



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

**GWŶS I GYFARFOD PWYLLGOR**

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

Dolen gyswllt: Jess Daniel - Swyddog Gwasanaethau Democrataidd ac Ymgysylltu  
(07385401877)

Bydd cyfarfod rhithwir o'r **Pwyllgor Cynllunio a Datblygu** yn cael ei gynnal ar **DYDD IAU, 11EG IONAWR, 2024** am **3.00 PM**.

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

MAE MODD I AELODAU NAD YDYN NHW'N AELODAU O'R PWYLLGOR AC AELODAU O'R CYHOEDD [OFYN I ANNERCH Y PWYLLGOR YN YSTOD Y CYFARFOD](#) SY'N YMWNEUD Â'R MATER SYDD WEDI'I NODI. RYDYN NI'N GOFYN EICH BOD CHI'N RHOI GWYBOD AM EICH BWRIAD I SIARAD DRWY E-BOSTIO [GWASANAETHAUCYNLLUNIO@RCTCBC.GOV.UK](mailto:GWASANAETHAUCYNLLUNIO@RCTCBC.GOV.UK) ERBYN 5PM AR DYDD MAWRTH, 9 IONAWR 2024, GAN NODI A FYDDWCH CHI'N SIARAD YN GYMRAEG NEU'N SAESNEG.

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

**AGENDA**

**Tudalennau**

**1. DATGAN BUDDIANT**

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

**Nodwch:**

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

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

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

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

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

**4. COFNODION 23.11.23**

Cadarnhau cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 23.11.23 yn rhai cywir.

5 - 10

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

**5. CAIS RHIF: 21/1309**

Newid defnydd tir i Ddosbarth B8 (storio) gan gynnwys gosod 50 cynhwysydd storio, mynediad cysylltiedig a llociau (Derbyniwyd cynllun safle diwygiedig ar 16/03/22).

**FFERM NANTLLECHAU, HEOL YR ARHOSFA, RHIGOS, HIRWAUN, ABERDÂR, CF44 9UN**

11 - 24

**6. CAIS RHIF: 22/1413**

Adeiladu a gweithredu fferm solar ffotofoltäig gan gynnwys mynediad, ffensys, teledu cylch cyfyng, llwybrau gwasanaeth mewnol, offer cynorthwyol a chynllun tirlunio (Derbyniwyd cynllun safle a gwybodaeth ategol ar 29/08/23)

**FFERM RHIWFELIN FAWR, LLANTRISANT**

25 - 50

**7. CAIS RHIF: 23/0378**

Newid defnydd o annedd i gapel gorffwys  
**1 STRYD Y NANT, YSTRAD, PENTRE, CF41 7RB**

**51 - 58**

**8. CAIS RHIF: 23/0493**

Annedd ar wahân, man parcio, man amwynder, gwaith cysylltiedig  
(Derbyniwyd cynlluniau diwygiedig ar 24/09/2023 a 06/10/2023)  
**TIR I'R GORLLEWIN O'R STRYD FAWR, YNYS-Y-BWL,  
PONTYPRIDD**

**59 - 76**

**9. CAIS RHIF: 23/0953**

Newid defnydd tir i'r gorllewin o 308 Heol y Parc i gwrtil gardd i'w  
dddefnyddio mewn cysylltiad â'r annedd, a gosod ffens bren 1.8 metr o'i  
gwmpas (cais ôl-weithredol).  
**308 HEOL Y PARC, CWM-PARC, TREORCI, CF42 6LG**

**77 - 84**

**10. CAIS RHIF: 23/1004**

Adeiladu cyfleuster cynhyrchu Agarose newydd, estyniadau i'r bont  
pibellau a'r maes parcio, goleuadau cysylltiedig, tanc nitrogen a gwaith  
seilwaith cysylltiedig. (Derbyniwyd Adroddiad Asesiad Risg  
Rhagarweiniol ar 28/09/2023. Derbyniwyd Asesiad Ecoleg Diwygiedig,  
manylion Tirlunio Meddal a Strategaeth Ddraenio ar 17 Tachwedd 2023.  
Derbyniwyd Atodiad Asesiad Risg Mwyngloddio Glo (CMRA), Adroddiad  
Ymchwiliad Safle Cam 2, atodiad Asesiad Risg Rhagarweiniol (PRA),  
Dadansoddiad Bwlch mewn Gwybodaeth a Chynllun Rheoli Adeiladu ar  
30 Tachwedd 2023. Derbyniwyd yr Adroddiad Coed Diweddaraf,  
manylion Tirlunio Meddal ac Asesiad Ecoleg ar 4 Rhagfyr 2023)  
**TIR YN PUROLITE, PARC BUSNES LLANTRISANT, LLANTRISANT,  
PONT-Y-CLUN, CF72 8LF**

**85 - 106**

**11. CAIS RHIF: 23/1110**

Cymeradwyo materion wedi'u cadw'n ôl (mynediad, gwedd, tirlunio,  
cynllun a graddfa) o ganiatâd cynllunio amlinellol 20/0646/13.  
**TIR YN OTTERS BROOK, PARC IVOR, BRYNSADLER, PONT-Y-  
CLUN, CF72 9BF**

**107 - 122**

**CEISIADAU WEDI'U GOHIRIO**

**12. CAIS RHIF: 23/0679**

Newid defnydd o lety gwely a brecwast i Dŷ Amlfeddiannaeth (HMO) ag  
11 ystafell wely (Derbyniwyd cynlluniau diwygiedig ar 01/12/2023)  
**Tŷ LLETY CENTRAL HOUSE, BRYN STOW, TREFFOREST,  
PONTYPRIDD, CF37 1RZ**

**123 - 138**

### **ADRODDIAD ER GWYBODAETH**

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

Rhoi gwybod i Aelodau am y canlynol, ar gyfer y cyfnod 04/12/2023 –  
29/12/2023.

Penderfyniadau Cynllunio a Gorfodi – Apeliadau a Dderbyniwyd.  
Penderfyniadau Dirprwyedig – Ceisiadau wedi'u Cymeradwyo a'u  
Gwrthod gyda Rhesymau.  
Trosolwg o Achosion Gorfodi.  
Penderfyniadau Gorfodi Dirprwyedig.

**139 - 150**

#### **14. MATERION BRYS**

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

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

#### **Cylchrediad: -**

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

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

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

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



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

Cofnodion o gyfarfod hybrid y Pwyllgor Cynllunio a Datblygu a gynhaliwyd Dydd Iau, 23  
Tachwedd 2023 am 3.00 pm

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

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

Y Cynghorydd S Rees (Cadeirydd)

Y Cynghorydd W Lewis    Y Cynghorydd J Bonetto  
Y Cynghorydd S Emanuel    Y Cynghorydd D Grehan  
Y Cynghorydd G Hughes    Y Cynghorydd J Smith  
Y Cynghorydd L A Tomkinson    Y Cynghorydd R Williams

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

Mr J Bailey, Pennaeth Cynllunio  
Mr C Hanagan, Cyfarwyddwr Gwasanaeth y Gwasanaethau Democraidaidd a Chyfathrebu  
Mr S Humphreys, Pennaeth y Gwasanaethau Cyfreithiol  
Mr C Jones, Pennaeth Datblygu Mawr a Buddsoddi  
Howard, Senior Planning Officer  
Mr O Griffiths, Rheolwr Materion Perygl Llifogydd, Dŵr a Thomenni

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

Y Cynghorydd M Norris    Y Cynghorydd J Edwards

#### **133    CROESO AC YMDDIHEURIADAU**

Daeth ymddiheuriad am absenoldeb gan Gynghorydd y Fwrdeistref Sirol A  
Dennis.

#### **134    DATGAN BUDDIANT**

Yn unol â Chod Ymddygiad y Cyngor, ni wnaethpwyd unrhyw ddatganiadau  
mewn perthynas â'r agenda.

#### **135    DEDDF HAWLIAU DYNOL 1998 A PHENDERFYNIADAU RHEOLI DATBLYGU**

**PENDERFYNWYD** nodi y dylai Aelodau o'r Pwyllgor, wrth benderfynu  
materion rheoli datblygu ger eu bron, roi sylw i'r Cynllun Datblygu ac, i'r  
graddau y bo hynny yn berthnasol, i unrhyw ystyriaethau perthnasol  
eraill. Rhaid i Aelodau, wrth ddod i benderfyniadau, sicrhau nad ydyn

nhw'n gweithredu mewn modd sy'n anghyson â'r Confensiwn Ewropeaidd ar Hawliau Dynol fel y'i hymgorfforwyd mewn deddfwriaeth gan Ddeddf Hawliau Dynol 1998.

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

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

**137 NEWID I DREFN YR AGENDA**

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

**138 COFNODION**

**PENDERFYNWYD** cadarnhau'r cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 19/10/23 yn rhai cywir.

**139 CAIS RHIF: 23/0679**

**Newid defnydd o lety gwely a brecwast i Dŷ Amlfeddiannaeth (HMO) (Derbyniwyd cynlluniau diwygiedig ar 30/08/2023) Tŷ LLETY CENTRAL HOUSE, BRYN STOW, TREFFOREST, PONTYPRIDD, CF37 1RZ**

Yn dilyn trafodaeth **PENDERFYNWYD** gohirio'r penderfyniad i gyfarfod o'r Pwyllgor Cynllunio a Datblygu yn y dyfodol a hynny er mwyn rhoi cyfle i swyddogion ddarparu gwybodaeth bellach mewn perthynas â'r storfa finiau a maint yr ystafelloedd fel bod modd mynd i'r afael â'r pryderon o ran gorddatblygu.

**140 CAIS RHIF: 22/1378/15**

**Amrywio Amod 1 o ganiatâd cynllunio rhif 15/1635/10 – ymestyn y terfyn amser ar gyfer cychwyn y gwaith datblygu am flwyddyn ychwanegol (Nodyn Gwybodaeth Draenio 10/02/23 Diwygiad 2 – 10/07/23, derbyniwyd 16/06/23) Fferm Llwynceilyn, Lôn Hafod, Porth, CF39 9UE**

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

Mr M Todd-Jones (Asiant)  
Mr P Thomas (Gwrthwynebydd)

Nododd y Pwyllgor nad oedd modd i Mr M Popham (Ymgeisydd), a oedd wedi

gofyn am gael annerch yr Aelodau ynglŷn â'r cais, wneud hynny o ganlyniad i broblemau technegol.

Arferodd yr Asiant, Mr M Todd-Jones, yr hawl i ymateb i'r sylwadau a wnaed gan y gwrthwynebydd.

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

Cyflwynodd y Pennaeth Datblygu Mawr a Buddsoddi y cais i'r Pwyllgor ac yn dilyn trafodaeth hir ac ar ôl i'r Pennaeth Rheoli Asedau Isadeiledd a'r Rheolwr Materion Perygl Llifogydd, Dŵr a Thomenni ymateb i gwestiynau gan Aelodau mewn perthynas â sefydlogrwydd a'r system ddraenio, **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr Materion Ffyniant a Datblygu.

**141 CAIS RHIF: 23/0007**

**Atgyweirio ac ailadeiladu ffermdy. (Derbyniwyd Asesiad Risg Mwyngloddio ac Adroddiad Strwythurol ar 20/09/23) FFERM GARTH HALL, FFERDD YN ARWAIN AT FFERM GARTH HALL, COED-ELÁI, TONYREFAIL, PORTH, CF39 8HJ**

**Nodyn** Ar yr adeg yma, roedd Cynghorydd y Fwrdeistref Sirol L Tomkinson wedi datgan buddiant personol mewn perthynas â'r cais yma:

"Rydw i'n adnabod un o'r siaradwyr cyhoeddus - mae'r unigolyn yn gyn-aelod o'm teulu."

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

Ms H Edmunds (Ymgeisydd)  
Ms L Bryan (Cefnogwr)  
Ms L Clee (Cefnogwr)

Nododd y Pwyllgor fod y siaradwyr cyhoeddus canlynol, a oedd wedi gwneud cais i annerch yr Aelodau ynglŷn â'r cais, ddim yn bresennol i wneud hynny:

Mr J Edmunds (Cefnogwr)  
Ms E Lewis (Cefnogwr)  
Ms J Maunder (Cefnogwr)

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

**142 CAIS RHIF: 23/0933**

**Creu tair llain i Deithwyr, gan gynnwys un carafán sefydlog, carafán deithio ac ystafell ddydd/amlbwrpas ar bob llain, ardal arwyneb solet, ffens bren o**

**gwmpas yr ymyl a sefydlu gwaith trin. STABLAU TWELVE OAKS, HEOL LLANHARI, LLANHARI, CF72 9LY**

Yn unol â'r gweithdrefnau sydd wedi'u mabwysiadu, derbyniodd y Pwyllgor Mr A Vaughan-Harries (Asiant). Cafodd e bum munud i gyflwyno'r cais uchod i'r Aelodau.

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

(**Nodwch:** Ymatalodd Cynghorydd y Fwrdeistref Sirol G Hughes o'r bleidlais gan nad oedd e'n bresennol ar gyfer yr holl ddadl.)

**143 CAIS RHIF: 23/0905**

**Cais ôl-weithredol i ddymchwel garej/sied a gosod sied a garej parod yn ei lle, ynghyd â ffens ymyl plu 1800mm o uchder. 16 RHES Y BEDYDDWYR, BLAENLLECHAU, GLYNRHEDYNOG, CF43 4NY**

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

Mr R Cameron (Cefnogwr)  
Mr D Hutchison (Cefnogwr)

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

**144 CAIS RHIF: 22/0823**

**Gosod tŵr dellt 35 metr gyda 3 antena, 2 dysgl lloeren, 1 cwpwrdd offer, 1 cwpwrdd mesurydd a gwaith cysylltiedig, gan gynnwys generadur a thanc tanwydd cysylltiedig, cwrst â ffens ar gyfer y prosiect Rhwydwaith Gwledig a Rennir ar ran Cornerstone (Derbyniwyd cynlluniau diwygiedig ar 25/05/2023 ac Aseiad Ecolegol ar 05/10/2023) TIR AR GOEDWIGAETH RHIGOS, FFORDD Y RHIGOS, RHIGOS, ABERDÂR**

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

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

**145 CAIS RHIF: 19/1258**

**Cais materion wedi'u cadw'n ôl ar gyfer ysgol gynradd newydd ac isadeiledd cysylltiedig, gan gynnwys mynediad a thirlunio (cyflwynwyd yn unol â chaniatâd cynllunio amlinellol (hybrid) 10/0845/34). (Derbyniwyd cynlluniau diwygiedig ar 30 Medi 2021, 5 Ebrill 2022; derbyniwyd gwybodaeth ecolegol ddiwygiedig ar 22 Mehefin 2023, 9 Hydref 2023) TIR**



## **AR YR HEN SAFLE GLO, LLANILID**

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

### **146 CAIS RHIF: 23/0994**

**Fferm solar, gan gynnwys paneli solar ar y ddaear, is-orsafoedd, gwrthdroyddion, traciau mynediad, ffensys diogelwch a gwifren breifat. TIR YN HEN LOFA COED-ELÁI, ODDI AR YR A4119, COED-ELÁI.**

(Nodwch: Ar y pwynt yma, gadawodd Cynghorydd y Fwrdeistref Sirol R Williams y cyfarfod, ac ni ddychwelodd.)

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

### **147 CAIS RHIF: 23/0712/10**

**Cynnig i newid defnydd yr eiddo i Gartref Preswyl i Blant, 142 STRYD KENRY, TONYPANDY, CF40 1DD**

Cyflwynodd y Pennaeth Datblygu Mawr a Buddsoddi'r cais, a gafodd ei gyflwyno'n wreiddiol i'r Pwyllgor ar 19 Hydref 2023, pan wrthododd yr Aelodau'r cais yn groes i argymhelliad y Cyfarwyddwr Materion Ffyniant a Datblygu.

