is lacking in

segregated footway provision and width for safe two-way vehicular traffic. However, there is a scheme opposite for a housing development which was recently granted planning permission which provides a widened carriageway of 5.5m which is safe for two-way vehicular movement, and provision of a segregated footway facility along the northern side of the carriageway.

Nevertheless, there is concern that the proposed application does not provide for a segregated footway the full extent of the site frontage with potential for residents to walk in both directions from the proposed dwellings. However, there is potential to overcome this concern by way of condition to set the site boundary back for provision of a 2m segregated footway with un-controlled crossing points at either end for safe pedestrian movement.

The proposed private shared access serving 4 dwellings has a width that varies between 5m-6.5m which is acceptable for safe vehicular movement. There is no dedicated turning facility. However, service and delivery vehicles will be able to perform a turn within the shared forecourt fronting the dwellings which is acceptable.

Castellau Road fronting the site is subject to 20Mph speed limit requiring vision splays of 2.4m x 22m in accordance with Manual for Streets. The proposed provides for vision splays to accord with the speed limit proposed which is acceptable.

The proposed dwellings require up-to a maximum of 3 spaces per plot with each plot providing for a double garage and a further 2 spaces allocated within the access and circulation area which is considered acceptable. Whilst not clearly identified on the plan there is sufficient space for visitor parking to be accommodated within the circulating area or potentially utilise the addition parking space allocated per plot.

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

## **Ecology**

The application is supported by an Ecological Assessment Report. This has been reviewed by the Council's Ecologist who provided the following comments:

We agree with the findings of the report which recognise that the area of marshy grassland to the south of the site within the ownership of the applicant is in poor condition. However, this area does contain 12 indicator species for marshy grassland listed in the SINC Selection Criteria, but we also agree that with careful management the area can be brought into good condition. The report also recognises that the lawn area has been modified to the point where it is now not of SINC quality which is also not disputed.

As such, while no objection is raised, to ensure the improvement of the adjacent grassland, should the scheme gain consent, a condition is suggested for the 10 year

ecology management plan/scheme stated in section 5 of the ecology report to be implemented.

## **Drainage**

No objection was raised by the Council's Flood Risk Management Team or Dwr Cymru Welsh Water following consultation. Whilst these consultees have requested conditions in relation to surface water drainage, it is considered that as this matter is controlled under separate SuDS legislation. As such an informative note would be appropriate.

## **Other Considerations**

The proposed development is within a sandstone safeguarding area, as identified under Policy AW14.2. However, due to neighbouring developments it is fair to consider that the site would not likely be suitable for future mineral extraction.

It is also noted that following consultation, no objection to the application was raised by Natural Resources Wales, The Coal Authority or South Wales Fire and Rescue.

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

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application site lies within Zone 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 £107,114.23.

## **Conclusion**

Whilst the application is considered acceptable in terms of its impact upon the character and appearance of the area, residential amenity and highway safety, the application site is located outside of the defined, fixed, settlement boundary of Beddau. Consequently, the proposed development fails to comply with key sustainable development objectives of Policies CS2, AW1, AW2 and SSA13 of the Rhondda Cynon Taf LDP

## **RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:**

1. The application site is located outside of the defined settlement boundary of Beddau. As such the proposed development fails to comply with the key sustainable development objectives of Policies CS2, AW1, AW2 and SSA13

of the Rhondda Cynon Taf Local Development Plan and is therefore unacceptable in principle.

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## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022-2023:

**PLANNING AND  
DEVELOPMENT COMMITTEE  
9<sup>th</sup> NOVEMBER 2023  
REPORT OF: DIRECTOR  
PROSPERITY AND  
DEVELOPMENT**

Agenda Item No. ....

**APPLICATION NO:22/1261/10 – Change of use to convert a cow shed/store into a residential unit. (Preliminary Bat Roost Assessment and Surveys received 17/8/23) West Caerlan, School Street, Llantrisant, Pontyclun, CF72 8EN**

### **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 5th October 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 ensuring a future beneficial use for the former cow shed /store, and that in most material planning respects, except for concerns relating to the lack of external amenity space, that the development would be acceptable.

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 conversion of the former cow shed would result in the creation of a two bedroom dwelling, with existing attached garage.

As the original report highlighted, the proposal was considered to be appropriate in most respects, save for the absence of any external amenity space for either the existing dwelling or new one.

The outcome of a recent dismissed appeal, for a location in Tonyrefail was noted, as well as the Council's SPG which sets out that dwellings should provide adequate space for peoples living needs, both inside and outside. The SPG relating to the Development of Flats outlines separate amenity space requirements, in recognition of the different nature of that form of development.

Nevertheless, it is recognised that the points raised by Members, specifically promoting beneficial re-use of a previously developed site, as well as preventing potential dereliction of a structure, are supported by PPW11 and the LDP.

Consequently, since the site is in a sustainable location and the development would be acceptable in respect of other material planning considerations, Members resolved to apportion more material weight to the benefits of enabling a continued use for the building and ensuring its physical condition was secured.

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 secure the long term use of the building and the conversion works to provide a single dwelling would result in an improvement to the site, street scene and Conservation Area.**

**Furthermore, the property occupies a sustainable location and would not affect the amenity of neighbouring occupiers or cause harm to highway safety.**

**The development would therefore be considered to comply with Policies CS1, AW1, AW2, AW5, AW6, AW7, AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.**

#### 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:

- 2022-001 – West C
- Revised Site Location Plan (received 8th December 2022)



and details and documents received on 24th October 2022, 8th December 2022 and 17th August 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 details of a scheme for the delivery of the biodiversity mitigation and enhancement measures set out in Section 4 of the Bat Emergence and Re-entry Surveys Report (Arbtech, dated 17th August 2023), have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9.

5. No development shall take place until details of a scheme for the disposal of surface water have 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.

6. The use of the garages, for both existing and new dwellings, shall be retained for the purposes of parking and at no time shall be converted to a room or living accommodation to be enjoyed as part of the dwelling.

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

**PLANNING & DEVELOPMENT COMMITTEE**

**05 October 2023**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/1261/10 (GH)  
**APPLICANT:** Mr J Groves  
**DEVELOPMENT:** Change of use to convert a cow shed/store into a residential unit. (Preliminary Bat Roost Assessment and Surveys received 17/8/23)  
**LOCATION:** WEST CAERLAN, SCHOOL STREET, LLANTRISANT, PONTYCLUN, CF72 8EN  
**DATE REGISTERED:** 17/08/2023  
**ELECTORAL DIVISION:** Llantrisant and Talbot Green

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

**REASONS:** By virtue of the absence of any external amenity space for both the proposed and existing dwellings, the development would be harmful to the amenity and wellbeing of future occupants, contrary to LDP Policy AW6 and the Council's SPG for Design and Placemaking.

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**REASON APPLICATION REPORTED TO COMMITTEE**

A request has been received from Councillor Sarah-Jane Davies for the matter to come to Committee.

**APPLICATION DETAILS**

Full planning consent is sought for the conversion of a storage building and former cow shed at West Caerlan, School Street, Llantrisant, into a dwelling.