Trafododd yr Aelodau'r adroddiad pellach, a oedd yn tynnu sylw at gryfderau a gwendidau posibl cymeradwyo'r cais yn groes i argymhelliad Swyddogion. Yn dilyn trafodaeth, **PENDERFYNWYD** gwrthod y cais, a hynny'n groes i argymhelliad y Cyfarwyddwr Materion Ffyniant a Datblygu, oherwydd y rhesymau sydd wedi'u nodi yn yr adroddiad pellach.

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

**PENDERFYNODD** yr Aelodau dderbyn adroddiad Cyfarwyddwr y Gwasanaeth Materion Cynllunio mewn perthynas â'r Penderfyniadau Cynllunio a Gorfodi – Apeliadau a Dderbyniwyd, Penderfyniadau Dirprwyedig – Ceisiadau wedi'u cymeradwyo a'u gwrthod gyda rhesymau, Trosolwg o Achosion Gorfodi a Phenderfyniadau Gorfodi Dirprwyedig ar gyfer y cyfnod rhwng 30/10/2023 – 10/11/2023.

**Daeth y cyfarfod i ben am 5.35 pm**

**Y Cynghorydd S Rees  
Cadeirydd.**

tudalen wag

## PLANNING & DEVELOPMENT COMMITTEE

11 January 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1309/10 (EL)  
**APPLICANT:** Mr D Evans  
**DEVELOPMENT:** Change of use of land to Class B8 storage including siting of 50 no. storage containers associated access and enclosures (Amended site layout plan received 16/03/22).  
**LOCATION:** FFERM NANTLLECHAU, HALT ROAD, RHIGOS, HIRWAUN, ABERDAR, CF44 9UN  
**DATE REGISTERED:** 16/03/2022  
**ELECTORAL DIVISION:** Hirwaun, Penderyn and Rhigos

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**RECOMMENDATION:** Approve

**REASONS:** The self-storage facility would provide a beneficial service to the County Borough and its position close to Hirwaun Industrial Estate is considered appropriate. In addition, the proposal is not considered to result in an unacceptable impact upon the wider landscape setting of the site and any localised character impacts can be appropriately limited by the use boundary screening. Any impacts upon the amenity of residential properties and highway safety in the vicinity of the site are also considered acceptable. As such, the application is considered to comply with Polices AW2, AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

#### APPLICATION DETAILS

Full planning permission is sought for the change of use of a parcel of land located off Halt Road, Rhigos to Class B8 storage use, including siting of 50 no. storage containers associated access and enclosures. The site is a linear parcel of land extending to approximately 3500sqm, running parallel with Halt Road/ Fifth Avenue. The application is made partially in retrospect, with the site having been cleared, surface laid to hardcore/ compacted stone and boundary fencing erected.

It is proposed that the site be used as a 'self storage facility' under Class B8, with 50 storage containers to be sited on the plot. The containers would be grouped in 10 blocks of 5, arranged along the length of the site. It is proposed that two points of vehicular access be formed off Halt Road/ Fifth Avenue to serve the site and allow access / egress in forward gear. The site boundaries are defined and enclosed by close board fencing, extending to 1.8 metres in height. The plans also illustrate a 1.5 metre high blockwork wall, developed along a section of the rear (north) site boundary (to a total length of 15.0 metres). The container type proposed would measure 6.0 metres in length and 2.4 metres in width, with these being grouped in blocks of 5.

It is proposed that the site would operate between the hours of 8.00am – 6.00pm Monday to Saturday, with access outside of these hours being by appointment only. No details of external lighting are included in the submission.

## **SITE APPRAISAL**

The application site is a linear parcel of land extending to approximately 3500sqm, running parallel with Halt Road/ Fifth Avenue, Rhigos. The site has been cleared of all vegetation and surface laid to hardcore/ compacted stone. As the application is made partially in retrospect, the boundary fencing with Halt Road/ Fifth Avenue is also in situ. At the point of the original site inspection, the western extent of the site was also enclosed by palisade fencing, positioned behind the close board fencing and this part of the site appeared to be in use as a site compound, storing equipment and materials. The area surrounding of the site is varied in character. The land immediately to the north (rear) of the site is semi rural in character, with the boundary being defined by a band of mature vegetation and a watercourse; directly opposite the site (to the south) is Fifth Avenue Guest House. Some distance south west (along Halt Road) are a number of residential properties. However, immediately west of the application site is a commercial business, operating as a storage compound. To the east of the site, off Fifth Avenue are many commercial and industrial uses which form Hirwaun Industrial Estate

## **PLANNING HISTORY**

01/4487	Fferm Nantllechau, Rhigos	Storage and repairing of caravans.	Granted 12/04/02
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## **PUBLICITY**

The application was advertised by direct neighbour notification and site notices. Six letters of objection have been received in response to the proposals, which are summarised as follows;

### **General**

- It is commented that the site appears to be operating as an extension of the applicant's existing compound facility known as 'Daz Lift and Shift'.

- It is commented that works have already commenced on site.
- Questions are raised with regard to whether the site is large enough to accommodate the stated number of containers.
- It is commented that there are vacant sites on Hirwaun Industrial Estate which would be more suitable for the development.
- It is commented that a number of mature trees along Halt Road (outside the application site) are being damaged by large vehicles using this route.
- It is commented that there are inconsistencies between the application forms and the plans.
- Objections have been raised by the operators of the guest house that is situated opposite the application site. They comment that the development will adversely affect their ability to provide a 'quality tourism facility'.
- The general operation of the site will result in disturbance to residents of Halt Road.
- It is commented that the applicant is already using the site for storage of scaffolding and materials.

#### Access

- Objections are raised to the creation of a new access onto Halt Road. It is commented that limited information has been provided with regard to the detailed design and dimensions of the proposed access.
- It is commented that one of the points of access is located directly opposite an existing access which serves a site that is used for caravan storage.
- Concern is expressed that the development would result in highway safety dangers and risks, increasing traffic movements to and from the site.
- It is commented that 'industrial type transport' already uses the residential side of Halt Road to access the site. It is commented that such traffic often exceeds the speed limit in the area.

#### Character and Appearance

- It is commented that the site was formerly an unspoilt area of land adjacent to a traditional stone bridge.
- The development has resulted in the loss of a number of trees, flora and fauna and loss of habitat.
- It is commented that the development is incongruous to, and at odds with the character of the area.
- The site is situated on the boundary with the Bannau Brycheiniog National Park, and it is commented that the development will have a negative impact upon the park.
- It is noted that the site is situated outside of settlement limits.
- Concern is expressed that if planning permission is approved, then in the future, the applicant may wish to further increase the number of containers on the site by stacking them.

Comments have also been received from Cllr K. Morgan, who notes that she has no concerns with regard to the proposal and that she is content that the use is appropriate for the location.

Comments have also been received from Cllr Rogers who expresses support for the proposal.

## **CONSULTATION**

Transportation Section – no objections raised subject to conditions.

Public Health & Protection - no objections raised.

Land Reclamation & Drainage – no objections raised, subject to conditions.

Dwr Cymru – no objections raised.

Glamorgan Gwent Archaeological Trust – no objections raised.

Ecology – no objections raised, subject to conditions relating to the protection of the adjacent watercourse and the provision of biodiversity enhancement measures.

Natural Resources Wales – objections raised on the grounds that the proposal would fail to conserve and enhance the natural beauty of the Bannau Brycheiniog National Park.

Bannau Brycheiniog National Park - objections raised on the grounds that the proposal would fail to conserve and enhance the natural beauty of the Bannau Brycheiniog National Park.

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan

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

Indicates that the site is outside defined settlement limits and is allocated as a strategic waste site.

CS9 refers to waste management and identifies regional sites that may be able to accommodate a range of waste management options.

AW2 promotes development in sustainable locations.

AW 5 sets out the criteria for new development in relation to amenity and accessibility.

AW6 sets out the criteria for new development in terms of design and place-making.

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

AW10 sets out criteria for new development in relation to environmental protection and public health.

NSA12 sets out criteria for development within and adjacent to settlement boundaries.

#### Supplementary Planning Guidance

Delivering Design and Placemaking: Access Circulation and Parking (Adopted March 2011)

#### 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 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

## **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.

The current application represents a scheme to introduce a new use to an area of land located to the north of Fifth Avenue/ Halt Road, Rhigos. The intention is to site 50 no. storage containers on the site, with points of access being formed onto the adjacent highway. The application is made partially in retrospect, with the site having been cleared and surfaced and boundary enclosures erected. As such, the key considerations in the determination of the application are whether the proposed use is compatible with the site's location, along with the potential impacts of the resulting development upon the character and area of the site and its setting, amenity of neighbouring occupiers and highway safety. The impact upon ecology is a further consideration.

### Principle of development

The application site is located outside settlement limits, on land that forms part of a wider area that is allocated for waste management purposes. It is acknowledged that the application site is located on a parcel of land that is outside of the defined settlement limits, where development is usually restricted. However, despite its position outside of the settlement boundary, it is located close to the long established Hirwaun Industrial Estate, where a wide range of industrial and commercial activities are operational. Although the site is physically separated from the estate, it does not occupy an isolated position that is distant from the wider estate. Furthermore, both the application site and wider areas of land to the east form part of an allocation as a waste management site in the Local Development Plan, thereby suggesting that the principle of commercial activity at the site could be acceptable.

As such, in this case it is considered that the principle of the scheme is acceptable, subject to an assessment of the following criteria;

- The impact of the development on the residential amenities of neighbouring properties.



- The impact of the proposed development upon the character and appearance of the surrounding area and ecology.
- The impact of the proposal on highway safety.

### Amenity Impacts

As noted above, the site is situated to the far west of Hirwaun Industrial Estate, where a range of long-established commercial uses exist. Similarly, to the west of the application site is Nantllechau Farm, where an area of land extending to 12000sqm is in use as a storage compound.

Whilst it is acknowledged that there are a number of residential properties located along Halt Road, it is noted that, with the exception of dwellings associated with farms, the nearest dwellings on Halt Road are situated approximately 500 metres south of the application site. Furthermore, given the road layout and topography of the area, the application site is not readily visible from these dwellings. Given these factors, it is not considered that the proposed change of use would unduly harm the amenities of these neighbouring occupiers by way of noise and disturbance. Whilst it is acknowledged that objections have been received from a number of residents of Halt Road, their primary concern appears to relate to highway safety impacts and the fact that the proposed use would increase traffic movements along Halt Road. Matters relating to highway safety will be considered in detail in the following section of the report, however it is noted that the application site is served by a public highway, which connects not only with Halt Road to the west, but with Fifth Avenue to the east, which in turn links to Hirwaun Industrial Estate. As such, it is not considered that the operation of the storage facility, would be likely to give rise to levels of activity that would significantly or unacceptably impact upon the levels of amenity or privacy, which residential occupiers in the vicinity of the site currently enjoy.

In addition to the above, it is noted that objections have also been raised by the owners of the property directly opposite, which operates as a Guest House. In addition to expressing visual impact and highway safety concerns, they express concerns that the proposed development will adversely affect their business by affecting their ability to provide a 'quality tourism facility'. Whilst it is acknowledged that the development of the site has and would affect the appearance of the site itself, it remains physically separate from the guest house. Whilst it may be argued that the development has altered the views from certain vantage points at the Guest House, it is considered that the wider outlook and distant views remain largely intact.

Furthermore, the topography of the site and existing landscape features mean that the application site is not readily visible from all points within the curtilage of the nearby Guest House. The application site remains physically separate and does not propose changes to the means of access to the Guest House. Therefore, whilst it is acknowledged that the immediate landscape setting of the site has been altered by the removal of a number of trees, and the development undertaken to date, it is not

considered that proposals would significantly prejudice the continued operation of the Guest House, to a degree that would warrant the refusal of the planning application.

Similarly, whilst it is acknowledged that the owners of the Guest House are permanent residents of the property, having assessed the relationship between the two; in terms of separation distance and topography, combined with the fact that the road already carries traffic associated with both the residential and commercial uses at Halt Road and the connected industrial uses on Fifth Avenue; it is not anticipated that they would be likely to experience an unacceptable increase in disturbance, resulting from vehicles attending the site and its general operation.

In terms of hours of operation, the applicant has confirmed that they intend to operate the proposed use between the hours of 8.00am – 06.00pm Monday to Saturday. It is considered that the hours of operation proposed are reasonable, with a closing time of 6.00pm, residents would not be subject to disturbance late into the night or during the early hours of the morning, when they might reasonably expect a degree a quiet during unsociable hours. Should Members be minded to approve planning permission, a condition restricting the operation of the use to hours specified is recommended.

It is noted that one nearby resident has also expressed some concern about the potential impact of the safety / security lighting at the site during the hours of darkness. Whilst these concerns are noted, it is considered that they can be satisfactorily addressed through the use of suitable condition, requiring the submission of details of the proposed lighting scheme.

Overall, it is not considered that the proposed development would result in a significant adverse impact on the living conditions of neighbouring residents, with regard to noise and disturbance; subject to the imposition of appropriate conditions relating to operating hours and lighting. As such, the proposals are considered to be in accordance with the requirements of policies AW5 of the Local Development Plan.

### Character and Appearance

As set out above, the application site represents a linear parcel of land that lies adjacent to Halt Road / Fifth Avenue, the main road that connects with Hirwaun Industrial Estate to the east. As outlined in the description of development, the application is made partially in retrospect. It is understood the site previously consisted of a self-seeded landscape verge adjacent to the highway. The site has been cleared of all trees and vegetation (prior to the submission of the planning application) and currently consists of a hard surfaced area, enclosed by a combination of palisade fencing, which is concealed by close board fencing, on its roadside boundary.

In addition to a number of residents, objections have been raised by both Natural Resources Wales (NRW) and Bannau Brycheiniog National Park with regard to the

visual impacts of the development upon the landscape. The observations from Bannau Brycheiniog National Park express concern that the development the proposal would fail to conserve and enhance the natural beauty of the Bannau Brycheiniog National Park. The comments of NRW also state the same view.

In terms of its position, it is accepted that the site is positioned at the northern most extent of the northern strategy area, with the adjacent watercourse representing the formal boundary with the Bannau Brycheiniog National Park. However, it is considered that the site is read primarily in the context of Hirwaun Industrial Estate and the highway, which connects with the residential side of Halt Road to the far south.

The site occupies a relatively low-lying ground position, as such the site is not readily visible from vantage points on the network of footpaths, public rights of way and lanes that are located in the immediate vicinity of the site (to the north). Furthermore, the site is also largely screened from view, by the intervening landform and landscape features, from further, more elevated vantage points such as Penderyn Church. Whilst it is accepted that, from positions that are more distant, with greater elevation, some views of the site may be possible from within the National Park; it is considered that the development would be observed in the context of the nearby Hirwaun Industrial Estate and its associated buildings and infrastructure. As such, notwithstanding its position close to the boundary with the National Park, it is not considered that this relatively small development would result in an adverse landscape impact upon the setting of the National Park that would unacceptably compromise the ability of visitors to enjoy the landscape.

Similarly, it is accepted that localised visual impacts have resulted from the loss of a number of trees and vegetation that previously formed part of the site. It is noted that the site previously provided a landscaped band that defined part of the northern boundary of Halt Road/ Fifth Avenue. It is accepted that the loss of the trees (which were felled prior to the submission of the planning application) is regrettable, however it must be noted that the trees themselves were not subject to any Tree Preservation Orders, nor is the site subject to any formal ecological designation. It is also noted that a band of trees and vegetation still remains in place, appearing as a backdrop to the development and separating the site from the adjacent Camnant watercourse. It is accepted that the storage containers themselves are functional structures, which are clearly commercial in their character and appearance. However, as the site is enclosed by close board fencing, along its boundary with the highway, views of the containers themselves would not be readily apparent with the structures being largely screened from road. Whilst the fence itself is a new and visible feature in the street scene, it is likely that over time its appearance will naturally 'weather' thereby reducing its prominence. However, in order to lessen further its prominence, a condition is suggested which would require it be painted/stained in an appropriate colour. Overall, whilst the loss of trees on the site is regrettable, it is not considered that the visual and landscape impacts arising from this would be so great as to warrant the refusal of the planning application.

In terms of ecology, whilst it is noted that Natural Resources Wales have raised an objection to the application, this is based on the grounds of impact on the visual values of the National Park, rather than any ecological impacts which may have resulted. In order to aid in the assessment of this aspect of the scheme, consultation has been undertaken with the Council's Ecologist. Whilst their observations note that the trees which were previously on site may have had bat roost potential, they highlight that as the trees had been felled prior to the submission of the application, it is not possible to assess this retrospectively. They also note that despite the NRW's visual concerns, NRW are not suggesting that any wildlife law has been broken. Therefore, as the site has already been largely cleared, it is not considered that a detailed ecological assessment is required to support the submission, however it is suggested that the application should evidence biodiversity enhancement and ensure the protection of the water quality of the adjacent stream. As such, no objections are raised by the Council's Ecologist, subject to conditions which reflect the above requirements.

Therefore, whilst it is acknowledged that the proposed development, including the proposed siting of the containers, represents the introduction of industrial/ commercial structures to an area, which was previously landscaped verge, for the reasons stated above, most notably the proximity of the site to Hirwaun Industrial Estate and comparable use that is already operational at Nantllechau Farm; it is not considered that the development would result in a harmful impact upon the character and appearance of the site and its wider landscape setting that would be so great as to warrant the refusal of the planning application.

### Highway Safety

As set out in the publicity section of the report, a number of residents have raised highway safety concerns with regard to the proposal, as such, in order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section.

Their response comments that in terms of access, the layout plan, which accompanied the application, originally indicated that the site would be served by three gates. However, onsite inspection revealed that there were only two gates, and an amended plan was submitted. This is considered to be an acceptable access arrangement. In order to ensure that the site shall be served by one access point and one egress point, a condition to this effect is also recommended, should Members be minded to approve planning permission.

In terms of visibility, it is noted that the site boundary has been set back to accommodate a vision splay of 2.4m x 40m, which is acceptable for a 30mph speed limit and accords with TAN 18.

It is commented that the application is not accompanied by the detailed design of the proposed access / egress points off the public highway. As such, conditions relating to design and detail of the proposed access / egress points have been suggested.

In terms of internal circulation, this would be via a 3.0m access road, which is made up of loose material. Whilst the principle of the internal layout access is acceptable, a further condition is recommended, which would require the first 20 metres of the egress point within the site to be surfaced in permanent material, in order to prevent loose material being dragged onto the public highway. Finally, a further condition is also recommended which would ensure surface water from the proposed does not discharge onto the public highway.

The observations of the Council's Transportation Section conclude by stating that whilst there is a lack of detailed information on the submitted layout plan, in relation to the detailed design of the access points, these matters can be dealt with by the use of suitably worded highway related conditions. As such, the Council's Transportation Section conclude by raising no objections to the planning application, indicating the proposed use and its associated traffic movements would not result in an adverse impact upon highway safety in the vicinity of the site. Therefore, the application is considered to be in accordance with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

#### 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

Having taken account of all of the issues outlined above, whilst it is accepted that some localised impacts have resulted from the loss of the landscape verge, on balance, it is not considered that the proposals would result in an adverse impact upon the character and appearance of the immediate area and wider landscape setting of the site, at the periphery of the Bannau Brycheiniog National Park, that would be so great as to warrant the refusal of the planning application. It is also considered that any amenity impacts could be managed by the use of conditions relating to hours of operation and lighting. Similarly, the proposal is also considered acceptable in highway safety terms, subject to a number of conditions, requiring a detailed design for the access and egress points to the site. As such, the proposal is considered to accord with the requirements of relevant policies of the Rhondda Cynon Taf Local Development Plan. Therefore, the proposal is recommended for approval, subject to the conditions set out below.

**RECOMMENDATION: Approve**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans
  - Drawing no. 'Site Location Plan'
  - Drawing no. 'Site Location Plan and Proposed Site Layout Plan'
  - Drawing no. 'Detail of storage container' Scale 1:50
  - Drawing no. 'Proposed block wall section' Scale 1:50
  - Drawing no. 'Detail of boundary fencing' Scale 1:50

and documents received by the Local Planning Authority on 24/09/21, 06/10/21, 18/10/21, 10/11/21, 5/11/21, 16/03/22, 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. The site shall be served by two points off Halt Road only, one access and one egress.

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

4. Notwithstanding the submitted layout plan, the design and construction details of the proposed access and egress points off Halt Road including permanent surfacing for 20 metres internally, shall be submitted to and approved in writing by the Local Planning Authority, prior to the siting of any storage containers on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial use and retained as such thereafter.

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

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

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

6. Prior to the formal construction of the access and egress points and the siting of any storage containers, traffic management and wheel washing facilities shall be provided on site, in accordance with details first to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety.

7. Prior to the formal construction of the access and egress points and the siting of any storage containers, details of drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The details shall evidence how the development is to take into account the local surface water flood risk and include a strategy to ensure the development is resilient. The development shall not be brought into beneficial use until the drainage works have been completed in accordance with the approved plans/details.

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

8. Prior to the formal construction of the access and egress points, internal roads and the siting of any storage containers, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impacts arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in accordance with the approved CEMP at all times.

Reason: To safeguard the amenities of the adjoining premises and in the interests of nature conservation, to afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

9. Prior to the formal construction of the access and egress points, internal roads and the siting of any storage containers, a biodiversity enhancement plan shall be submitted to and approved in writing by the Local Planning Authority, the plan shall include details of all biodiversity enhancement measures proposed, along with details of any proposed landscaping features. The plan shall also include a timetable for their implementation. The development shall be carried out in accordance with

the approved plan and all approved features shall be retained thereafter in perpetuity.

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

10. Prior to the development being brought into beneficial, details of a colour finish for the existing fence, which forms the boundary with Halt Road/ Fifth Avenue, along with a timetable for its application, shall be submitted to and approved in writing by the Local Planning authority. The development shall be completed in accordance with the approved details thereafter.

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.

11. Prior to the approved use being brought into beneficial use, details of a scheme for any external lighting required, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved lighting scheme and shall be retained as such thereafter in perpetuity.

Reason: To prevent light pollution and to protect the amenities of neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. The use hereby approved shall not operate other than between the hours of:

Monday – Saturday 08.00am – 06.00pm

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.



## PLANNING & DEVELOPMENT COMMITTEE

11 January 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/1413/10 (MF)  
**APPLICANT:** Talgren Solar Limited  
**DEVELOPMENT:** Construction and operation of a solar photovoltaic farm including access, fencing, CCTV, internal service tracks, ancillary equipment and scheme of landscaping (amended site layout and supporting information received 29/08/23)  
**LOCATION:** RHIWFELIN FAWR FARM, LLANTRISANT  
**DATE REGISTERED:** 29/08/2023  
**ELECTORAL DIVISION:** Llantrisant and Talbot Green

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**RECOMMENDATION:** Approve, subject to conditions and S106.

**REASONS:** The provision of a solar farm in this location will result in a positive contribution to WG's renewable energy targets and will provide clean, renewable energy to the benefit of all RCT residents, as well as providing clear environmental benefits.

While it is accepted the proposed development will inevitably result in a degree of impact to the character and appearance of the area, subject to appropriate conditions/mitigation, it is not considered any potential impact would be significant enough to warrant refusal of the application.

Appropriate biodiversity mitigation / enhancement measures would be implemented that would ensure there is no determinant to biodiversity / ecology on and around the site or any impact to the nearby Rhos Tonyrefail SSSI, and these measures can be properly controlled through conditions and a S106. Through the proposed measures, there is actually capacity for the development to evidence some ecological enhancement at the site.

There would be no undue impact to the amenity levels currently enjoyed by the closest neighbouring residents, and the impact of the scheme upon highway safety and land drainage can be suitably mitigated.

The proposed development is therefore in accordance with the aims and objectives of Future Wales 2040, Planning Policy Wales and the Rhondda Cynon

**Taf Local Development Plan. The application is subsequently recommended for approval.**

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## **REASON APPLICATION REPORTED TO COMMITTEE**

The application is accompanied by an Environmental Impact Assessment.

## **APPLICATION DETAILS**

Full planning permission is sought for the construction of a ground based solar farm across approximately 4.3ha of land at Rhiwfelin Fawr Farm, Llantrisant. The scheme would generate up to 9.9MW of electricity, enough to power approximately 2,600 homes per year or take 1100 cars off the road, and offset nearly 2,850 tonnes of carbon each year.

The photovoltaic (PV) panels would be arranged in rows in an east/west alignment across the site and orientated south. Each would be secured to metal framework approximately 3m above ground level and with 3 – 6m between rows to avoid shadowing and to allow future maintenance / grazing. The panels would be set back from any woodland edge by 15m and from any hedgerows, ditches and field drains by 5m.

Primary access to the site will be gained via the Farm's existing access off the adjacent highway, Pantybrad (east). A secondary access is also proposed off Pantybrad which would serve the required substation. It is noted that the secondary access would be used only on an ad-hoc basis for maintenance and repair works when necessary.

The scheme would also include various landscaping works and biodiversity enhancement measures; electricity substations and customer cabins; inverters, transformers and associated cabling (largely below ground); 2m high perimeter fencing and CCTV; and internal service tracks.

It is detailed that the development has purposely been kept out of any high ecologically valued habitat (following amendments) and that very little site clearance would be required, limited to the immediate areas of the solar panel supporting structures and mostly consisting of minor hedgerow clearance and removal of some low ecologically valued grassland.

The solar farm will connect to the local distribution network at an existing substation located approximately 1.3km to the south along the A4119 (Ely Valley Road). The cable from the site to the substation would be below ground and would largely run within the highways.

The solar farm is to be operational for 40 years, after which the facility would be decommissioned and all equipment removed from site, returning the site to its former condition / use.

Members are advised that initial concerns were raised by both the Council's Ecologist and Natural Resources Wales (NRW). The concerns related to the Site's proximity to the nearby Rhos Tonyrefail Site of Special Scientific Interest (SSSI) and potential impacts the development could have upon links between different areas of the SSSI. In light of this issue the scheme was amended on 29/08/23 whereby approximately 1.4ha of the solar panels nearest to the SSSI were relocated from the southern element of the site to new fields outside of the original red line boundary and to the north-east of the farmhouse. This has extended the separation distance between any panels and the SSSI from approximately 50m to approximately 220m, and positioned them in areas of modified grassland that are considered to be low in biodiversity value. The original fields at the south of the site from which the panels have been removed are now included in the 'blue line' and have been set out for biodiversity mitigation / enhancement measures to be controlled long-term by a proposed Section 106 agreement (S106). The proposed mitigation essentially aims to enhance this area to the same biodiversity value as the nearby SSSI.

The application is accompanied by an Environment Statement (ES) following an Environment Impact Assessment (EIA) being undertaken in respect of potential impacts upon biodiversity.

## **SITE APPRAISAL**

The application site amounts to approximately 17.7ha and is split into three distinct areas, the main bulk of the solar panel arrays (approximately 15.6ha), a secondary, much smaller area of panel arrays (1.4ha, following the amending of the site layout), and the cable route from the site to the nearby substation along the A4119. It is noted however that only 4.3ha of land would be covered by the solar panels themselves. The remainder of the site would be taken up by ancillary works, access tracks and landscaping / biodiversity enhancement measures etc. Many areas of the site would also be left undeveloped as they are occupied by existing woodland, hedgerows, etc.

Both the main and secondary elements of the site are located on south facing hillside at Rhiwfelin Fawr Farm. The site is therefore located within a rural, countryside setting and is currently used for grazing. The land rises up above the nearby Llantrisant Business Park (south) into open countryside to the north, east and west.

Access is gained from a private farm track that serves the existing Farm, off Pantybrad to the east. Pantybrad, a country lane, connects to Heol y Sarn to the south (through Llantrisant Business Park), which in turn connects to the nearby A4119 (Ely Valley Road). The third element of the site, the underground grid connection cable, would follow this route to an existing substation along the A4119, opposite the Royal Glamorgan Hospital.

The nearest settlements are that of Ynysmaerdy, approximately 1km to the south-west, and Llantrisant, approximately 2.5km to the south-east. There are however

several isolated residential properties scattered throughout the surrounding hillside, the nearest sited approximately 215m to the west (excluding the host farm and excluding any proximity to the cable route).

A much smaller (2MW) solar farm and two wind turbines (the 'Daffodils') are located directly to the east of the site.

The two main elements of the site are within the Mynydd y Glyn and Nant Muchudd Basin Special Landscape Area (SLA); a Sandstone Resource Area; an area where there is a high risk from historic underground coal mining; are directly adjacent to the Rhiwfelin Fawr and Garth Grabben Slopes Sites of Importance for Nature Conservation (SINC); and are in relatively close proximity of the Rhos Tonyrefail SSSI (the closest areas of the SSSI are located approximately 220m south and 500m north of nearest parts of the site).

The cable route is crossed by Public Right of Way (PRoW) ANT/222 and sections within Llantrisant Business Park and along the A4119 are located within a C2 flood zone.

## **PLANNING HISTORY**

Previous planning applications submitted at the site:

22/0124/36 – Scoping opinion for a proposed solar farm at Talbot Green.

Decision: Scope of EIA is appropriate, 25/03/22

21/1252/35 – Screening opinion for a proposed solar farm at Talbot Green.

Decision: EIA required, 24/11/21

## **PUBLICITY**

The public consultation process was undertaken initially and following receipt of amended plans/documents. 84 of the closest neighbouring properties were individually notified of the application by letter. 10 notices were placed on and within the vicinity of the application site and a notice was placed in the local press (Western Mail). No representations have been received.

## **CONSULTATION**

Highways and Transportation – No objection subject to conditions in respect of the Construction Management Plan, traffic management and a road conditions survey.

Flood Risk Management – No objection or conditions suggested. The site drainage arrangements would require separate Sustainable Drainage Systems (SuDS) approval from the SuDS Approval Body (SAB) prior to any development works

commencing on site. This separate process would ensure appropriate site drainage methods are implemented on site.

Public Health and Protection – No objection subject to conditions in respect of construction noise, waste, dust and lighting.

Countryside, Landscape and Ecology – No objection subject to conditions in respect of biodiversity mitigation and enhancement measures and a S106 to ensure the long-term delivery and management of the biodiversity measures for the lifetime of the development.

Natural Resources Wales – No objection subject to conditions in respect of dormice protection and Landscape Ecological Management / Construction Environmental Management Plans.

Public Rights of Way Officer – No objection subject to condition in respect of protecting the PRoW during and following development.

The Coal Authority – No objection subject to condition. The Applicant's Coal Mining Risk Assessment (CMRA) report sets out that it is unlikely the construction of solar panels would be affected by any historic underground coal mining features, but that some rotary probe drilling works should first be undertaken in areas of sensitive structures and access roads. The Coal Authority concurs with this conclusion and suggests a condition is attached to any consent in this respect.

Cadw – No objection or conditions suggested. Cadw agrees with the conclusions of the Applicant's Heritage Desk Based Assessment, in that there would be no impact upon the setting of any designated historic assets in the locality.

Glamorgan Gwent Archaeological Trust – No objection subject to condition. The Historic Environment Records indicate that the site is located in an area of archaeological potential; and the Applicant's own Archaeological Desk Based Assessment indicates that there could be medieval, prehistoric and bronze age interests. It is therefore considered a detailed written scheme of investigation for a programme of archaeological work is required before any works commence on site, which can be controlled via condition.

South Wales Fire and Rescue Service – No objection or conditions suggested. Standard advice offered in respect of access for firefighting equipment and grass fires.

National Grid – No objection or conditions suggested. Standard advice offered in respect of grid connections.

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 entire site, save for the section of cable route within Llantrisant Business Park, is located outside of settlement limits.

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.