The existing building, which has an attached garage to its northern elevation, is currently a single void. The application proposes internal works to create a ground floor living room, kitchen and bathroom, with two bedrooms to the first floor.

Externally, there would be very few changes, relating mainly to openings, in that the two small windows within the western elevation would be enlarged and two rooflights installed in the west-facing roof plane.

Following clarification with the Applicant's Agent a revised site location plan was received, demonstrating that the existing attached garage would provide one off-street parking space for the new dwelling.

Similarly, a further single garage on the opposite side of School Street to West Caerlan, but on land also owned by the Applicant, would provide a single off-street space for the existing dwelling.

In addition to the plans and elevation drawings accompanying the application a Preliminary Bat Roost Assessment and Bat Emergence and Re-entry Survey have been submitted.

## **SITE APPRAISAL**

The application property comprises a storage building and garage which is attached to the northern side of an existing two storey dwelling known as West Caerlan and is located towards the south-western part of Llantrisant and within the defined Conservation Area.

The building is currently within the curtilage of the dwelling and there is no garden space associated with either West Caerlan or the application property, both of which are bounded by the public highway on the northern and western sides, and by the burial space of Llantrisant Parish Church.

Further to the above, it is noted that the land on the opposite side of School Street is also within the ownership of the Applicant. However, with the exception of the single garage referred to in the preceding section, the rest of this land has recently received outline planning consent for a single dwelling (ref: 23/0417/13) and is not included within the scope of this application.

Other than for the Church and its Hall, the latter facing on to the junction of School Street and Swan Street, most of the closest other properties are residential.

## **PLANNING HISTORY**

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

**93/0333/10:** Garage. Decision: 06/04/1994, Granted.

## **PUBLICITY**

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

No letters of objection or representation have been received.

## **CONSULTATION**

### Highways and Transportation

No objection, subject to a condition that the garage identified for the use of the dwelling is maintained for the purposes of parking.

### Flood Risk Management

Natural Resources Wales Surface Water Flood Risk maps have been used to review surface water flood risk. The review concluded that the site does not fall within an area of surface water flood risk.

However, the Applicant has not outlined how surface water would be disposed of and a condition is recommended for the submission of details for approval.

### Dwr Cymru Welsh Water

No objection, subject to informative notes regarding sewer and mains water connections.

### National Grid

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

### Public Health and Protection

Conditions are recommended relating to demolition, hours of operation, noise, dust and waste.

However, given the small scale of the development it is considered that these matters could be addressed within the scope of powers conferred by existing public health legislation and highlighted by an informative note to any planning permission.

### Countryside – Ecologist

No objection. However, any planning permission would require a condition to secure biodiversity mitigation and enhancement measures, per the submitted ecology reports.

### The Coal Authority

In this case, a Coal Mining Risk Assessment (CMRA) would not be required.

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

## **POLICY CONTEXT**

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

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

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

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

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

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

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

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

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

**Policy AW7** - developments which impact upon sites of architectural or historical importance will only be supported where the proposal demonstrates that it will either enhance or preserve the character and appearance of the site.

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

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

to local amenity and public health would not be supported.

**Policy SSA13** - 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 Place-making
- Access, Circulation and Parking Requirements
- Nature Conservation
- The Historic Built Environment

### **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.

Although the proposed development would be consistent with some of the key principles and requirements for placemaking set out in PPW and the Well-being of Future Generations (Wales) Act's sustainable development principles, the harm to the living conditions of future occupiers, as identified further below, would not align well with national planning policy aims.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

This application comprises the subdivision of an existing single residential planning unit to create two separate dwellings independent of each other.

The application site is located within the defined settlement boundary where national and local planning policy seeks to direct new development and creates a presumption in favour, subject to other material planning matters.

On account of its position within settlement limits and given that the majority of the existing properties around the site are either residential, or would be compatible with a residential use, the property would be considered to be in a sustainable location and accord with LDP policies CS2, AW2 and SSA13. There would therefore be no objection to the development in principle.

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

The application property is located within the Llantrisant Conservation Area. Consequently, in addition to the general considerations relating to design and visual amenity outlined by LDP policies AW5 and AW6, any development will be required to evidence, per policy AW7, that it would either preserve or enhance the character and appearance of the designation.

In this case, the physical alterations to the external shell of the storage building would be minimal. The property is not proposed to be extended and its scale and form would therefore be maintained.

Furthermore, whilst the existing ground floor openings to the elevation facing School Street would be enlarged, the only additional openings would comprise two small roof lights within the western-facing roof plane.

In light of the above and the low-intervention approach to the conversion of the storage building, the development would be considered to be acceptable in terms of its visual impact on the public realm and Conservation Area.

### **Impact on neighbouring and future occupiers**

No objections were raised by neighbouring occupiers as a result of the consultation exercise and since the development proposes the conversion of an existing structure, which is neither immediately adjacent to other dwellings other than for West Caerlan nor would enable direct overlooking, it is unlikely that occupation of the building as a new dwelling would affect the amenity or privacy of existing residents.

However, there is a concern regarding the absence of any external amenity space for future residents of the new dwelling since In this regard Policy AW6 and the Council's SPG for Design and Placemaking are relevant and paragraph 3.6.3 of the latter states: "Dwellings should provide adequate space for peoples living needs, both inside and outside".

It is appreciated that the existing property is already constrained by its location and absence of external space. However, it does have the flexibility of the space provided by the former cow shed and garage, in terms of storage, parking and a very small frontage where, for example, waste and recycling bins might be placed for collection.

The proposed development would remove that flexibility and would result in two dwellings with no private space and whose built footprints would almost represent the entirety of their plots.

Furthermore, the new dwelling would have limited windows and unlike West Caerlan would have none to the rear elevation. Outlook from the ground floor windows would be directly onto the highway, with no defensible space between the dwelling and the highway.

It is also recognised that the land opposite has outline planning permission for a single dwellings, which means that any outlook from ground floor windows, should that development take place, would be severely restricted and could affect natural light. Although this matter might be considered in greater detail at a later point, it highlights the constraints of the location.

Returning to the issue of external amenity space, the outcome of a recent appeal at Station Road, Tonypany, is noted (ref: CAS-02475-B8L1H1). Like the current application, the appeal development concerned a proposal for the subdivision of a planning unit and the creation of a new two-storey dwelling.



In dismissing the appeal, the Inspector noted:

*“In developing a two-bed, two storey detached dwelling, occupiers would reasonably expect to be equipped with adequate private outdoor space, for the drying of washing, storage of items such as cycles or refuse bins, and outdoor seating for relaxation. However, the proposed house and parking spaces would occupy a significant part of the plot, leaving only a small and restricted area of private outdoor amenity space of minimal depth and width...these constraints would significantly restrict the functionality of this space and compromise its ability to provide a meaningful and useable private outdoor garden for future occupants”.*

and

*“Although calculations are provided to show that the percentage of the footprint area relative to site area for the host dwelling and new dwelling would be 40.1% and 33.1% respectively, it is not clear whether this includes the private parking areas which would not be suitable as outdoor amenity space. Having regard to the layout and size of the outdoor space for the proposed dwelling in particular, I find that the proposal would not meet the living needs of its occupants, resulting in a cramped and poor quality living environment”.*

The scenario for West Caerlan and the new dwelling is significantly worse than the context of the appeal property, having virtually no external space.