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 – identifies that proposals which affect historic assets and PRoWs will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area / public facilities.

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

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

Policy AW12 – sets out criteria for renewable and non-renewable energy proposals.

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

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

### **Supplementary Planning Guidance**

- Design and Placemaking

- The Historic Built Environment
- 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 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 17 – Renewable and Low Carbon Energy and Associated Infrastructure
- Policy 33 – National Growth Areas – Cardiff, Newport and the Valleys

Other relevant national planning policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning
- PPW Technical Advice Note 6: Planning for Sustainable Rural Communities
- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 15: Development and Flood Risk
- PPW Technical Advice Note 18: Transport
- PPW Technical Advice Note 23: Economic Development
- WG Practice Guidance – Planning Implications of Renewable and Low Carbon Energy (February 2011)
- WG 'Dear CPO' letter MA-P/CS/1303/16 re: Green Growth (March 2016)

## **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 development of a ground based solar farm for a period of 40 years, after which the facility would be decommissioned and all equipment removed from site.

PPW11 states that the planning system should facilitate delivery of renewable energy proposals. Since the withdrawal of TAN 8, FW2040 has set out the context and specific policies for renewable energy development. Policy 17 of FW2040 is particularly relevant and contains guidance relating to renewable and low carbon energy development. The Policy gives a clear direction to decision makers that significant weight must be attributed to Welsh Government's (WG) target to meet 70% of electricity demand by renewable means by 2030.

In terms of the LDP, Policy AW12 supports renewable energy projects, providing there is no unacceptable impact to the environment, ecology, landscape, public health or residential amenity.

Furthermore, although the location of the solar farm would not be in accordance with some aspects of Policy AW2, in that a site in the open countryside is unlikely to qualify as a sustainable location, this type of development would normally be expected to be found in the countryside or on the settlement fringe. Therefore, the Policy is of less material relevance in this instance and little weight would be attributed to it.

It is also noted that this scheme would present a diversification of use of a small proportion of land within a single wider agricultural holding whilst retaining the agricultural management of the site for grazing.

It is therefore considered the proposal is supported by both local and national planning policy and would provide a much needed contribution to meeting WG's renewable energy targets, all the while delivering clean, renewable energy and environmental benefits, to the benefit of all RCT residents.

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



## **Character and Appearance**

The main elements of the site comprise several fields towards the mid/upper sections of the hillside to the north of Llantrisant Business Park, each of which are currently greenfield in character and appearance. Any development here will therefore inevitably result in a material change to the character and appearance of the site and the wider landscape which is a designated SLA. Further, given the elevated position, the site is visible from the south and east, particularly from the northern extents of Llantrisant and from Llantrisant Common.

The Landscape and Visual Impact Assessment (LVIA) submitted sets out that the proposed solar farm can be assimilated within the local landscape of the site without wide scale significant landscape effects. It notes that the proposed development is to take place within the existing field structure of the site with only minor hedgerow removal proposed. Further, the site comprises an existing pastoral farm surrounded by mature landscape features which will limit the scale of effect upon the character in the immediate area, and that landscape effects will generally be restricted to the site area and immediately adjoining areas forming the prevailing setting to the site, with views from wider areas being restricted by the undulating topography of the area and existing landscape features in-between.

The report also notes that the main changes will relate to the landcover and landscape pattern characteristics of the landscape character rather than the overall defining structural character of the site, which will remain. It also comments that the effects, whilst long-term, would be wholly reversible upon decommissioning and that the proposed mitigation and management measures such as new hedgerow and tree planting would, over time, enhance the landscape structure of the area and aid the integration of the development whilst also providing an overall net gain in site wide biodiversity.

As such, the Applicant's LVIA concludes that the proposed development would have minimal effect upon the existing landscape.

In considering the potential visual impact of the scheme it is firstly acknowledged the site is in close proximity of two existing wind turbines, which due to their scale and design might be considered something of a local landmark. However, the appearance of these tall, slim structures is not necessarily comparable with a mass of solar panels across over 4ha of open fields, possibly with glint and glare qualities, and would arguably be of less aesthetic appeal.

Secondly, the proximity of Llantrisant Business Park to the application site is noted which is characterised by large industrial units, service yards and associated infrastructure etc., however since the Industrial Estate is located along the valley floor, the solar farm would neither appear to be part of it or an extension to it, which might otherwise offer some mitigation for its visual intrusion.

There is subsequently some concern that the solar farm would have undue prominence at a higher level in the wider landscape where there is little or no development at that elevation other than that related to agriculture, and where the SLA designation requires development proposals to demonstrate a high standard of design quality.

Despite this concern, it must be acknowledged that there is an existing solar farm at adjacent fields which has some visual impact, an impact that would be comparable to that which occur as result of this proposed development, albeit the existing development is of a smaller scale to that proposed (across approximately 2ha of open fields) and the proposed development could result in a cumulative impact.

In considering the recently consented existing solar farm Committee were of the view that it would not be overly prominent in the immediate setting, being well screened by a combination of sloping and undulating topography, mature vegetation around the site, and with the limited number of receptors within the site's immediate context.

Being sited at the adjacent fields to the existing development and with similar development proposed, despite covering approximately twice the ground area of the existing development, it is considered the proposed solar farm would essentially appear as an extension of the existing solar farm. With no change in circumstance to the aforementioned mitigating factors and with the fields to be covered in panels (including the existing) forming a relatively small element of the landscape in this area, it is not considered the proposed additional solar farm in this area would significantly increase any current visual impact to the landscape; and furthermore, would ensure there is no cumulative impact in this context.

As noted above however, given the elevated position of the site, it is visible from the northern extents of Llantrisant and from Llantrisant Common from which the proposed development would be most prominent and where views of it combined with that of the existing solar farm and nearby wind turbines could have a cumulative impact.

Welsh Government Practice Guidance 'Planning Implications of Renewable and Low Carbon Energy' sets out the land use planning impacts and benefits of different forms of such developments, including solar energy generation. The Guidance recognises that solar PV arrays are an emerging technology in the UK and provides a summary of potential impacts and design mitigation and enhancement measures of solar installations.

Nevertheless, since the site is not flat any mitigation by landscaping, as suggested by the Practice Guidance, would not address the southerly fall across the site and the effectiveness of any screening in views from Llantrisant and the Common would likely be limited.

Additionally, the location of the site close to Llantrisant Conservation Area and several scheduled monuments around the historic town means that TAN 24 must be a consideration. In its consultation response Cadw noted that the conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a Scheduled Ancient Monument or not.

Cadw has advised that it will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument, and that TAN 24 presumes against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

On the basis of the Heritage Desk Based Assessment submitted alongside the application the proposed development was considered in relation to several scheduled monuments in the surrounding area, with the key monument being considered Llantrisant Castle.

The Assessment concludes that the development would be seen from the upper parts of Llantrisant Castle, but the solar farm would not have an adverse impact on the setting of the Monument. The proposed development would not be visible from any other scheduled monuments and would not have any impact on their settings. Cadw has stated that it concurs with the conclusions of this assessment and raises no objection to the scheme.

Whilst it is evident that the development would neither conflict with TAN 24 or LDP Policy AW7, concern remains about the long views towards the site from the south/east and whether the development can be justified within the SLA setting.

Nonetheless, the submitted LVIA recognises that the proposed development would affect an area of recognised landscape character but due to the limited areas with visibility of the site, only the northern extents and several high points within Llantrisant and from the Common, that this would be insubstantial and of minor significance within the local context. Therefore, while there is some concern in respect of views of the site from Llantrisant and the Common, it is considered this is an appropriate assessment of the potential visual impacts, and that the conclusions are generally sound and acceptable.

Subsequently, and on balance, subject to conditions in respect of the future decommissioning of the solar farm and the remediation of the site, it is considered that the proposed development would not be overly harmful to the character and appearance of the site and surrounding area; or when viewed with the existing neighbouring solar farm development, would result in a cumulative visual impact of a degree sufficient to warrant a recommendation of refusal.

## **Neighbour Amenity**

Excluding the host farm and any properties in close proximity of the underground cable route, the nearest settlement to the site, Ynysmaerdy, is located approximately 1km to the south-west and the nearest dwelling within the surrounding countryside approximately 215m away.

Given the panels would be static and post-construction traffic would be infrequent, there would be an absence of noise generation at the site. Similarly, the relatively low height and shallow angle of the panels, taking note of the screening provided by existing vegetation and intervening topography, means that any glint/glare would be minimal and any potential harmful impact to the outlook from the aforementioned dwellings would be limited. It is therefore considered the proposed development would not result in any undue harm to the amenities of the nearest neighbouring residents.

Furthermore, it is not envisaged a scheme/use of this nature would negatively impact upon the amenities or operation of the industrial uses within the nearby employment site.

## **Ecology**

Given the scale of the proposed development, the greenfield nature of the site and its close proximity to the nearby SSSI and SINC, it was considered any potential impacts upon biodiversity and ecology should be considered at EIA level. As such, an ES including several supporting reports/surveys has been submitted with the application in this respect.

Members are advised that initial concerns were raised by both the Council's Ecologist and NRW. The concerns related to the Site's proximity to the nearby Rhos Tonyrefail SSSI and potential impacts the development could have upon links between different areas of the SSSI.

NRW noted that the nearby SSSI (originally approximately 50m away from the Site at its closest point) is designated for its marsh grassland habitat, its flush spring and soligenous marsh habitat, and for supporting marsh fritillary butterfly. The SSSI is therefore a key area for this protected species within South Wales.

NRW also commented that the Site supports priority habitats of purple moor grass and rush pasture and upland acid grassland that perform functions for the conservation of the marsh fritillary butterfly in the local landscape and act as habitat conduits for the species between the different areas of the SSSI. Therefore, the location of solar panel across these habitats could potentially impact upon the function of these areas as good linkages for the species and the ecosystem resilience between the SSSI areas. NRW were also uncertain as to whether the habitat corridors proposed within the Site, as originally proposed, were sufficient to perform as appropriate habitat linkage for the butterfly. It was therefore recommended development be removed from the fields

closest to the nearest SSSI area (the southern element of the scheme) and this area is instead used for biodiversity mitigation / enhancement measures.

The Council's Ecologist concurred with NRW's views but noted that the southern area of the site is also occupied by nesting birds which should also be protected.

Further concerns were raised by NRW with regard the proposed removal of approximately 160m of hedgerow throughout the site and the potential impact this could have upon dormice habitat. As such further information was also requested with regard this issue.

In light of the concerns raised the scheme was amended on 29/08/23 whereby approximately 1.4ha of the solar panels nearest to the SSSI, the southern element of the scheme, were relocated to other fields north-east of the farmhouse, extending the separation distance between any panels and the SSSI from approximately 50m to approximately 220m, and positioning them in areas of modified grassland that are considered to be low in biodiversity value.

The ES and supporting surveys/reports were also updated and a S106 proposed to ensure the long-term maintenance of the proposed biodiversity mitigation / enhancement measures. The S106 proposes the original fields at the south of the site, from which the panels have been removed, are instead utilised for biodiversity mitigation / enhancement measures.

Following consideration of the updated information NRW commented that they still have some concern with the proposal but are satisfied that the information submitted is generally sufficient to demonstrate that the proposed development would not result in a detrimental impact to protected species, nesting birds or dormice. This is however subject to the mitigation and enhancement measures set out in the ES being implemented on site and conditions/S106 being added to any consent to control this.

It was noted that the removal of panels from the southern element of the site and instead using this area, approximately 6.8ha, for biodiversity mitigation / enhancement measures to be controlled long-term through a S106 overcomes the initial concerns and will ensure there is no adverse impact to the marsh fritillary population within the neighbouring SSSI. A condition is however suggested to ensure construction works would not impact upon the protected species.

NRW also commented that most of the hedgerows on site are to be retained and the 160m to be removed are recently planted 'gappy' hedgerow lengths which is unlikely to be detrimental to the maintenance of the population of dormice in the area. Further, 263m of new hedgerow would be planted which is considered an appropriate mitigation / enhancement measure. Conditions were however suggested to ensure dormice are protected during construction works.

The Council's Ecologist commented that a considerable amount of survey assessment and informed design iteration has advised this application, and while the site lies within a local context of high biodiversity value and key habitat and priority species have been recorded, following the amendments, any potential impacts to key biodiversity features would now be avoided by the proposed site layout.

As such, in reviewing and assessing the impacts of the scheme against the available ecological mitigation, it is the Ecologist's view that, providing the long-term mitigation set out in the ES is appropriately managed through a comprehensive scheme controlled by conditions/S106, which will need to include post construction monitoring, any potential biodiversity impacts would be appropriately and effectively mitigated and there is actually capacity for the development to evidence some ecological enhancement at the site. As such, no objections are raised subject to the inclusion of relevant conditions and a S106 for the long-term management of the biodiversity mitigation / enhancement measures being included with any consent; as well as the conditions suggested by NRW to ensure construction works do not have any impact.

Taking the above comments in to account, it is considered the scheme is acceptable in biodiversity terms but that appropriate conditions/S106 would be necessary to ensure all ecological mitigation and enhancement measures identified in the supporting information are implemented on site, and that they will remain in place for the lifetime of the development (as set out below).

### **Highway Safety**

The Highways and Transportation section have no objection to the proposal subject to several relevant conditions being attached to any consent.

In coming to this conclusion it was commented that given site access is via a country lane and an industrial estate served by a classified principal route, construction traffic would have no significant impact. Further, once developed, the proposal would result in insignificant traffic movements.

As both Heol y Sarn (through the industrial estate) and the A4119 (Ely Valley Road) are dual carriageway the most critical part of the access route is therefore Pantybrad and the site access off it. Swept path analysis undertaken of Pantybrad illustrates that it is wide enough along the entire route for an articulated vehicle. It is also wide enough for the first 450m (from the junction with Heol y Sarn until past the recycling centre) for an estate car to pass an articulated vehicle. However, beyond this, for circa 1km to the site access, Pantybrad is too narrow for a car to pass an articulated vehicle. As such construction traffic will need to be managed both in terms of vehicle sizes and traffic movements on this section, but that the site access off Pantybrad is sufficient for an articulated vehicle.

The Submitted Transport Statement and Construction Method Statement demonstrates appropriate management of deliveries over a 6 month construction

period with measures in place to minimise the disruption to the existing general highway users using Pantybrad. Subsequently, no highway objection is raised in respect of access. The developer will however be required to undertake a joint condition survey of Pantybrad from Heol y Sarn and rectify any damage caused as a result of the development at their own cost, which can be controlled by condition.

The submitted information also indicates that the off-site cable route would be accommodated within adopted highways. This element of the scheme would be subject of separate, existing Highways legislation and controls, which is acceptable.

In light of the above no highway objections are raised subject to the conditions set out below being attached to any consent.

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

The Council's Flood Risk Management team raised no objection to the proposal noting that a suitable drainage scheme could be implemented on site that will ensure there is no detriment to the surrounding area; and that this would be covered by the separate, necessary SuDS application prior to any development works commencing on site.

NRW noted that a section of the cable route between the solar farm and the A4119 would be located within a C2 flood zone, but as the cable would be sited underground and the entire development would be classed as 'less vulnerable development' in flooding terms, they have no concerns in this respect.

### **Public Health**

Public Health and Protection suggest several conditions in respect of construction noise, waste, dust and lighting. Whilst these comments are appreciated, it is considered that these matters can be more efficiently controlled by other legislation available to the Council. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

### **Historic Mining Activities**

The Coal Authority (CA) confirmed that the application site falls within a defined Development High Risk Area and there are consequently historic coal mining features and hazards within the site which need to be considered in relation to the determination of this application.

The CA note that the Applicant's CMRA sets out that it is unlikely the construction of solar panels would be affected by any historic underground coal mining features, but that some rotary probe drilling works should first be undertaken in areas of sensitive

structures and access roads. The CA concurs with this conclusion and suggests a condition is attached to any consent in this respect.

### **Public Rights of Way**

An element of the cable route is crossed by a PRow. The path would not be permanently stopped up or diverted as a result of the scheme but no information has been submitted in respect of how the developer would ensure it is maintained during and following development. As a precaution the PRow Officer has requested a condition be attached to any consent requiring this information before any development works commence on site.

### **Other Issues**

While the site is located in a Sandstone Resource Area, which Policy AW14 seeks to safeguard from any development that would unnecessarily sterilise it or hinder its extraction, any mineral extraction has already been sterilised at the site by the previous surrounding developments and the established, nearby residential properties / employment use. There is consequently no objection in this respect.

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

Section 106 (S106) 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 06 April 2010, states that a planning obligation, under S106, may only legally constitute a reason for granting planning permission if it is:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development.
- 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. PPW advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. 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: Planning Obligations, however it is made clear that this is only intended to form the basis of negotiations between all parties.

In this case the developer would be required to enter a S106 with the Council for the following:

- Ecology/Biodiversity/Landscape – the delivery of long-term habitat management on-site and at the off-site locations indicated within the 'blue line areas' set out on plan ref. WN1006/01/02 Rev. 2 – Planning Application Boundary.

It is considered that these requirements meet all of the above tests and are compliant with the relevant legislation. Members are also advised that the applicant has agreed to these terms.

### **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 principle of the proposed solar farm would be in accordance with both local and national planning policy for renewable energy developments.

The provision of a solar farm in this location will result in a positive contribution to WG's renewable energy targets and will provide clean, renewable energy to the benefit of all RCT residents, as well as providing clear environmental benefits.

Having taken account of all issues identified above, while it is accepted the proposed development will inevitably result in a degree of impact to the character and appearance of the area, subject to appropriate conditions/mitigation, it is not considered any potential impact would be significant enough to warrant refusal of the application.

It is also considered appropriate biodiversity mitigation / enhancement measures would be implemented that would ensure there is no determinant to biodiversity / ecology on and around the site or any impact to the nearby SSSI, and that these measures can be properly controlled through conditions and a S106. Through the proposed measures, there is actually capacity for the development to evidence some ecological enhancement at the site.

Finally, it is not considered there would be any undue impact to the amenity levels currently enjoyed by the closest neighbouring residents, and the impact of the scheme upon highway safety 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 and S106 above.

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 – WN1006/01/01 Rev. 2
- Planning Application Boundary – WN1006/01/02 Rev. 2
- Site Layout – WN1006/01/03 Rev. 2
- PV Panel Details – WN1006/01/04 Rev. 0
- DNO Substation Details – WN1006/01/05 Rev. 0
- Transformer and Control Equipment Details – WN1006/01/06 Rev. 0
- Customer Cabin Details – WN1006/01/07 Rev. 0
- Spares Cabin Details – WN1006/01/08 Rev. 0
- Fencing and Security Details – WN/1006/01/09 Rev. 1
- Deer Mesh Fencing Details – WN1006/01/10 Rev. 0
- Palisade Fencing Details – WN1006/01/11 Rev. 0
- Temporary Site Set Down Area Details – WN1006/01/12 Rev. 0
- Proposed Cable Route – WN1006/01/013 Rev. 4
- Internal Access Tracks Construction Details – WN1006/01/14 Rev. 0
- Landscape and Ecological Mitigation Plan – WN1006/07/03 Rev. 3
- Environmental Statement and Appendices (Sirus Planning, November 2022)
- Addendum to Environmental Statement and Appendices (Sirus Planning, August 2023)

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 permission hereby granted shall endure for a period of 40 years from the date when electricity is first exported from the development hereby approved to the electricity grid network ('First Export Date'). Written confirmation of this shall be provided to the Local Planning Authority within 1 month of the First Export Date.

Reason: To define the scope of this consent and in the interests of visual amenity, in accordance with Policies AW5, AW6, AW8 and AW12 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the first beneficial use of the development hereby approved, a Decommissioning Plan shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Plan shall include details of the works necessary to revert the site to its original agricultural condition, including, but not limited to:
  - i. The method for the removal of all solar panels, structures, enclosures and equipment and all other apparatus above and below ground level from the site and details of their destination in terms of waste/recycling.
  - ii. Details of how the site is to be restored to its original condition and any financial arrangement for this.

The decommissioning works shall be carried out in accordance with the approved Plan.

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

5. Within 40 years and 6 months following completion of construction of the development, or within 6 months of the cessation of electricity generation by the solar photovoltaic facility, or within 6 months following a permanent cessation of construction works prior to the solar photovoltaic facility coming into operational use, whichever is the sooner, the solar photovoltaic panels, frames, fencing, access tracks and all associated structures and foundations hereby approved shall have been dismantled and removed from the site. The developer shall notify the Local Planning Authority, in writing, no later than 5 working days following cessation of power production.

The site shall subsequently be restored (in accordance with the scheme approved under condition 4) no later than 6 months following the cessation of power production or within 40 years and 6 months of the completion of construction, whichever is the sooner.

Reason: In the interests of visual amenity and to ensure that any derelict or obsolete features do not adversely affect the environment, in accordance with Policies AW5, AW6, AW8 and AW12 of the Rhondda Cynon Taf Local Development Plan.

6. All electricity and control cables within the site, excluding minor DC string cables, shall be laid underground.

Reason: To protect the visual amenity of the site and minimise any environmental impacts in accordance with Policies, AW5, AW6, AW8, AW10 and AW12 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence on site, including any site clearance or general enabling works, until a site wide method statement confirming how dormice will be conserved during hedgerow clearance works has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include, but not be limited to:
  - i. Details of the methods of work (e.g. phased cuts, working direction, etc.).
  - ii. Timing and duration of works.
  - iii. Action to be taken in the event dormice and/or their nests are found.

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

Reason: To afford protection to dormice affected by the development, in the interests of biodiversity and ecology in accordance with PPW and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall commence on site, including any site clearance or general enabling works, until a Hedgerow Mitigation Plan including full details of all hedgerow retention, new plantings, proposals for translocation, mitigation and enhancement measures, and aftercare has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Plan thereafter.

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

9. No development shall commence on site, including any site clearance or general enabling works, 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 for dormice.
- ii. Details of the desired/target conditions of features (i.e. hedgerows present and to be created) at the site.
- iii. Details of short and long-term management, monitoring and maintenance of the new features described in (ii) above 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, with a written report of the effectiveness of the plan provided to the Local Planning Authority every 5 years throughout the lifetime of the development. Any arising revisions of the plan (informed by monitoring) shall be agreed in writing with the Local Planning Authority prior to implementation.

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 Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence on site, including any site clearance or general enabling works, until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to:
  - i. Construction methods: details of materials, how waste generated will be managed.
  - ii. 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.
  - iii. Soil Management: details of topsoil strip, storage, and amelioration for re-use.
  - iv. CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.

- v. Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- vi. 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.
- vii. Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- viii. Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

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

Reason: To ensure necessary management measures are agreed prior to works commencing on site and are implemented for the protection of species and the environment during construction; to protect the water environment and minimise environmental impact in the vicinity of the application site; and in the interests of biodiversity and ecology, in accordance with PPW and Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

11. No development shall commence on site, including any site clearance or general enabling works, until a Wildlife Protection Plan for Construction (WPPC) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include, but not be limited to:
- i. An appropriate scale plan and descriptions showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented including hedgerows, trees, woodlands, grasslands and field ditches.
  - ii. Details of protective measures (both physical measures and sensitive working practices) to avoid species impacts during construction and precautionary mitigation and management measures, to include nesting birds, bats, dormouse, otter, reptile and badger.
  - iii. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
  - iv. Details of physical protection measures, including protection of root protection zones.
  - v. Details of wildlife sensitive site lighting.
  - vi. Details of the wildlife sensitive management of excavations.
  - vii. Details of water quality protection and waterborne pollution prevention.
  - viii. Details of toolbox talks for contractors and WPPC site signage.
  - ix. An agreed programme of monitoring and reporting to the Local Planning Authority during the delivery of the WPPC.

- x. Persons responsible for:
  - a. Compliance with legal consents relating to nature conservation.
  - b. Compliance with planning conditions relating to nature conservation.
  - c. Installation of physical protection measures during construction.
  - d. Implementation of sensitive working practices during construction.
  - e. Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction.
  - f. Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

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

Reason: In the interests of biodiversity and ecology, in accordance with PPW and Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 12. The approved Construction Traffic Management Plan Volume 2 shall be adhered to throughout the development process.

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

- 13. Notwithstanding the details shown on the approved plans, no development shall commence on site, including any site clearance or general enabling works, until details of the traffic management control and associated signage along Pantybrad have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to commencement of any development on site and shall remain throughout the construction phase.

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

- 14. No development shall commence on site, including any site clearance or general enabling works, until a report indicating a methodology for undertaking a conditions survey of Pantybrad affected by the proposed development has been submitted to and approved in writing by the Local Planning Authority. The report should include, but not be limited to:

- i. The timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority.
- ii. Comprehensive photographs.
- iii. Potential compensation arrangements.

A condition survey shall then be undertaken in accordance with the approved methodology and the results submitted to and approved in writing by the Local Planning Authority prior to any development works commencing on site.

The development shall not be brought into beneficial use until the final survey on completion of the development hereby approved and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

15. No development shall commence on site, including any site clearance or general enabling works, until a written scheme of historic environment mitigation has been submitted to and agreed in writing by the Local Planning Authority. The archaeological work must be undertaken either by a Chartered Institute for Archaeologists (CIfA) registered organisation or an accredited Member and to the appropriate standards and guidance set by the CIfA. The development shall be carried out in accordance with the approved scheme thereafter.

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

16. No development shall commence on site, including any site clearance or general enabling works, until a method statement has been submitted to and approved in writing by the Local Planning Authority which demonstrates how the Public Right of Way that crosses the site will remain open, accessible and unobstructed during construction together with a schedule of the measures which will be employed to protect the Public Right of Way during construction. The development shall be carried out in accordance with the approved method statement.

Reason: To protect the integrity of the Public Right of Way and ensure it is accessible to the public both during and following development, in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

17. Prior to the development hereby approved being brought into beneficial use, a signed statement or declaration prepared by a suitably competent person



confirming that the site is, or has been made safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the development can be carried out safely without unacceptable risks to public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

11 January 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0378/10 (JE)  
**APPLICANT:** Williams & Son  
**DEVELOPMENT:** Change of use from dwelling to Chapel of Rest  
**LOCATION:** 1 BROOK STREET, YSTRAD, PENTRE, CF41 7RB  
**DATE REGISTERED:** 15/06/2023  
**ELECTORAL DIVISION:** Ystrad

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#### **RECOMMENDATION: APPROVE**

**REASONS:** The proposal would see an extension to the existing funeral business which operates adjoining the site. As such, the principle of the change of use is acceptable. Further, it is not considered the proposed use as a chapel of rest would have any undue impact upon the amenity, privacy or operation of the neighbouring properties, or upon highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan and National Policy.

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

- 3 or more letters of objection have been received.
- A request has been received from Councillor Geraint Jones for the matter to come to Committee so Members can consider the impact upon highway safety and parking provision.

#### **APPLICATION DETAILS**

Full planning permission is sought for the change of use of 1 Brook Street, Ystrad from a residential dwelling to a chapel of rest. The scheme would provide an extension to the existing chapel of rest that operates at the adjoining property.

The proposed change of use would be facilitated through internal alterations only. No external alterations are proposed as part of this application.

The applicant has indicated that the proposal (as extended) would be used as a secondary unit to the main, existing chapel of rest/funeral service business that operates from the Rhondda Fach Valley. No funeral services would be undertaken at

the site given the limited size of the building with the primary purpose being for storage of bodies and family viewings only.

The applicant has previously operated a chapel of rest from the adjoining property 1a Brook Street and has indicated that the limited size of 1a does not provide sufficient area for its intended use which has created the need for this application. In addition, the applicant is also in ownership of the area of land on the opposite side of Brook Street which includes a outbuilding used as part of the funeral business and an area of off street parking that would be utilised by this proposal should it gain consent.

## **SITE APPRAISAL**

The application property is traditional mid terrace property located within the village of Ystrad. The property directly fronts the highway at Brook Street which serves as a connection between the A4058 and Ystrad Railway Station as well as a residential street. The property is attached on its northern side to an existing property which benefits from consent to operate as a chapel of rest although is noted by the applicant as currently being used for storage in association with the business only (no bodies this time). To the south the property is attached to no.2 Brook Street which is a residential property. To the rear of the property is an enclosed amenity space which benefits from rear lane access. Adjoining the rear amenity space is a detached outbuilding which is within the ownership of the applicant and is used as part of the existing funeral business. On the opposite side of Brook Street is an area of off street parking which has been recently re-paved and a detached garage/structure which are within the ownership of the applicant and used as part of the funeral business.

The surrounding area is predominately residential in nature and characterised by traditional terraced properties, however, there are a number of commercial properties located along Gelligaled Road (A4058) to the north of the site.

## **PLANNING HISTORY**

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

**11/1024/10:** 1A BROOK STREET, YSTRAD, PENTRE, CF41 7RB

Change of use (workshop to chapel of rest). Proposed car parking opposite.

Decision: 04/11/2011, Grant

## **PUBLICITY**

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

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

- Access from the main road to neighbouring properties would be blocked if proposal was to go ahead.
- Area is already congested with residents and train passengers parking.
- Nearby care home requires constant access for ambulances which would be blocked by the proposal.
- Noise created by cold storage of the bodies.
- Odour created by chemicals and processes undertaken would adversely impact upon neighbouring occupiers.
- Unsuitable location in close proximity to the rugby club.
- This proposal will potentially agitate what is already a frustrating situation for residents in Brook Street, River Street and Redfield Street with regard to parking and access.
- Deliveries to the site will create issues within the rear access lane.
- Adversely impact upon property values and saleability of properties.
- Site is wholly inappropriate for a chapel of rest.

## **CONSULTATION**

**Transportation Section:** No objection.

**Public Health and Protection:** No objection.

**Dwr Cymru/Welsh Water:** No objection subject to condition.

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

## **POLICY CONTEXT**

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

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

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

**Policy CS1** - emphasises the need to build strong and sustainable communities in the Northern Strategy Area.

**Policy AW2** - supports development proposals in sustainable locations including sites within the defined settlement boundary.

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

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

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

**Policy NSA12** – Identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

### Supplementary Planning Guidance

- Design and Placemaking
- Delivering Design and Placemaking: Access, Circulation and Parking Requirements

### National Guidance

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

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

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

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

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

Other national policy guidance considered:

PPW Technical Advice Note 12 - Design

## **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 seeks the change of use of 1 Brook Street, Ystrad from a residential dwelling to a chapel of rest.

Whilst there is always some concern when introducing commercial/business premises within residential areas, regard has to be given to the existing site context which benefits from an area of off street parking and is adjacent to an existing business operated by the applicant. It is accepted that a chapel of rest can typically be perceived as a distressing and an unfavourable use, although by their very nature they also tend to be quiet and discreet operations. Such a small-scale use that would be limited by the modest application building is therefore unlikely to lead to an unacceptable or over intensified use of the site.

Further, given its location, the property is in a highly sustainable location and is accessible by a range of transportation modes including walking, cycling, train and bus as well as by the private car. It is therefore compliant with Policies AW2 and AW5.

Taking the above into account, the principle of development is considered acceptable in this regard subject to the below criteria.

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

The proposal does not involve any external alterations to the property. As such, the change of use would not detract from the character or appearance of the area and is considered acceptable in this regard.

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

There is potential for the intended use to have some impact on residential amenity in terms of potential noise and disturbance created by the operation of the use and through coming and goings.

In terms of residential amenity, the property is adjoined by a residential property to the south, although is also sited alongside the existing chapel of rest which separates the site from Ystrad R.F.C to the north. Such chapel of rest facilities can have somewhat distressing characteristics by reason of their very purpose as set out by the objectors. However, this usually encourages and results in discreet and quiet activities being undertaken, that are unlikely to be so detrimental to the residential amenities of nearby residential properties to warrant refusal of the application. It is however suggested the hours of operation/visiting times for members of the public are restricted to match the existing, adjoining use to ensure levels of residential amenity during the late evening and weekends are safeguarded, should Members be minded to approve the application.