On the basis of the foregoing it is considered that the proposed development would be harmful to the amenity of future occupants, contrary to LDP Policy AW6 and the Council’s SPG for Design and Placemaking.

### **Access and highway safety**

#### **Access**

The access leading to the site is sub-standard in terms of carriageway width, horizontal and vertical geometry and lacks continuous segregated footway facilities.

There is concern, due to the existing high on-street car parking demand, that the extent of the carriageway is reduced, which increases potential highway hazards to the detriment of safety of all highway users.

#### ***Parking - SPG Access, Circulation & Parking 2011***

The proposed conversion of the property to create a two bed dwelling would, according to the Council’s SPG, require a maximum of 2 off-street car parking spaces with 1 provided. Nonetheless, taking into account the small scale of the proposed the one off-street space is deemed acceptable.

The extent of the red line boundary of the submitted site location plan includes the dwelling West Caerlan, for which the proposal would result in the loss of its existing off-street car parking provision, which raises cause for concern.

However, the Applicant has submitted additional information indicating that West Caerlan would have use of the detached garage located on the opposite side of School Street, which is also in the Applicant's ownership. On this basis no highway objection has been raised.

### *Summary*

There is a concern with regard to the sub-standard highway network in and around Llantrisant leading to the site. However, taking into account the limited additional vehicular and pedestrian movement generated by the small scale of a two bed dwelling, the development is considered to be acceptable on balance.

### **Public Health and Coal Mining Legacy**

The Coal Authority has identified that the application site falls within the defined Development High Risk Area and a coal seam outcrops beyond the southern site boundary, dipping in a northerly direction beneath the site. This seam may have been worked in the past and such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the Applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, in this instance it appears that the proposal would entail the change of use of the existing building to a dwelling without the need to construct any new foundations or to undertake any earthworks. On this basis, the Coal Authority does not consider that requiring a CMRA would be proportionate to nature of the development proposed in this particular case and does not object to this planning application.

### **Ecology**

The Council's Ecologist has advised that the July 2023 Wildwood Preliminary Roost Assessment assessed the building as having moderate suitability for bats and therefore recommended that at least two bat activity surveys were undertaken. This report also found that the building had low suitability for nesting birds.

The activity surveys were then undertaken by Arbtech as detailed in the August 2023 Bat Emergence and Re-Entry survey report. Two dusk emergence surveys were

undertaken in July/August in which no bat emergences were seen. The report also found no evidence of nesting birds.

Therefore, an EPS licence would not be needed but the development would need to secure the recommendations and biodiversity enhancement measures set out in Table 4 of the report.

### **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**

In most material planning respects the proposed new dwelling is considered to be an acceptable form of development that would be sustainably located and have minimal impact on its historic setting.

However, both this and the modest contribution to local housing supply are considered to be outweighed by the harm to the amenity of future residents caused by the absence of any external amenity space. Instead of one constrained dwelling, albeit currently with the flexibility of the former cow shed and garage area, the development would result in an intensification of use and two constrained dwellings in its place.

Therefore, it is considered that the proposed development would be harmful to the amenity and wellbeing of future occupants, contrary to LDP Policy AW6 and the Council's SPG for Design and Placemaking.

### **RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:**

1. By virtue of the absence of any external amenity space for both the proposed and existing dwellings, the development would be harmful to the amenity and wellbeing of future occupants, contrary to LDP Policy AW6 and the Council's SPG for Design and Placemaking.

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL  
MUNICIPAL YEAR 2022-2023:**

**PLANNING AND  
DEVELOPMENT COMMITTEE  
9<sup>th</sup> NOVEMBER 2023  
REPORT OF: DIRECTOR  
PROSPERITY AND  
DEVELOPMENT**

**Agenda Item No. ....**

**APPLICATION NO:22/1163/10 –  
Development of four flats, car parking,  
landscaping and associated  
works.(Amended Plans Received  
04/08/23), LAND OFF ST JOHNS ROAD,  
TONYREFAIL**

## **1. Purpose of the Report**

Members are asked to consider the determination of the above planning application.

## **2. Recommendation**

That members consider this report in respect of the application and determine the application having regard to the advice given.

## **3. Background**

This application was originally reported to the 9<sup>th</sup> March 2023 meeting of the Planning and Development Committee with an officer recommendation of approval. A copy of the original report is attached as **APPENDIX A**.

At the meeting and following consideration of the report, whilst being generally supportive of the proposal, Members expressed concerns regarding the potential impact of the proposed parking scheme upon the openness of the site. As such, Committee resolved to defer the application to a future meeting of the Planning and Development Committee in order to give the applicant the opportunity to revise the scheme to address these concerns.

Revised plans were subsequently submitted on 01 June 2023 which show the proposed parking spaces towards the northern boundary of the site with the bottom area remaining unchanged. The proposed layout would see a total of 4no. spaces serving the proposed development with 2no. spaces access via Manley Close and 2no. access directly off St John's Road. The proposal would also see the retention of 5no. spaces from the use of local residents in the location of existing off street parking along Manley Close.

In addition, to the updated parking layout following the deferral of the application the applicant has also proposed additional amendments to the development which are demonstrated on amended plans received 04 August 2023. These amendments consist of the following changes:

- Apartments proposed within a single building as opposed to two separate blocks.
- Drainage basin updated to reflect the SAB application.

- Relocation of footpath between the flats and car parking relocated towards the eastern boundary to ensure level access.
- Relocation of entrance doors and minor changes to the elevations.

#### **4. Planning Assessment**

The proposed car parking layout has been considered by the Council's Transportation Section following additional consultation. No objection was raised to the proposed layout with the following comments.

The 4no. 1 bedroom apartments require 1 space per apartment and 1 visitor spaces taking the total required to 5 spaces in accordance with the Development of Flats SPG with 9 spaces indicated on the submitted layout plan. The submitted plan indicates 4 spaces for the residential flats with the 1 visitor space provided on street or using the existing car parking spaces served off Manley Close for use of the general public. During onsite inspection of the existing car park (5 spaces) the facility was fully occupied providing off-street car parking facilities for existing residents. The proposal provides 5 off-street spaces for existing residents which is acceptable. However, to secure the use of these spaces for the general public following the completion of the development, it is considered that a Section 106 is required with the details set out below.

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

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

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S106) may only legally constitute a reason for granting planning permission if it is:

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

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

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

In this case the proposed development, the S106 relates to use of the 5no. parking spaces that would replace the existing spaces at the site accessed from Manley Close.

Whilst the submitted plans indicate that the spaces would be for the use of the general public to ensure that the use of these spaces are retained in perpetuity a S106 will be required to ensure that applicant does not restrict the use in the future.