With regard to the concerns raised by the objectors in relation to machinery noise and chemical odours associated with the proposed use, the applicant has confirmed that the property would be used for family viewings only and there would be no chemicals or machinery used at the site. In addition, the Council's Public Health and Protection Division have raised no objection to the proposed use.

Further to the above, the proposal would see no enlargement or external works to the property. As such, taking the above into consideration, the proposal is considered acceptable in relation to its impact upon residential amenity.

## **Highway Safety and Parking Provision**

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

### Access

The application property is served off Brook Street which has a one-way access off Gelligaled Road and leads down to the rail station. Brook Street has a carriageway width of 6.9m with a 1.5m footway on the development side.

There is considerable demand for on-street car parking at this location due to the existing terraced dwellings with limited or no off-street car parking facilities and the adjacent rugby club served off Gelligaled Road which attracts overspill on-street car parking. However, on-street car parking on one side of the street would still allow for safe passage of vehicular traffic being predominantly one-way.

### Parking SPG Access, Circulation & Parking 2011



No information has been submitted indicating the existing number of bedrooms in association with number 1 Brook Street, however, it is assumed to be 2 / 3 bedroom requiring up-to a maximum of 2-3 spaces.

The proposed chapel of rest would use the front room of the terrace only with a GFA of 30m<sup>2</sup>, the rest of the ground floor would be used for a cold room, utility room and w/c.

In accordance with the Council's SPG Access, Circulation & Parking 2011 the proposed chapel of rest requires 1 space per 10m<sup>2</sup> taking the maximum required to 3 spaces.

It is noted that the proposed use would require a similar car parking requirement to that of the existing use with the peak times being outside the peak of on-street car parking demand which would be evening peak with resident's home from work.

The applicant has hard paved an area opposite for use of the existing / proposed use which can accommodate in the region of 6 vehicles off-street with the adjacent garage previously approved for storage of the applicant's funeral cars.

On a site visit residents indicated that the applicant also uses the garage served off the rear lane indicating highway safety concerns with regards vision splays. The applicant states that the garage is used for the cleaning of funeral cars only. However, taking into account the use of the garage is not part of this application and was granted in 2011, the use of the lane and garage has not been considered as part of this application.

### Highways Conclusion

It is acknowledged that there is high on-street car parking demand within the area. However, taking into account the small scale of the proposed which cannot accommodate a substantial amount of mourners, the existing traffic regulations in place preventing on street car parking to protect access at the junction with Gelligaled Road, with the car parking demand similar between the existing and proposed use in accordance with the SPG Access, Circulation & Parking 2011, on-balance, no highway objection is raised. As such, whilst the concerns of the objectors with regard to highway safety and parking provision are noted, the application is considered acceptable in this regard.

### **Other issues raised by the objectors.**

The impact upon property values and saleability of properties were also raised within the objector's comments. Whilst these points are noted, they do not form material planning considerations and cannot be taken into account during the consideration of this application.

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

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

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

## **Conclusion**

The principle of the change of use is acceptable. Further, it is not considered the proposed use would have any undue impact upon the amenity, privacy or operation of the neighbouring properties, or upon highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan and National Policy.

## **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

- Floor Plans – Received 12/06/23

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 use hereby approved shall not operate other than between the hours of:

- Mondays to Friday: 9.00am - 7.00pm
- Saturday: 7:00am - 4.00pm.
- Sundays and Bank Holidays: Not at all.

Reason: In the interests of the residential amenity of those living closest to the site in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

## PLANNING & DEVELOPMENT COMMITTEE

11 January 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0493/10 (GRD)  
**APPLICANT:** Mr S Nicholls  
**DEVELOPMENT:** Detached dwelling, parking area, amenity space, associated works (Amended plans received 24/09/2023 and 06/10/2023)  
**LOCATION:** LAND TO THE WEST OF HIGH STREET, YNYSYBWL, PONTYPRIDD  
**DATE REGISTERED:** 31/05/2023  
**ELECTORAL DIVISION:** YnysybwI

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

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

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

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

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

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of a detached dwelling on a parcel of land at the western end of High Street, YnysybwI.

The proposed dwelling would be split level, appearing as three-storeys from the front, with the first floor partially contained within the roof space, and appearing as a two-storey dormer style dwelling from the rear. The dwelling would reach a height of approx. 6.9m to the eaves and 10.8m to ridge when viewed from the front, reducing to

approx. 4.3m to the eaves and 8.1m to ridge when viewed from the rear. The dwelling would measure a width of approx. 12.8m and would have a depth of approx. 8.9m.

Internally, the dwelling would provide an integral garage, games room and gym to the basement floor, with a lounge, dining area, utility room, W/C and open plan living space to ground floor. To first floor, the dwelling would provide 5no. bedrooms with 4no. ensembles and a bathroom provided.

External materials are proposed as render to the walls, with tiles to the roof and grey coloured windows and doors. The roof would be of a duo pitch gable end design with the first floor of the property partially contained within the roof space and the provision of front and rear facing dormer-style windows. New openings and fenestration would primarily face the front and rear of the dwelling, with some minor side facing fenestration and a side facing doorway.

The plans show that the dwelling would benefit from a driveway to the front, with amenity space provided to the rear of the site and a small terrace is proposed to the front of the property. Some excavation works would be required and retaining wall structures are proposed at the site.

Amended plans were received during the application which showed a reduction in height and scale for the proposed dwelling, along with a revision to the rear garden and additional details provided in relation to root protection zones for trees near the site.

The application is also supported by a Coal Mining Risk Assessment.

## **SITE APPRAISAL**

The application site consists of a parcel of land that extends approx. 630sqm. The site is irregularly shaped and is located to the west of High Street and is elevated from the highway with an existing stone wall along the front boundary. The site slopes from west to east with the site increasing in elevation towards the east and rear of the site. The site was somewhat overgrown during the officer's site visit, and several trees are located along the side boundaries of the site. On its south elevation the site is bounded by a wooded area, to the north the site is bounded by a former quarry.

Access to the site would be gained from the east via High Street. Properties in proximity to the site along High Street are primarily traditional terraced dwellings.

## **PLANNING HISTORY**

18/0905/13: Land west of High Street, Ynysybwl, Pontypridd, CF37 3EE: '*Outline permission to erect one detached dwelling with associated parking and amenity space*'. Granted at Planning Committee, 29/01/2019

06/0319/13: LAND ADJOINING CRIBBIN DDU QUARRY WEST OF HIGH STREET, YNYSYBWL: '*Pair of linked houses (outline application)*'. Refused, 13/04/2006

## **PUBLICITY**

The application has been advertised by direct notification letter to neighbouring properties and by site notice, posted near the application site. Objections were received from 3 individuals, with points raised summarised as follows:

- The design and size of the house, including materials, would be out of keeping with surrounding houses;
- Objectors considered that the house would be imposing and dominating;
- Concerns that the house would overlook properties within the street;
- Loss of a view;
- Concerns that the house would be used as a House in Multiple Occupancy;
- Concerns that construction works would impede traffic;
- Concerns that the development would cause parking issues within the street;
- Concerns that the development could be hazardous and impact highway safety;
- Concerns with the loss of countryside view.

## **CONSULTATION**

### Ynysybwl & Coed y Cwm Community Council

Objections received. Objections relate to the following issues:

- Concerns with traffic during construction works;
- Concerns that the proposed dwelling would overlook houses within the street;
- Concerns with the size of the house, and that it could be used for multiple occupancy;
- Objection in relation to the design of the house.

### Local Highway Authority

No objections, subject to conditions. Advisory notes recommended.

### Flood Risk Management

No objection, subject to condition. Advisory notes recommended.

### Public Health and Protection

No objection, subject to conditions. Advisory notes recommended.

Dwr Cymru/ Welsh Water

No objection, subject to condition. Advisory notes recommended.

National Grid

No Objection, Advisory Notes recommended.

Rights of Way Officers

No adverse comments received.

The Coal Authority

No Objection, subject to conditions. Advisory notes recommended.

Council's Ecologists

No Objection, subject to conditions.

**POLICY CONTEXT**

Rhondda Cynon Taf Local Development Plan:

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

The application site is located within the defined settlement boundary of Ynysybwl and is unallocated for any specific purpose. The following policies are relevant in the consideration of this application:

**Policy CS1 – Development in the North:** sets out the criteria for development in the Northern Strategy Area.

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

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

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

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

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

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

**Policy NSA12 – Housing Development Within and Adjacent to Settlement Boundaries:** outlines criteria for housing development within the defined settlement boundaries in the Northern Strategy Area.

Supplementary Planning Guidance:

Design and Placemaking

Access Circulation and Parking

**National Guidance**

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

Planning Policy Wales Edition 11 (PPW) was issued on 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 NDF.

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

The application site is unallocated and is located within the defined settlement boundary and residential area of Ynysybwll. As such, the application complies with Policies CS1, AW1 and NSA12, all of which support the provision of new housing on unallocated sites within and adjacent to settlement boundaries within the Northern Strategy Area.

The principle of developing the site for residential use has also been well established by the most recent approval at the site for outline planning permission for one dwelling, Ref: 18/0905/13.

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

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

The proposed development is considered acceptable in terms of its impact upon the character and appearance of the site and wider area.

Whilst the dwelling would appear as a three-storey dwelling when viewed from the street, it would not be considered to form an incongruous feature at this location. The plot is somewhat detached from other terraced properties within the street and as



such, the development would not be considered to interrupt the pattern of development within the street. Furthermore, the main bulk of the house is set back to the ground floor and first floor, thus somewhat reducing the visual prominence of the dwelling.

Whilst it is acknowledged that the design of the dwelling differs from the design of other more traditional terraced properties within the street, the dwelling is nonetheless considered appropriate at this location and would have an acceptable impact on the street scene and the dwelling would represent a relatively contemporary addition within the street.

The scale of the dwelling would also be considered acceptable on this plot, and it is considered that the development proposal would sit comfortably within the development site. Sufficient outdoor amenity space is also provided, and the proposal is not considered overdevelopment of the site.

Furthermore, it should be noted that the Local Planning Authority granted outline planning permission (ref: 18/0905/13) at the site for a single dwelling with the following parameters in terms of scale:

- Width – Minimum 11m, Maximum 16m;
- Depth – Minimum 8m, Maximum 12m;
- Height – Minimum 10m, Maximum 12m

The proposed dwelling would reach a height of approx. 10.8m to ridge when viewed from the front, would measure a width of approx. 12.8m and would have a depth of approx. 8.9m. As such, the proposed dwelling would be largely in line with the scale parameters approved for a single dwelling (outline planning permission) at the site in 2019. Whilst each application must be considered on its own merits, the previous planning permission granted at the site nonetheless indicates that the site could accommodate a dwelling of this scale.

Concerns have been raised by third parties in relation to the design of the dwelling and that the materials would be out of keeping within the street. Additionally, neighbours have noted that they would experience the loss of a view at the site. However, as outlined above, the local planning authority consider that the design and scale of the proposed dwelling is appropriate, and that the development would have an acceptable impact upon the character of the area.

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

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

The outlook gained from the application dwelling would largely overlook the property's own rear garden and would overlook the adjacent highway to the front. As such, the proposal is not considered to significantly impact neighbouring amenities through overlooking or loss of privacy.

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

Some objections have been received with regards to possible overlooking of properties within the street. However, due to detachment of the plot from neighbouring properties and due to relationship of the proposed dwelling with other properties in the street, it is not considered that significant levels of overlooking would occur.

Objectors also noted their concerns that the property could be used as a House in Multiple Occupation (HMO). However, the local planning authority are assessing the proposal as stated in the application forms and supporting information, which is an application for a detached 5-bedroom dwelling within settlement boundary limits. Any proposal for a change of use of the property to a HMO (use class C4) would need the relevant consents and would be assessed on its own individual merits.

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

## **Highway Safety**

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

### High Street:

The proposed dwelling would be served off High Street on a bend which leads onto an unnamed road. The unnamed road is 5.6m in width with a single footway on the side of the development which varies in width between 1.5m-1.2m which then narrows to 0.7m towards the proposed development.

High Street leading to the proposed has a carriageway width of 7.8m and footways which vary in width between 1.6m-1.9m. High Street also provides traffic calming measures ensuring vehicular speed in the region of 20mph.

However, the Local Highway Authority have raised some concern that the footway fronting the development is substandard and therefore, a condition has been

suggested for the site boundary to be set back for the provision of a continuous 2m footway in the interests of highway and pedestrian safety.

#### Vehicular Access:

The applicant proposes vehicular access via High Street. However, as no details of a vehicular crossover have been submitted, a condition has been suggested accordingly to any grant of planning permission.

The proposed driveway provides sufficient space for vehicles to turn internally allowing vehicles to access and egress the site in a forward gear which is considered acceptable.

There is concern that the proposed driveway could be surfaced in non-permanent materials which could be carried onto the road and footway to the detriment of highway safety. As such, a condition has been suggested for the driveway to be surfaced in permanent materials to prevent loose materials being tracked out onto the highway to the detriment of highway and pedestrian safety.

#### Street Furniture:

For the provision of a continuous 2m footway fronting the property, the relocation of the existing grit bin, dog waste bin and speed limit sign will be required.

Therefore, a condition has been suggested for the street furniture and speed limit sign to be relocated in a position to be agreed by the Local Planning Authority.

#### Parking:

The proposed 5-bedroom dwelling has a parking requirement of 3 spaces in accordance with the Council's adopted Supplementary Planning Guidance (SPG): Access, Circulation and Parking Requirements (March 2011) with 1 provided within the integral garage and ample space on the driveway to provide the remaining 2 spaces required. Whilst some concerns were raised by third parties in relation to parking within the street, it is considered that the development provides sufficient parking spaces for future occupants of the dwelling.

#### Drainage:

Due to water run-off from the carriageway of High Street one of the footways provides back-to-back kerbs to accommodate the level difference between carriageway and footway along with preventing water run-off from the carriageway discharging onto the footway. The footway also incorporates dished channels to manage surface water run-off.

Considering the above, the Local Highway Authority has raised some concern that water run-off from the proposed may discharge onto the public highway and therefore, a condition has been suggested accordingly.

Concerns are noted with regard to traffic and other disturbances during construction; however, the construction period would be temporary, and conditions have been suggested with regard to wheel washing and traffic management to mitigate the impact of the works within the site and to improve the footway along the site frontage for the benefit of all highway users.

#### Highways Conclusion:

The Local Highway Authority have raised no objection to the proposal, subject to conditions. Whilst comments and concerns received by third parties in relation to the development's impact on highway safety have been noted and considered, the Local Highway Authority consider that the development is acceptable in terms of its impact upon highway and pedestrian safety.

### **Ecology**

The periphery of the site is defined by mixed trees and some concerns were raised by the Council's Ecologists with regards to impact on larger trees near the site. However, amended plans were provided by the developer which shows that the root protection zone of the trees would be largely retained. Consequently, the Council's ecologists have raised no objection to the proposal and are satisfied with the plans and information provided. Conditions were suggested by the ecologists' requiring details of the tree root zones to be provided along with biodiversity enhancement measures.

### **Drainage**

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

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

### **Public Health and Protection**

A search of records relating to potentially contaminating past land uses has shown that a quarry formerly occupied the application site. Consequently, the Council's Public Health and Protection Department considers that there is potential for contamination to exist on site and have recommended appropriate conditions be attached to any planning consent requiring a scheme to be submitted to deal with possible land contamination at the site.

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

### **The Coal Authority**

The application site falls partly within an area defined Development High Risk Area, and accordingly, A Coal Mining Risk Assessment has been submitted in support of the planning application. Following consultation, the Coal Authority concur with the findings of the Coal Mining Risk Assessment report and consider that coal mining legacy potentially poses a risk to development at the site and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. The Coal Authority have therefore offered no objection to the proposal, subject to the imposition of conditions.