Given the amendments to the scheme and the inclusion of a parking layout on the plans under consideration condition 4 on the original Officers report which required the submission of 4no. parking spaces will no longer be required. As such, this change along with other updates to the proposed conditions have been set out below for Members to consider.

When considering the other changes undertaken which most notably would see the creation of a single building in place of two separate blocks. It is not considered that these changes would result in any detrimental impact with regard to the impact of the scheme on the character and appearance of the area or neighbouring amenity in comparison to the original proposal. In addition, the creation of a single building would be more in keeping with surrounding development which is characterised by pairs of semi-detached properties. Furthermore, the proposed car parking which is located solely within the northern half of the site would leave the southern area unchanged that would retain the openness of the site. As such, the application is considered acceptable in this regard.

The changes discussed above were also subject to new consultation with local residents. A total of 6no. letters were received from local residents with 4no. consisting of additional letters from existing objectors and 2no. letters from additional objectors. As such, there are now a total of 7no. individual objectors to the application. The additional objections largely raised points set out in the original report focused on the loss of green space. However, there were additional concerns raised in relation to highway safety associated with the location of the proposed parking spaces in close proximity to an existing junction and the future occupants of the proposed flats.

Members are also advised that the proposed development will no longer be used by the Council's Childrens Services for the accommodation of care leavers and the scheme will now be for 4no. general need affordable units.

## **5. RECOMMENDATION**

In light of the above, it is considered that the amended scheme goes some way to addressing the concerns raised by Members in terms of the overall visual appearance of the development and there is no objection with regard to the proposed parking arrangements and other amendments proposed by the applicant. It is therefore recommended that the application be approved subject to a S106 agreement and the following conditions:

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans:
  - LT2115.00.01
  - LT2115.04.01 Rev K
  - LT2115.04.02 Rev D
  - LT2115.04.03 Rev B

and documents received by the Local Planning Authority on 04/08/23, 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 development is brought into use the means of access, together with the parking facilities, shall be laid out in accordance with site layout plan LT2115.04.01 REV K, and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site. The car parking spaces shall be retained thereafter for the parking of vehicles.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

**PLANNING & DEVELOPMENT COMMITTEE**

**9 March 2023**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

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

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**RECOMMENDATION: APPROVE**

**REASONS:**

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

**REASON APPLICATION REPORTED TO COMMITTEE**

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

**APPLICATION DETAILS**

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

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

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

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

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

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

The application is supported by:

3. Planning Statement
4. Preliminary Ecological Appraisal
5. Geo-environmental Report

## **SITE APPRAISAL**

The site consists of a broadly rectangular parcel of land located within a residential area of Tonyrefail. The site extends to approximately 1700m<sup>2</sup> and is located on the eastern end of Manley Close and Martin Crescent which adjoin St. Johns Road to the north and south of the site respectively. The site is currently largely mowed grassland and accommodates an area of off street car parking along its northern boundary accessed via Manley Close. This is informally used by residents and provides 5 parking spaces.

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

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

## **PLANNING HISTORY**

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

**22/0052/10:** LAND OFF ST JOHNS ROAD AND MANLEY CLOSE, TONYREFAIL  
Proposed development of seven dwellings, car parking, landscaping and associated works.

Decision: 27/01/2022, Withdrawn by Applicant

## **PUBLICITY**

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

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

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

## **CONSULTATION**

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

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

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

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

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

**Countryside (Ecology):** No objection subject to condition.

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

**Housing Strategy:** No objection.

## **POLICY CONTEXT**

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

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

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

**Policy CS2** – The policy emphasis in the Southern Strategy Area (SSA) is on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries and promoting residential development with a sense of place that respects the character and context of the area.

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

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

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

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

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

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

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

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

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

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

### **Supplementary Planning Guidance**

22. Design and Placemaking

23. Delivering Design and Placemaking: Access, Circulation and Parking

24. Development of Flats

25. Planning Obligations

26. Affordable Housing

### **National Guidance**

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

Planning Policy Wales Edition 11 (PPW) was issued on 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 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:

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

Other national policy guidance considered:

PPW Technical Advice Note 2 – Planning and Affordable Housing  
PPW Technical Advice Note 12 – Design  
PPW Technical Advice Note 18 -Transport

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

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



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

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

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

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

- Heol y Glyn children's play area (200m walking distance to the east).
- Capel Farm children's play area (400m walking distance to the east).
- Tyn-y-Bryn Park (1km walking distance south-west) which includes Multi Use Games Area (MUGA), football fields, cricket field, children's play area, formal paths and benches.
- Local informal open space areas immediately south opposite St. John's Road (10m to the south) and Capel Farm (400m to the east)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Access

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

#### Existing Adopted Footway

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

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

## Parking

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

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

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

## Conclusion

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

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

## **Ecology**

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

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

## **Public Health and Protection**

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

## **Drainage**

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

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

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

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

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

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

## **National Sustainable Placemaking Outcomes**

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

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

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

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

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

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

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

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

The application site lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sqm for residential development. The CIL (including indexation) for this development is expected to be £12384.94.

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

## Conclusion

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

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

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

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

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

34.LT2115.00.01  
35.LT2115.04.01  
36.LT2115.04.02  
37.LT2115.04.03

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### MUNICIPAL YEAR 2023-2024:

**PLANNING AND  
DEVELOPMENT COMMITTEE  
9<sup>TH</sup> NOVEMBER 2023**

**REPORT OF: DIRECTOR  
PROSPERITY AND  
DEVELOPMENT**

	Agenda Item No. ....
	<p><b>APPLICATION NO: 23/0896/10 – Demolition of the existing rear and side extensions, construction of a two-storey side extension and a complete first-floor extension. Works also include alteration to the structure of the existing dwelling and general renovation works (Amended site location plan received 13/09/2023), Cartref Bungalow, Hobbs Lane, Hirwaun, Aberdare, CF44 9BU</b></p>

#### **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 19<sup>th</sup> October 2023 with an officer recommendation of approval. A copy of the original report is attached as Appendix A.

At that meeting, Members resolved to defer the application to allow for further discussions to take place with the applicant with a view towards overcoming the concerns of Members in respect of the initial submission, with particular regard to the design of the proposed front elevation of the development and its window to wall ratio.

As a consequence, it was resolved to defer determination of the application to allow the further discussions to take place.

#### **4. PLANNING ASSESSMENT**

Members are advised that following the deferral of the application at the 19<sup>th</sup> October 2023 Planning and Development Committee, discussions with the applicant have taken place and amended plans

have been received which show additional window openings to the dwellings front elevation that would serve an open plan kitchen and living area, study and two front facing bedrooms. It is considered the potential visual impact of the proposed amendment is acceptable and that the proposal now offers a more measured approach in terms of the amount of glazing proposed to the buildings gross exterior wall area. Furthermore, given the orientation of the front elevation, although the kitchen and living area would benefit from a dual aspect, the amendment would assist in allowing more light to penetrate into the other front facing rooms.

## 5. **OTHER ISSUES**

Members are advised that prior to this item being discussed at Planning & Development Committee of the 19<sup>th</sup> October 2023 a late letter from a neighbouring resident was received. As the late letter was not read out or summarised at the time its content is summarised and points addressed for the benefit of Members below:

- *The proposal would result in a complete destruction of our privacy and would completely ruin the rural aspect of the location.*
- *The proposal will result in increased volume of traffic on what is a single vehicle access road.*
- *The driveway which Cartref is proposing to excavate and build upon is a shared access point between two properties. This is a narrow single track, which is the only access to Diddosfa and its garage. Should this be encroached upon it would result in a reduced width blocking the right of way and access to said property or garage. This would result in a right of way blocked and no facility to access or park vehicles securely or safely as the road in front is only a single vehicle access which would block the right of way.*
- *The applicants were advised prior to applying for planning that the driveway is a right of way for them, but the land is owned by Diddosfa and that they have no ownership. The applicants have been advised that no permission or consent would be given to amend or reduce the driveway which they have chosen to ignore.*

Members are advised that the residents' concerns, summarised above, in relation to privacy, character and highway matters have been fully responded to within the original report that is contained within Appendix A.

Since the formation of the original report and the deferral of the application Members are advised the applicant has stated that it is not his intention to be un-neighbourly in any way and that, whilst the development would require the erection of some scaffolding to a section of the driveway that serves Diddosfa and Cartref, this would be limited to a point that would allow standard sized

vehicles to pass. The applicant has also advised that he would allow the occupants of Diddosfa the use of his own private driveway, that sits to the front of Cartref, for the purposes of parking, should this be required, when the new elevations are being rendered for example.

The applicant has also documented, by way of Title Deed, that a Deed of Partition exists (dated 28<sup>th</sup> January 1959) between the two neighbouring properties and would appear to not only allow the applicant full and uninterrupted passage of the driveway but other rights over the driveway such as the laying of service installations and the liberty to enter onto the driveway at all reasonable times whilst making good any damage caused.

Notwithstanding the above, Members should be aware that the Council cannot control the use of what is a private driveway and any disputes that may occur are private matters between residents. As noted in the original report, any potential issues regarding rights of access being altered, encroached upon or existing covenants on land are civil matters between aggrieved parties and cannot be taken into consideration during the determination of this application. Access rights are protected under civil law and other channels exist to resolve these issues.

## **CONDITIONS**

Should Members regard the changes made sufficient to overcome their concerns there would be a requirement to adjust the approved plans condition so that the revised layout is approved. The full list of conditions recommended is now as follows: -

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 drawing numbers and documents received by the Local Planning Authority on 04/08/2023, 13/09/2023 and 23/10/2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Existing Ground Floor Plan (Dated August 2023)
- Existing Elevations (Dated August 2023)
- Proposed Ground Floor Plan (Received 23<sup>rd</sup> October 2023)
- Proposed First Floor Plan (Received 23<sup>rd</sup> October 2023)
- Proposed Rear Elevation (Dated August 2023)

- Proposed Front Elevation (Received 23<sup>rd</sup> October 2023)
- Proposed Side Elevations (Dated August 2023)
- Proposed Section (Dated August 2023)
- Block Plan (Dated 27<sup>th</sup> July 2023)
- Site Location Plan (Received 13/09/2023)

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

3. Notwithstanding the submitted details, prior to the commencement of the development a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting features and or nesting opportunities for birds shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for the designed purpose in accordance with the approved scheme. The scheme shall include, but not be limited to, the following details:

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

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

**PLANNING & DEVELOPMENT COMMITTEE**

**19 October 2023**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0896/10 (RP)  
**APPLICANT:** Mr Snape  
**DEVELOPMENT:** Demolition of the existing rear and side extensions, construction of a two-storey side extension and a complete first-floor extension. Works also include alteration to the structure of the existing dwelling and general renovation works (Amended site location plan received 13/09/2023)  
**LOCATION:** CARTREF BUNGALOW, HOBBS LANE, HIRWAUN, ABERDARE, CF44 9BU  
**DATE REGISTERED:** 16/08/2023  
**ELECTORAL DIVISION:** Hirwaun, Penderyn and Rhigos

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**RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS**

**REASONS:** The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, the potential impact it would have upon the amenity and privacy of the neighbouring residential properties, and its potential impact upon parking provision and highway safety.

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**REASON APPLICATION REPORTED TO COMMITTEE**

- Three letters of objection have been received from occupiers of adjacent neighbouring properties.

**APPLICATION DETAILS**

Full planning consent is sought for the conversion of the property known as Cartref, Hobbs Lane, Hirwaun from a 3-bedroom bungalow to a four-bedroom, two storey dwelling.

The works propose the removal of the existing roof of the bungalow and the construction of a first floor above, along with a number of internal alterations and the development of a two-storey extension to the property's south-eastern side elevation. As the application description also denotes, the proposal would include the removal of existing single storey side and rear flat roofed extensions.

The resulting length and width of the dwelling would remain relatively unchanged at approximately 16m by 8.4m respectively, whilst the proposed extension work would raise the eaves height of the dwelling from 2.2m to 5m and the ridge height of the property would be raised from approximately 4.5m to 7.3m.

In respect of external materials, the new elevations would consist of render and UPVC fenestration and would sit under a composite slate, hipped roof.

The application is supported by a project details and specification document which indicates that the existing foundations of the bungalow have been assessed by Vale Consultancy (Structural Engineers) who have determined that they are suitable to support the first-floor structure proposed.

## **SITE APPRAISAL**

The application site is located within a residential area of Hirwaun and relates to a detached bungalow that is sited within a relatively large and rectangular shaped plot. The property is set back from the highway of Hobbs Lane by an amenity space and private driveway that accommodates 2 parking spaces.

To the south-eastern side of the plot is a shared, private driveway which allows access to the rear garden and is where a number of outbuildings are located. It is understood that the private driveway is within the ownership of the neighbouring property 'Diddosfa' and that the occupants of Cartref enjoy right of passage over it.

The dwelling is accessed via Ironworks Road to the east which leads onto Hobbs Lane, both of which are un-maintained. To the north, both aforementioned highways are bound by the former Hirwaun Ironworks site which is now deemed a Site of Importance for Nature Conservation (SINC).

The surrounding area includes a mix of housing type and includes terraced properties, semi-detached and detached dwellings and bungalows, the closest of which are the two relatively recently constructed detached, two-storey dwellings of Ty Llewellyn and Cysgod y Cudyll, with Ty Llewellyn being located some 9m away from Cartref to the north-west. Other neighbouring properties include Diddosfa Bungalow, located approximately 23m to the south-east and Ty Mawr, which is situated around 73m to the south-west.

## **PLANNING HISTORY**

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

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties. Three letters of objection have been received as a result of this exercise and raise the following points.