### **Other Matters**

In line with Policy 13 – Supporting Digital Communications of Future Wales: The National Plan 2040, new developments should include the provision of Gigabit capable broadband infrastructure from the outset. As such, a condition is recommended to that effect to support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

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

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

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

### **Conclusion**

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

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

spaces is provided at the site, and the proposal is considered acceptable in terms of highway safety.

**RECOMMENDATION: Grant**

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

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

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

- Site Location Plan. Drawing No. LP01
- Proposed Site Plan and Site Sections. Drawing No. PL 01. Rev B
- Proposed Plans – Sheet 1 of 2. Drawing No. PL 02. Rev A.
- Proposed Plans – Sheet 2 of 2. Drawing No. PL 03. Rev A
- Proposed Elevations – Sheet 1 of 2. Drawing No. PL 04. Rev A
- Proposed Elevations – Sheet 2 of 2. Drawing No. PI 05. Rev A

and documents received by the Local Planning Authority on 04/05/2023, 19/05/2023, 23/05/2023, 31/05/2023, 24/09/2023 and 06/10/2023 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. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

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

retained together with measures for their protection during the course of development.

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

5. Notwithstanding the submitted plans development shall not commence until details of the site boundary set back to provide for the creation of a 2.0 metres wide footway / vehicular crossover along the site frontage have been submitted to and approved in writing by the Local Planning Authority. The footway / crossover shall be constructed in accordance with the approved details before the development is brought into beneficial use.

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

6. Notwithstanding the submitted plans, details of the street furniture and grit bin to be relocated shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

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

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

8. The parking area/driveway shall be constructed in permanent materials and retained for the purposes of parking only.

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

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

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

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

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

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

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

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

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

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

1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any



contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.

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

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

14. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in Condition 13) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

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

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

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

16. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to approval of the scheme of investigation,

sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing by the 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 and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

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

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

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

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

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

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

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

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

21. No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

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

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

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

23. 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.

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

as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

25. Prior to the commencement of development, details of tree protection measures, in line with BS:5837 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

## PLANNING & DEVELOPMENT COMMITTEE

11 January 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0953/10 (MF)  
**APPLICANT:** Mr S Resoli  
**DEVELOPMENT:** Change of use of land to west of 308 Park Road to garden curtilage to be used in association with dwelling, and erection of 1.8m high timber fence around (retrospective).  
**LOCATION:** 308 PARK ROAD, CWM-PARC, TREORCHY, CF42 6LG  
**DATE REGISTERED:** 03/10/2023  
**ELECTORAL DIVISION:** Treorchy

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

**REASONS:** The use of the land as residential garden curtilage is compatible with that of surrounding land uses and does not result any undue impact to the amenities of surrounding residents. Furthermore, the boundary fence that encloses the site is typical of such residential areas and is considered acceptable in visual terms; and works have no undue impact upon pedestrian and highway safety in the vicinity.

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

3 or more letters of objection have been received.

#### APPLICATION DETAILS

Retrospective planning permission is sought for the retention of an extended garden curtilage and associated boundary fence at the application site.

The application site is located directly adjacent to the western boundary of no. 308 Park Road's residential curtilage. It previously formed a vacant grass verge at the end of the street and has been enclosed with 1.8m high close board timber fencing for use

as garden curtilage in association with no. 308. No other works have been undertaken at the site / are proposed.

It is noted that the applicant is leasing the application site from the Council. The correct Ownership Certificate B has been signed by the applicant and relevant notice of the planning application served on the Council as landowner.

## **SITE APPRAISAL**

The application site forms an irregularly shaped parcel of land directly adjacent to (west of) no. 308 Park Road's residential curtilage. It previously formed a vacant grass verge but has recently been enclosed with 1.8m high close board timber fencing for use as garden curtilage in association with no. 308 (subject of this application). The majority of the site has been laid to lawn save for a small area that abuts the dwelling which has been covered with gravel.

308 Park Road is a traditional, two-storey end of terrace dwelling that has a small enclosed yard area to the front, a larger enclosed garden to the rear, and an integral garage to the western side. Most properties within the street and surrounding area are of the same design and scale. All other end of terrace properties in the area include boundary treatments that extend up to the adjacent highways / service lanes comparable to that at the application site.

## **PLANNING HISTORY**

No previous planning applications have been submitted at the site.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notice. Letters of objection from 6 individuals and a petition containing 43 names have been received, making the following comments (summarised):

- The fence overshadows the adjacent properties along Greenfield Terrace.
- The fence blocks views from the adjacent properties along Greenfield Terrace. Catherine Zeta-Jones was refused planning permission at her home in Swansea for blocking someone's view. What is the difference between Swansea and Cwmparc?
- The fence blocks views for pedestrians and vehicles entering/exiting Greenfield Terrace to the detriment of pedestrian and highway safety.
- Previously pedestrians used this area of ground to avoid oncoming traffic. It is no longer safe for pedestrians in this area.
- The fence restricts vehicle access out of the adjacent properties along Greenfield Terrace.
- The works have been undertaken without the necessary planning permission and should therefore be removed.

- Fences cannot be more than 1m in height adjacent to a highway. It must therefore be removed.
- The Council's own Planning Enforcement Officers have told the applicant to remove the fence. Why has this not happened?
- This land was given to the applicant for allotment use. Therefore, it should not be used for garden purposes.

5 letters of support have also been received, making the following comments (summarised):

- The fence is well built and enhances the appearance of the area.
- The fence does not obstruct views along the highway for either pedestrians or motorists.
- The land was previously untidy and subject to regular fly tipping. The enclosing of the land and inclusion within no. 308's garden area has stopped this.

## **CONSULTATION**

Highways and Transportation – No objection and no conditions suggested.

## **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 Treorchy 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 an extended garden area and associated boundary fence, that have been constructed to enhance the living conditions of residents at the property.

The use of the site as garden curtilage does not conflict with surrounding land uses and forms an appropriate use of the site. The principle of development is therefore considered acceptable, subject to compliance with the relevant material planning considerations set out below.

### **Visual Impact**

Enclosing what was previously a vacant, open area of ground with timber fencing has inevitably resulted in a visible alteration to the site and wider street scene. However, sited at the end of the dead end street the fencing is not overly prominent from wider views and forms a typical feature of such residential areas. It is also noted that the curtilages of all other end of terrace properties in the area extend out to the adjacent highways / rear lanes and therefore this type of relationship is commonplace in the area. Furthermore, the fencing appears well constructed and could be considered to have improved the previous vacant and sometimes overgrown and untidy appearance of the site.

It is therefore considered the works do not detract from the character and appearance of the site and are acceptable in visual terms.

### **Residential Amenity**

The objectors have raised concerns that the fence impacts upon the amenities of the neighbouring properties to the rear along Greenfield Terrace, by way of overbearing and overshadowing impacts. While these comments are acknowledged, the closest element of the fence is located approximately 6m from the nearest property at Greenfield Terrace and is separated from it by the highway in-between. Furthermore, the fence extends away from these properties following the line of the highway and is lower in height than the adjacent historic boundary walls that front the highway here. Therefore, with a relatively minor height of only 1.8m which would be 'permitted development' if it were between properties, it is not considered the fence results in any undue impact to the amenity standards previously enjoyed by the occupiers of the closest neighbouring properties.

Additionally, it is not considered the use of the land as residential garden curtilage would result in a degree of noise and disturbance different to that which would occur at any other residential garden in the area.

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

## Highway Safety

It is noted that several concerns have been raised by the objectors in respect of highway safety, mainly that the boundary fence impairs vision along the adjacent highway and has resulted in pedestrians having to walk in the highway. While these concerns are noted, having assessed the scheme Highways and Transportation have no objection to the development.

Highways and Transportation commented that the fence does slightly restrict forward vision of vehicles travelling between the turning area of Park Road and Greenfield Terrace. However, taking into consideration the single width carriageway and slow vehicles speeds here, as well as the fact that Manual for Streets states that obstructions to forward visibility can help reduce the speed of oncoming vehicles in the interests of highway and pedestrian safety, it is not considered any impact is significant enough to warrant a highway objection.

With regard pedestrians having to walk in the highway, while it is accepted the land could have previously been used by pedestrians, it is not a footway or right of way and its former use as such could have been removed by the landowner at any time. Furthermore, the fence is set back from the highway along most of its length so pedestrians can still use the land as an informal footway between the two streets, should the landowner consent to this use (which is a private matter outside of the scope of this planning application).

In light of the above, the application is considered acceptable in pedestrian and highway safety terms.

## Neighbour consultation responses

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

- *The fence blocks views from the adjacent properties along Greenfield Terrace. Catherine Zeta-Jones was refused planning permission at her home in Swansea for blocking someone's view. What is the difference between Swansea and Cwmparc?*

Whether or not a development restricts views from neighbouring properties is not a material planning consideration, nor are issues associated with planning applications in other areas. All planning applications must be determined on their own individual merits.

- *The works have been undertaken without the necessary planning permission and should therefore be removed.*

While any works undertaken without the necessary planning permissions are regrettable, applicants are entitled to submit retrospective applications to retain unauthorised works, albeit at their own risk. Should Members be minded to refuse this application the case would be reported back to the Planning Enforcement team for further investigation.

- *Fences cannot be more than 1m in height adjacent to a highway. It must therefore be removed.*
- *The Council's own Planning Enforcement Officers have told the applicant to remove the fence. Why has this not happened?*

There appears to be some confusion from the objectors with regard this point. Members are advised that the 1m height limit referenced by the objectors relates to the 'permitted development' height limit for any means of enclosure erected adjacent to a highway. Any means of enclosure greater than 1m in height can be erected adjacent to a highway, but requires planning permission so any potential impacts can be properly assessed.

This was the advice given to the applicant/objector by the Planning Enforcement team, hence the retrospective planning application.

- *This land was given to the applicant for allotment use. Therefore, it should not be used for garden purposes.*

The Council's Corporate Estates section have confirmed that the land has been leased to the applicant on the basis that it is used only for purposes associated with the residential use at no. 308 Park Road. Both personal allotment and general garden use would comply with this restriction.

### **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 use of the land as residential garden curtilage is compatible with that of surrounding land uses and does not result any undue impact to the amenities of surrounding residents. Furthermore, the boundary fence that encloses the site is typical of such residential areas and is considered acceptable in visual, amenity and pedestrian and highway safety terms.

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
  - Fence Elevations
  - Fence Location

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.

## PLANNING & DEVELOPMENT COMMITTEE

11 January 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/1004/10 (GH)  
**APPLICANT:** Purolite Ltd.  
**DEVELOPMENT:** Construction of a new Agarose production facility, extension of pipe bridge, car park extension and associated lighting, nitrogen tank and associated infrastructure works. (Preliminary Risk Assessment Report received 28/09/2023. Revised Ecology Assessment, Soft Landscaping details and Drainage Strategy received 17th November 2023. CMRA Addendum, Phase 2 SI report, PRA addendum, gap in information analysis and Construction Management Plan received 30th November 2023. Updated Tree Report, Soft Landscaping details and Ecology Assessment received 4th December 2023)  
**LOCATION:** LAND AT PUROLITE, LLANTRISANT BUSINESS PARK, LLANTRISANT, PONT-Y-CLUN, PONTYCLUN, CF72 8LF  
**DATE REGISTERED:** 30/11/2023  
**ELECTORAL DIVISION:** Llantrisant and Talbot Green

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

**REASONS:** The new production facility would be constructed within the curtilage of the Applicant's existing premises, which are located within the settlement boundary and Llantrisant Business Park, and where the majority of the neighbouring land uses are of a commercial or industrial nature.

Consequently, the location for the development, which represents a significant investment and expansion, would be appropriate in both terms of visual and third party impact, and welcomed for its economic contribution, securing existing and new employment opportunities.

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#### REASON APPLICATION REPORTED TO COMMITTEE

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

## **APPLICATION DETAILS**

Full planning consent is sought for the construction of an Agarose Production facility at Purolite, Llantrisant Business Park.

Agarose resin, which is used in the production of pharmaceuticals, is already produced on site at Llantrisant and the development is required to increase capacity and meet market demand. It is suggested that the development will result in the creation of 46 full time equivalent positions.

Primarily, the works will include an extension to one of the existing units on site, identified as Unit C1, which will be enlarged by the addition of a new block. The enlarged part of the building would be 19.2m wide, 45.3m long and 16.2m high – although small parts of the roof will extend to a height of 17.9m to accommodate plant.

The details accompanying the application identify that the extension will mirror the style of the existing façade, with insulated metal sheeting and blue framed windows.

To enable the development the following additional works are proposed:

- Relocated electricity transformer.
- A raised 7m high pipe bridge to carry effluent to an existing tank farm.
- A 6m high nitrogen tank, with a diameter of 1.7m.
- An increase to the size of the existing car park at the south end of the site to include a net gain of 39 spaces. This car park already provides vehicle charging points and the column lighting will be extended to include the new spaces.

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

- Coal Mining Risk Assessment
- Environmental Site Assessment
- Pre-Application Consultation (PAC) Report
- Planning Statement
- Transport Statement
- Ecological Site Assessment Survey
- Design and Access Statement
- Arboricultural Report
- Drainage Statement
- Site Investigation Report

## **SITE APPRAISAL**

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

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

All of the surrounding land, save for the adjoining open countryside to the south and east of the Business Park, is occupied by other industrial land uses and buildings of a similar scale and style. The nearest residential properties are located approximately 0.53km to the south and 0.41km to the north of the site.

In terms of any specific constraints the previous land uses mean that the site is potentially contaminated. Furthermore, most of the site falls within land designated as being at high risk to development from coal mining legacy.

Lastly, it should be noted that the location of the proposed development is directly adjacent to the Llantrisant Common and Pastures Site of Special Scientific Interest, which is a national conservation designation.

## **PLANNING HISTORY**

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

**23/5031/41:** Pre-application advice. Decision: 16/5/2023, Raise No Objections.

**22/0532/10:** Extension to the new car park previously granted under application ref. 17/0876/10. (Amended plans, with minor positional changes, received 26/5/22). Decision: 08/06/2022, Granted.

**22/0343/10:** Construction of a new two storey office building and single storey gatehouse building. Decision: 20/10/2022, Granted

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

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

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

## **PUBLICITY**

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

Furthermore, in accordance with the Development Management Procedure Order (Wales) the relevant press notice was published on 18th September 2023 identifying that the proposal constitutes Major Development.

No letters of objection or representation have been received.

## **CONSULTATION**

### Highways and Transportation

No objection, the development would provide more off-street parking provision than the Council's SPG sets out.

### Flood Risk Management

No objection, a condition is required for the submission of drainage details and the proximity to a watercourse was noted.

### Public Health and Protection

There is a potential for contamination to exist on site and a condition is recommended accordingly.

### Natural Resources Wales

Various conditions are recommended in recognition of the nature of the development and its proximity to the nearby SSSI.

### Dwr Cymru Welsh Water

No objection, though a Hydraulic Modelling Assessment (HMA) of both the sewerage and the water supply network would be required in order to assess the effect the proposed development will have on the existing domestic foul water and trade flows and water supply network due to insufficient capacity. Appropriately worded conditions have been recommended.

### National Grid

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

### South Wales Fire and Rescue Service

The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.



### Countryside Section – Ecologist

A condition is recommended to secure a range of biodiversity mitigation and enhancement measures.

### The Coal Authority

No objection, subject to conditions to ensure the investigations are undertaken in the area where the new facility building is proposed, as recommended in the Coal Mining Risk Assessment.

### South Wales Police

No objection and nothing further to add to comments previously submitted to the Applicant via Pre-Application Consultation.

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

## **POLICY CONTEXT**

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

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

The application site lies within the settlement boundary for Llantrisant.