- The boundaries of the application site are at best wrong and requires attention;
- The proposed plans are tight against our driveway and the applicant would not be able to excavate any footings and then build up blocking the only access to my property, for which vehicular access is required 24/7. We would not give the applicant consent or permission to build on our land;
- The driveway between Cartref and Diddosfa is very narrow and cannot be blocked by delivery lorries or scaffolding works;
- All dwellings on Hobbs Lane are bungalows and dormer bungalows, a theme which continues onto Crawshay Street nearby;
- I am concerned about surface water drainage. The construction of two houses next to our property has resulted in water coming through our bank and onto our land to the point where it resembles a small stream;
- The amended location plan is inaccurate.

## **CONSULTATION**

- Highways – No objection nor conditions suggested;
- RCT CBC Ecologist – No objection, biodiversity enhancement condition recommended.

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

The application site lies within the settlement boundary for Hirwaun, Penderyn and Rhigos but is not allocated for any specific purpose. The following policies are considered to be relevant in the determination of this application:

- 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** - permits development where there would be no unacceptable impacts upon features of importance to landscape or nature conservation, including ecological networks.

## **Supplementary Planning Guidance**

A Design Guide for Householder Development

Design and Placemaking

Access Circulation and Parking

Nature Conservation

## **National Guidance**

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

Planning Policy Wales Edition 11 (PPW) was issued on 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;

## **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 an extension to an existing residential dwelling. The principle of development is therefore acceptable. However, this would be subject to an assessment of the criteria set out below.

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

The proposal would involve the construction of a full storey atop of the existing bungalow at the site, together with the development of a side extension to form a two-storey dwelling with a hipped roof.

As a consequence of the proposed alterations, the existing ridge line of the property would increase by approximately 2.8m to 7.3m and the eaves line also by 2.8m to 5m, providing first floor living space that would be lit by windows in the front and rear elevations.

Although it is acknowledged there would be a significant change in the appearance and massing of the property as a result of the works, the current dwelling, with unsympathetic flat roofed side and rear extensions makes no positive contribution to the character and appearance of the area. The extension to the dwelling and provision of an additional storey would, therefore, unlikely be considered an incongruous element within the immediate locality and would sit comfortably within the range of building types and scales already established within the wider street scene. The proposal would also not appear unduly prominent or out of scale in relation to the properties that immediately flank the site to the north-west, being Ty Llewellyn and Cysgod y Cudyll.

Furthermore, the application site is accessed via a private, un-maintained road and is not highly visible to the wider public realm, with existing residential properties, trees and hedgerow further obscuring the application dwelling. In addition, the plot is of sufficient scale to accommodate the extended dwelling, especially given the fact its footprint would remain largely unchanged. Consequently, the proposal could not be considered overdevelopment of the site nor would it result in detriment to the space around the property.

Therefore, it is considered that the resulting dwelling would be of a height, scale and massing which would be sympathetic to the immediate context and, as such, the development would comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

In terms of privacy, new windows and openings to the ground floor face of the dwelling would unlikely greatly alter the outlook currently gained from the property and are considered acceptable. The first-floor windows proposed would be contained within the front and rear elevations of the dwelling only and would be positioned a sufficient distance away from neighbouring properties, with existing boundary treatments also screening the development and accordingly, it is not considered that significant overlooking of neighbouring amenity spaces or neighbouring windows would occur.

The plot size and those of neighbouring properties are also fairly substantial and as a consequence, the works to increase the height of the bungalow, atop of its existing footprint, would not be so great as to detriment neighbouring properties by ways of overbearing, loss of light or outlook.

Consequently, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered acceptable and would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Highway Safety**

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

#### Access

The property is served off Hobbs Lane which is unadopted with a lane width of 3.6m and is lacking in segregated footways leading to the property. Hobbs Lane, to the side of No. 24 Crawshay Street, provides a carriageway width of 4.9m and a single 1.8m footway.

Hobbs Lane is accessible via an unmetalled lane to the rear of Crawshay Street or via Crawshay Street itself which provides 1.7m footways and 5.5m carriageway.

#### Parking

The existing 3-bedroom bungalow has a parking requirement of 3 spaces in accordance with SPG: Access, Circulation & Parking Requirements (2011) with 2 provided on the driveway fronting the property resulting in a shortfall of 1 space.

The proposed extensions will create a 4-bedroom dwelling which will not increase the parking requirement of the property. Therefore, the parking requirement shall remain as 3 spaces with no proposed alterations to the existing parking arrangements required.

### Highways Summary

The proposed extension does not increase the parking requirement associated with the existing dwelling and does not remove any off-street parking facilities and therefore, is not anticipated to generate any additional on-street parking demand or envisaged to have any detrimental impact on highway and pedestrian safety within the vicinity of the application site.

### **Ecological Impacts**

The proposal has been subject to pre-application submission work, with the ceiling stripped, beams exposed and the loft now part of the current working area. Subsequently, the Council's Ecologist has commented that, despite the site lying adjacent to the Hirwaun Ironworks SINC and the excellent bat habitat of the River Cynon, this would have significantly reduced bat roost potential.

Therefore, given the single storey nature of the building and that it comprises householder development, a bat survey is not required in this instance. However, the formation of a first-floor to the dwelling presents an opportunity for biodiversity enhancement and, as such, it is recommended to Members that a suitably worded condition be appended to any consent.

### **Neighbour Consultation Responses**

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

It is recognised that any blocking of the access road and/or private driveway that is owned by Diddosfa, by scaffolding and/or materials or builder's lorries used by persons who may undertake the construction works at Cartref, is likely to cause inconvenience to local residents who are served by the unmetalled access road and private driveway. However, the Council cannot control the use of what are unmaintained and private access roads and driveways and any disputes that may occur are private matters between residents.

In respect of the site location plan submitted with the proposal and the objectors concerns as to its inaccuracies, the applicant has since submitted an amended location plan with their proposal in accordance with that contained within their title deed. Members will be aware that any potential issues regarding rights of access being altered, encroached upon or existing covenants on land are civil matters between aggrieved parties and cannot be taken into consideration during the determination of this application. Access rights are protected under civil law and other channels exist to resolve these issues.

However, given the concerns shown by neighbouring residents, informative notes highlighting the developers' responsibilities under the Party Wall Act and the Private Rights of Neighbours are recommended.

Lastly, the surface water drainage concerns shown by the local resident are acknowledged. However, the submitted drawings show that an existing soakaway that is located within the front garden of the plot would be utilised and its suitability would be a matter that would require Building Regulations approval. Members will also note that very little in the way of new areas of hardstanding will be created as a result of the development, with the two-storey side extension proposed replacing an existing single storey extension at the same location.

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

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

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

### **Conclusion**

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

### **RECOMMENDATION: Grant subject to the conditions below**

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

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

2. The development hereby approved shall be carried out in accordance with the approved drawing numbers and documents received by the Local Planning Authority on 04/08/2023 and 13/09/2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Existing Ground Floor Plan (Dated August 2023)
- Existing Elevations (Dated August 2023)
- Proposed Ground Floor Plan (Dated August 2023)
- Proposed First Floor Plan (Dated August 2023)
- Proposed Rear Elevation (Dated August 2023)
- Proposed Front Elevation (Dated August 2023)

- Proposed Side Elevations (Dated August 2023)
- Proposed Section (Dated August 2023)
- Block Plan (Dated 27th July 2023)
- Site Location Plan (Received 13/09/2023)

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

3. Notwithstanding the submitted details, prior to the commencement of the development a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting features and or nesting opportunities for birds shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for the designed purpose in accordance with the approved scheme. The scheme shall include, but not be limited to, the following details:

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

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

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## PLANNING & DEVELOPMENT COMMITTEE

09 NOVEMBER 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 09/10/2023 – 27/10/2023

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**

**09 NOVEMBER 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:** 22/1244  
**APPEAL REF:** CAS-02843-H8K9F9  
**APPLICANT:** CJC Estates Ltd  
**DEVELOPMENT:** Residential development and associated works  
(Resubmission of withdrawn planning application ref.  
21/1198)  
**LOCATION:** LAND ADJ TO PARK SURGERY, WINDSOR STREET,  
TRECYNON, ABERDARE, CF44 8LL  
**APPEAL RECEIVED:** 03/07/2023  
**APPEAL START DATE:** 23/10/2023

**APPEAL DECISION RECEIVED**

**APPLICATION NO:** 22/1330  
**APPEAL REF:** CAS-02610-W8Y0B7  
**APPLICANT:** C Thraves  
**DEVELOPMENT:** New dwelling  
**LOCATION:** QUARRY, LAND TO THE REAR OF 139 - 140  
TREBANOG ROAD, TREBANOG, PORTH, CF39 3DT  
**DECIDED:** 06/01/2023  
**DECISION:** Refused  
**APPEAL RECEIVED:** 10/03/2023  
**APPEAL DECIDED:** 23/10/2023  
**APPEAL DECISION:** Dismissed

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**APPLICATION NO:** 23/0282  
**APPEAL REF:** CAS-02903-C0W7M5  
**APPLICANT:** Mr S Jeffs & Miss O Taylor  
**DEVELOPMENT:** Loft conversion  
**LOCATION:** 11 MAESTEG GARDENS, TON-TEG, PONTYPRIDD,  
CF38 1NE  
**DECIDED:** 19/05/2023  
**DECISION:** Refused  
**APPEAL RECEIVED:** 07/08/2023  
**APPEAL DECIDED:** 27/10/2023  
**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**

**09/10/2023 and 27/10/2023**

**Tonypandy**

**23/0982/10** Decision Date: 24/10/2023  
**Proposal:** Proposed change of use of storage building to the rear of 27-28 Dunraven Street into 2 x one-bedroom flats.  
**Location:** REAR OF 27-28 DUNRAVEN STREET, TONYPANDY, CF40 1AL

**Aberdare East**

**23/0855/10** Decision Date: 13/10/2023  
**Proposal:** Re- painting of building in the conservation area.  
**Location:** 3 MAENDY PLACE, WEATHERAL STREET, ABERDARE, CF44 7AY

**23/0907/10** Decision Date: 27/10/2023  
**Proposal:** Change of use of a garage into dog grooming company.  
**Location:** 1A WEATHERAL STREET, ABERDARE, CF44 7BB

**23/0932/15** Decision Date: 11/10/2023  
**Proposal:** Variation of condition 3 (of application 18/0895/10) to extend opening hours to Monday to Saturday 08.00am to 11.30pm and Sunday and Bank Holidays 08:00am to 11.00pm  
**Location:** 26 VICTORIA SQUARE, ABERDARE

**23/0974/10** Decision Date: 17/10/2023  
**Proposal:** Change of use of existing redundant first floor function room to form 3 no. bedrooms (in connection with existing managers accommodation).  
**Location:** BUSH INN, 43 COMMERCIAL STREET, ABERDARE, CF44 7RW

**Aberdare West and Llwydcoed**

**23/0984/10** Decision Date: 20/10/2023  
**Proposal:** Proposed two storey rear extension (re-design further to approved planning application 22/1417/10) and garage extension.  
**Location:** 12 CWMDARE ROAD, CWMDARE, ABERDARE, CF44 8RD

**Beddau and Tyn-y-nant**

**23/1043/10** Decision Date: 13/10/2023  
**Proposal:** Proposal to raise ridge line of roof above garage to align through with main roof  
**Location:** 94 CLOS MYDDLIN, BEDDAU, PONTYPRIDD, CF38 2JT

**Cymer**

**23/1035/10** Decision Date: 19/10/2023  
**Proposal:** Erection of 1.8m high palisade fence to front.  
**Location:** 201 RHIWGARN ROAD, TREBANOG, PORTH, CF39 9LJ

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**09/10/2023 and 27/10/2023**

**Ferndale and Maerdy**

**23/0934/10** Decision Date: 10/10/2023  
**Proposal:** Shop front alterations and new rear stair access to basement.  
**Location:** 63 HIGH STREET, FERNDALE, CF43 4RR

**23/0992/10** Decision Date: 12/10/2023  
**Proposal:** First floor extension above kitchen  
**Location:** 20 BEECH STREET, FERNDALE, CF43 4HH

**Hawthorn and Lower Rhydfelen**

**23/0985/10** Decision Date: 13/10/2023  
**Proposal:** Demolish where necessary existing out-buildings. re-build and include ground floor and first floor extensions to sides and rear.  
**Location:** TIR THOMAS JAMES FARM, HEOL-Y-BWNSI, UPPER BOAT, TAFF'S WELL, PONTYPRIDD, CF15 7UU

**Hirwaun, Penderyn and Rhigos**

**23/0124/10** Decision Date: 13/10/2023  
**Proposal:** Single storey lean-to extension to side, flat roof rear extension, attic conversion and retention of garden curtilage extension on Western side  
**Location:** 1 MEADOW LANE, HIRWAUN, ABERDARE, CF44 9PU

**23/0962/10** Decision Date: 17/10/2023  
**Proposal:** Proposed attic conversion with front facing dormer to provide a bedroom for self contained flat (re-submission)  
**Location:** J B WILLIAMS AND SON NEWSAGENTS, 72 HIGH STREET, HIRWAUN, ABERDARE, CF44 9SW

**Llantrisant and Talbot Green**

**23/0286/10** Decision Date: 16/10/2023  
**Proposal:** Four stacks for emission of scrubbed gasses/dust/flare of varying heights of 13.2m, 15m, 16m and 17m (Air Quality Assessment received 1st September 2023)  
**Location:** ROYAL MINT, LLANTRISANT BUSINESS PARK, LLANTRISANT, PONT-Y-CLUN, PONTYCLUN, CF72 8YT

**Llantwit Fardre**

**23/0807/10** Decision Date: 11/10/2023  
**Proposal:** Single storey extension.  
**Location:** 109 PARC NANT CELYN, EFAILISAF, PONTYPRIDD, CF38 1AA

**Mountain Ash**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

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**09/10/2023 and 27/10/2023**

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**Mountain Ash**

**23/0983/10** Decision Date: 20/10/2023  
**Proposal:** Proposed single storey rear extension.  
**Location:** 4 FOREST VIEW, MOUNTAIN ASH, CF45 3DU

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**23/1017/10** Decision Date: 19/10/2023  
**Proposal:** Double storey rear extension  
**Location:** 26 COPLEY STREET, MOUNTAIN ASH, CF45 4AS

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**Pen-y-graig**

**23/0834/10** Decision Date: 13/10/2023  
**Proposal:** Second storey rear extension  
**Location:** 16 TYNYCAI PLACE, PEN-Y-GRAIG, TONYPANDY, CF40 1QW

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**Pentre**

**23/0961/23** Decision Date: 11/10/2023  
**Proposal:** Demolition of buildings - 1, 2, 4, 5, 6, and 7 are proposed to be demolished; Building 3 will be retained in situ  
**Location:** TERRITORIAL ARMY DEPOT, GRIFFITH STREET, PENTRE, CF41 7JE

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**23/0997/10** Decision Date: 10/10/2023  
**Proposal:** Ground and first floor rear extensions, attic conversion and internal alterations  
**Location:** 11 BAILEY STREET, TONPENTRE, PENTRE, CF41 7EL

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**Pontyclun Central**

**23/1093/15** Decision Date: 27/10/2023  
**Proposal:** Variation of condition 2 amended plans - front porch (22/0635/10)  
**Location:** 24 MANOR HILL, MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 8JP

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**Pontyclun West**

**23/1027/09** Decision Date: 12/10/2023  
**Proposal:** Certificate of lawful development for dormer construction to the rear of the property.  
**Location:** 18 LLWYNFEN ROAD, PONTYCLUN, CF72 9EL

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**Pontypridd Town**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
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**09/10/2023 and 27/10/2023**

**Pontypridd Town**

**23/0657/10** Decision Date: 11/10/2023  
**Proposal:** Installation of a new heating system within the property, including new external flues  
**Location:** ST DAVIDS PRESBYTERIAN CHURCH OF WALES, GELLIWASTAD ROAD, PONTYPRIDD

**23/0658/12** Decision Date: 11/10/2023  
**Proposal:** Installation of a new heating system within the property, including new external flues (Application for Listed Building Consent)  
**Location:** ST DAVIDS PRESBYTERIAN CHURCH OF WALES, GELLIWASTAD ROAD, PONTYPRIDD

**23/1005/01** Decision Date: 19/10/2023  
**Proposal:** Installation of non illuminated fascia signage  
**Location:** THE CO OPERATIVE FUNERALCARE, 2 GELLIWASTAD ROAD, PONTYPRIDD, CF37 2BP

**Taff's Well**

**23/0949/10** Decision Date: 11/10/2023  
**Proposal:** Partial change of use from A3 cafe to a mixed use development incorporating A3 cafe, yoga studio (use class D2) and education service provision (use class D1). The building will be used for either A3 or D1/2 activity or  
**Location:** 7 CARDIFF ROAD, TAFF'S WELL, CARDIFF, CF15 7RA

**Ton-teg**

**23/0993/10** Decision Date: 25/10/2023  
**Proposal:** Single storey side extension  
**Location:** 12 BROOKSIDE, TON-TEG, PONTYPRIDD, CF38 1PB

**Tonyrefail West**

**23/0976/10** Decision Date: 27/10/2023  
**Proposal:** Detached dwelling with off street parking.  
**Location:** THE BLACK DIAMOND HOUSE, EDMONDSTOWN ROAD, EDMONDSTOWN, TONYPANDY, CF40 1NR

**Trallwng**

**23/1101/10** Decision Date: 25/10/2023  
**Proposal:** Two storey rear extension  
**Location:** 27 THE PARADE, PONTYPRIDD, CF37 4PU

**Treherbert**



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
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**Treherbert**

**23/0864/10**

Decision Date: 12/10/2023

**Proposal:**

Change of use of building from office to coffee shop community building

**Location:**

BTCV FIRST FLOOR REAR OF 1 AND 2, WYNDHAM STREET, TYNEWYDD, TREHERBERT,  
TREORCHY, CF42 5BT

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**Treorchy**

**22/1243/10**

Decision Date: 27/10/2023

**Proposal:**

Double storey side extension, external facade alterations, and detached double garage

**Location:**

THE BURROW, 3 DUNRAVEN COURT, YNYS-WEN, TREORCHY, CF42 6EL

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**Ystrad**

**23/0924/10**

Decision Date: 13/10/2023

**Proposal:**

Raised roof to form first floor. Alterations to layout and addition of glazed gable and Dormers to the front elevation.

**Location:**

SAN REMO, 70 PENRHYS ROAD, PEN-RHYS, PENTRE, CF41 7SW

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**23/0955/10**

Decision Date: 23/10/2023

**Proposal:**

Change of use from dwelling to HMO

**Location:**

68 WILLIAM STREET, YSTRAD, PENTRE, CF41 7QY

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**Town (Pontypridd)**

**21/0992/10**

Decision Date: 18/10/2023

**Proposal:**

Change of use from residential dwelling to a 4 bed house in multiple occupation (HMO) (Amended plans received 01/03/22).

**Location:**

67 BERW ROAD, PONTYPRIDD, CF37 2AB

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**Graig**

**21/1002/10**

Decision Date: 23/10/2023

**Proposal:**

Demolish barn and construct a two storey extension (Preliminary Roost Assessment received July 2023 and amended plans received 04/08/23).

**Location:**

FFERM PEN Y RHIW, LLANTRISANT ROAD, GRAIG, PONTYPRIDD, CF37 1PJ

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Total Number of Delegated decisions is 35

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**Report for Development Control Planning Committee**

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**Porth**

**23/0888/10**

Decision Date: 20/10/2023

**Proposal:** Construction of decking up to the first floor of a 3-story building. Proposed decking area would replace the current fire escape landing and stairs, with the use of frosted glass and balusters.

**Location:** 25 TROEDYRHIW ROAD, PORTH, CF39 0DP

**Reason: 1** The proposed decking, by virtue of its elevated height, prominent location and relationship with adjacent properties, would result in an overbearing impact to and direct overlooking of the neighbouring properties, adversely affecting the privacy and amenity standards currently enjoyed by occupiers. The proposal is therefore unneighbourly and excessive and contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the relevant guidance set out in SPG 'A Design Guide for Householder Development (2011)' in respect of neighbour amenity

**Reason: 2** By virtue of its scale, design and elevated height, the proposed balcony would have a detrimental impact upon the character and appearance of the rear of the host dwelling and wider area, resulting in an obtrusive and overbearing addition which would appear incongruous within its setting. The proposal is therefore contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the relevant guidance set out in SPG 'A Design Guide for Householder Development (2011)' in respect of its visual appearance.

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**Tylorstown and Ynyshir**

**23/0533/10**

Decision Date: 16/10/2023

**Proposal:** Blockwork garage to replace container storage.

**Location:** REAR OF 64, YNYSHIR ROAD, YNYS-HIR, PORTH, CF39 0EN

**Reason: 1** The proposed garage will encroach onto the adopted rear lane obstructing the public highway. This is considered to be to the detriment of the safety of all highway users. The application is contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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Total Number of Delegated decisions is 2

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