**Policy CS2** – emphasises sustainable growth in the Southern Strategy Area, to be achieved by focusing development within defined settlement boundaries and providing opportunities for significant inward investment in sustainable locations. The principal town of Llantrisant is noted as an area of social and economic growth.

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

- Are within the defined settlement boundary.
- Would not unacceptably conflict with surrounding uses.

- Have good accessibility by a range of transport options.
- Have good access to key services and facilities.
- Support the roles and functions of the principal towns and key settlements and smaller settlements.

**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 the natural environment from inappropriate development. Development proposals will only be permitted where they would not cause harm to the features of a designated site, and where there would be no unacceptable impact upon landscape and nature conservation, and ecological networks.

**Policy AW10** - prevents development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability, contamination, noise and air pollution, or any other identified risk to local amenity and public health.

### **Supplementary Planning Guidance**

- Design and Placemaking
- Access, Circulation and Parking Requirements
- Planning Obligations
- Employment Skills
- The Historic Built Environment
- Nature Conservation

### **National Guidance**

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

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

Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

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

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

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

SE Wales Policies

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 11: Noise;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
PPW Technical Advice Note 23: Economic Development;  
PPW Technical Advice Note 24: The Historic Environment;

Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The application relates to the construction of a new production facility at the existing Purolite site within Llantrisant Business Park.

The proposal is part of a plan for the company to grow and develop manufacturing at the Llantrisant site by an increase in capacity for the production of Agarose to satisfy current and future market demand.

In this case the site is already located within a long-established industrial park, and within the defined settlement boundary, which means that the development would accord with the relevant criteria of LDP Policy CS2, both in terms of sustainability of location and any investment opportunities which would benefit the economy of Rhondda Cynon Taf.

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

Furthermore, during the decision making process, weight can be given to the proposal's economic benefits. PPW11 encourages planning authorities to take a positive approach towards developments which generate economic prosperity and regeneration.

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

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

The pattern of the surrounding development within the business park tends to sprawl across the valley floor at a lower level and when viewed from the surrounding higher land comprises a large cluster structures of typical industrial estate / business park appearance.

Whilst the design and scale of buildings tends to be a case of form following function, including those already within the Purolite premises, there was a concern raised during pre-application discussions that the height of the new building extension might seem incongruous.

The detailed plans accompanying the application identify that the maximum height of the development would be just under 18m and that most of it would be around 16.2m high. This represents a reduction in height of the scheme over that present at the PAC stage.

Although this would suggest the development would still be one of the taller buildings within the business park, by comparison the tallest part of the Royal Mint is estimated to be around 15m high, the combined mass and height of neither this nor the

associated infrastructure works, would not be expected to have undue prominence or, in the setting of the park, have a detrimental visual impact on the wider landscape and particularly Llantrisant Common.

The Applicant's Planning Statement notes that the appearance of the extension to Unit C1 would match the existing façade and the colours used within the rest of the site and unsurprisingly, since it would be a production facility rather than office space, most of its elevations would be clad.

The Statement also highlights that a 6m high nitrogen tank would be erected close to the western site boundary but set against the buildings behind it would not be expected to be any less appropriate than the remainder of the development.

In light of the above the proposal is considered to be acceptable in terms of its impact on the character and appearance of the site and surrounding area.

### **Impact on neighbouring occupiers**

The development would not introduce a new process or unsuitable land use but would add extra capacity to a form of production which is already being carried out on site. Whilst the intensivity of use of the site would naturally increase, any impact on neighbouring occupiers in terms of amenity is likely to be negligible.

Furthermore, since those surrounding businesses are largely industrial in nature and the nearest dwellings are around 0.5km away, it would be difficult to identify a better location for the development than that where it is proposed.

Therefore, there are no objections in these terms.

### **Land Drainage**

The Council's Flood Risk Management Team has accessed Natural Resources Wales' maps to review the site's surface water flood risk, as per Paragraph 8 of TAN 15. The review concluded that the site falls within an area of high, medium and low surface water flood risk.

There is an unnamed ordinary watercourse that conveys in a north to south direction along the eastern border of the site area, which merges with a secondary watercourse along the northern site border and conveys west towards the Nant Muchudd.

As a result of these unnamed ordinary watercourses, there are high risk areas across the south of the proposed site, with water projected to travel in an east to west direction towards the Nant Muchudd, in addition to that at the northern part of the site around its confluence with the secondary unnamed watercourse.

If necessary, Ordinary Watercourse Consent would be required prior to undertaking any works that may affect any watercourse identified within the site.

## **Ecology and Environment**

The Council's Ecologist has reviewed the Ecology Site Assessment reports, which have been provided on behalf of the Applicant. In addition, it is noted that the updated tree retention plan appears to indicate no tree loss, and therefore no potential loss of tree bat roosts.

However, in terms of the landscaping, there are some problematic species proposed that, for ecology reasons, need to be removed from the planting proposals. These include *Vinca minor*, *Prunus laurocerasus*, and *Alchemilla mollis* due to their invasive nature. *Ajuga reptans* cultivar varieties should also be avoided since use of cultivars for landscaping poses a risk of hybridisation with plants on the Common which form part of the SSSI.

A key potential ecology enhancement would be implementation of 'cut and collect' management for the areas of lawn/grassland within the landscaping area, which through that simple provision of removing cuttings and allowing some areas to flower, will see natural diversification and recruitment of grassland flora, and would provide some invertebrate habitat value.

Therefore, subject to a condition to secure a net biodiversity benefit, to incorporate the above and measures to avoid nesting birds, provide reptile mitigation and wildlife sensitive excavation, the development would be acceptable in these terms.

As part of its consideration of the technical supporting information, Natural Resources Wales (NRW) notes that the application site is adjacent to Llantrisant Common and Pastures SSSI. The special features of the SSSI are four habitats and two individual plants: Marshy grassland; Acid flush; Acid grassland; Species-rich neutral grassland; Cornish moneywort; and Bog earwort.

Due to the sensitivity of the designation, the nature of the development and protected species, NRW recommend various conditions relating to land contamination and controlled waters, water quality monitoring, construction methods and site lighting.

NRW also recognises that the majority of site is already developed and that the greenfield part of it was previously intensively grazed pasture and has already been cleared. Therefore, Devils Bit Scabious plants (the food plant of the fully protected Marsh Fritillary butterfly) were unlikely to be present and the proposed development will have no effect on the nearby population of Marsh Fritillary butterfly.

## **Access and highway safety**

### *Location and Access*

The property is located within Llantrisant Business Park which is an area of predominantly industrial use. Llantrisant Business Park is accessible via Heol y Sarn approximately 500m east of the A4119.

The unnamed road leading to the site provides a 7.3m carriageway width with 1.8m wide footways on either side. There are currently three separate vehicular accesses, two of which are served from the turning head at the end of the cul-de-sac.

### *Transport Statement*

A Transport Statement (TS) has been prepared by ACSTRO to assess the impact of the proposed development on the local highway network.

The TS indicates that the new Agarose production facility will create approximately 46 new Full Time Equivalent (FTE) positions with 6 staff working normal office hours 9:00-17:00 hours Monday to Friday and the remaining 40 split over 2 shifts.

Paragraph 5.5 of the TS states that the site would employ a total of approximately 287 staff which given shift patterns would result in approximately 162 staff on site at any one time.

The TS estimates that the additional staff would generate only 4 additional vehicle trips to the site between 07:00-08:00 and 18:00-20:00, based on existing staff trips. Whilst the figure appears low, it is based on an existing survey and considering that not all staff may arrive by private car, potential car sharing, and avoidance of the normal peak periods (08:00-09:00 and 17:00-18:00), the additional trip generation associated with 20 staff is not considered to have a significant impact on the highway network.

Additional delivery trips associated with the development have not been identified within the TA, however, considering that the location is on an industrial estate with direct links to the strategic highway network via the A4119 and M4, the impact of such traffic is not considered significant.

### *Parking*

In accordance with The Council's SPG for Access Circulation and Parking the existing Units C, C1 and D provide a combined total of 7,940sqm of floor area, which would require 1 space per 80sqm and a total car parking provision of 99 spaces. On the same basis, the extension of 1,991sqm would generate a need for a further 25 spaces and an overall total of 124 spaces.

The proposed development would remove existing staff parking provision associated with the unit C yard (20 spaces) and the area adjacent to the main entrance (16 spaces) which would be reallocated to visitor parking.

As part of the development the existing carpark would be extended to provide an additional 53 spaces providing a total of 148 spaces to accommodate the estimated maximum 162 staff on site at any one time. The parking provision would therefore be in excess of the maximum requirements set out within the Council's SPG.

Section 5.5 of the TS indicates that the parking provision will include 6 designated disabled spaces and 8 spaces within the existing 79 space carpark upgraded with EV charging facilities. As the whole site is included within the application boundary and the development is reliant on reorganisation of parking provision it is considered that the guidance with PPW11 should be applied requiring 10% of the 138 parking spaces within the site boundary to be provided with EV charging facilities which gives a total of 14 spaces.

### *Summary*

The proposal is for the expansion of industrial manufacturing premises located on an established industrial estate with direct links to the strategic highway network via the A4119 and M4.

There is some concern that staff will be reliant on private motor vehicles due to the early start and late shift changeovers. However, since parking provision would exceed the requirements set out within the Council's SPG, with 148 spaces provide to accommodate a maximum staff presence of 162 on site at any one time, there would be no objection, subject to a condition for a Construction Method Statement.

### **National Sustainable Placemaking Outcomes**

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

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

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

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further above, the proposed development is considered to relate in particular to the following aspects of the national sustainable placemaking outcomes:



- **Creating and Sustaining Communities:** The development would be of an appropriate density, located within an existing industrial site, making effective use of already developed land and supporting new and existing jobs.
- **Making Best Use of Resources:** The vast majority of the development would be carried out on previously developed land and in association with existing buildings such that the greenfield requirement to deliver it would be minimal.
- **Growing Our Economy in a Sustainable Manner:** The development would create short-term construction jobs and foster longer-term economic activity by providing a permanent employment base for existing and new employees.
- **Maximising Environmental Protection:** The development would be subject to a range of conditions relating to contamination, wildlife and habitat management and landscaping which would protect the value and integrity of the SSSI and deliver a net biodiversity benefit.
- **Facilitating Accessible and Healthy Environments:** The application site is in a sustainable location, close to a bus and cycle route and has good connections to the principal highway network, Ely Valley Link Road/A4119 and the M4.

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

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

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

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

### **Conclusion**

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

The development would also be at some distance from the closest residential uses and therefore would not cause detriment to amenity from any additional physical or operational impact.

Furthermore, the siting of the existing and new buildings means they would not have an unacceptable visual or wider landscape impact and would have safe access to the highway network with sufficient parking and circulation space.

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

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

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

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

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

- Site Location Plan 23018-ARC-DRG-0500
- Proposed Site Block Plan 23018-ARC-DRG-0511
- Unit C1 – Proposed Site Plan 23018-ARC-DRG-0512
- Proposed Site Massing 23018-ARC-DRG-0514
- Proposed Nitrogen Enclosure 23018-ARC-DRG-0515
- Unit C1 – General Arrangement Plan – Level 0 23018-ARC-DRG-0530 Rev A
- Unit C1 – General Arrangement Plan – Level 1 23018-ARC-DRG-0531 Rev A
- Unit C1 – General Arrangement Plan – Level 2 23018-ARC-DRG-0532 Rev A
- Unit C1 – General Arrangement Plan – Level 3 23018-ARC-DRG-0533 Rev A
- Unit C1 – Proposed Sections 23018-ARC-DRG-0535
- Unit C1 – Proposed North and West Elevations 23018-ARC-DRG-0536
- Unit C1 – Proposed South and East Elevations 23018-ARC-DRG-0537
- Details of Lighting TB040 Lighting Column TB040 A

and details and documents received on 5th September 2023, 28th September 2023, 17th November 2023, 30th November 2023 and 4th December 2023 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence until details of a scheme for biodiversity mitigation and enhancement measures, in accordance with the conclusions and recommendations of the submitted Site Assessment Surveys (Ecological Services Ltd., dated 8th and 30th November 2023) has been submitted to and agreed in writing by the Local Planning Authority.

The scheme shall include, but not limited to, the following:

- Root zone protection provisions for trees/hedgerows.
- Landscaping, including a requirement for wildflower 'cut and collect' management of grass areas, wildlife friendly fencing details and the omission of previously identified problematic species from planting proposals.
- Avoiding impacts to nesting birds.
- Reptile Mitigation.
- Wildlife sensitive control of excavations.

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

Reason: In the interests of the natural environment and to deliver a net benefit to biodiversity, in accordance with PPW 11 and Future Wales Policy 9 and Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site,
- h) hours of operation,
- i) measures for the control of noise from demolition and construction,
- j) site lighting during demolition and construction.

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.

5. No development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- i) How the development is to comply with the requirements of Section 8.3 of PPW Technical Advice Note 15.

ii) A drainage strategy with associated calculations demonstrating the pre and post-development surface water discharge rates from the site and a general arrangement of the catchment and proposed drainage system.

The development shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: To ensure that surface water runoff from the proposed development does not cause or exacerbate the flood risk on the development site or elsewhere and does not increase the number of residents at risk of surface water flooding, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall commence until a scheme to deal with contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of an independent suitably qualified competent person and shall assess any contamination on the site, whether or not it originates on the site.

The scheme shall include:

(i) A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site which has identified:

- all previous uses,
- potential contaminants associated with those uses,
- a conceptual model of the site indicating sources, pathways and receptors,
- potentially unacceptable risks arising from contamination at the site.

(ii) An intrusive site investigation to assess the extent, scale and nature of contamination which may be present, and its implications to all receptors that may be affected, including those off site. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (i) above.

(iii) If required, a written method statement for the remediation of contamination affecting the site and justification for the preferred remedial option(s).

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

7. No development shall commence until a water quality monitoring plan for the protection of water quality in the watercourses or groundwaters beneath the site has been submitted to and approved in writing by the Local Planning Authority. The water quality monitoring plan should include:

- Details of the monitoring methods,
- Timescales for construction,
- Timescales for submission of monitoring and interpretative reports to the Local Planning Authority during construction,
- Details of triggers for specific action and any necessary contingency actions, for example the need to stop work, introduction of drip trays, make use of spill kits and shut-off valves.

The water quality monitoring plan shall be carried out in accordance with the approved details during the site preparation and construction phases of the development.

Reason: To ensure necessary monitoring measures are approved prior to commencement of development or phase of development and are implemented to manage any potential adverse impact in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

- Construction methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

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

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

9. No development or phase of development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling designs shall be implemented in accordance with the approved details.

Reason: To ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall take place until a drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by a Hydraulic Modelling Assessment and any necessary reinforcement works identified shall be delivered prior to occupation of any building. Thereafter, the agreed scheme shall be constructed in full and shall remain for the lifetime of the development.

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

11. No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain for the lifetime of the development.

Reason: To ensure the site is served by a suitable potable water supply in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall commence until:

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance by, or under the direction of, a suitably qualified person.

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

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

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

14. Prior to beneficial occupation of the new development:

i) Any measures approved in the contamination remediation scheme referred to in Condition 6 (iii) shall be implemented.

ii) If any remediation measures were required to be implemented a suitable validation report of the proposed scheme shall be submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a suitably qualified competent person providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

15. Prior to its installation, full details of lighting, which draw on the recommendations within the Site Assessment Survey report by Ecological Services Ltd., dated 30th August 2023 shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan shall include:
- Details of the siting and type of external lighting to be used.
  - Drawings setting out light spillage in key sensitive areas, in particular the vegetated stream corridor to the northeast and the retained hedgerow to the south-southeast.
  - Details of lighting to be used both during construction and operation.

The lighting shall be installed and maintained as approved during construction and operation.

Reason: To ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, and their habitats and commuting corridors in accordance with PPW 11 and Future Wales Policy 9 and Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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

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

17. Any topsoil (natural or manufactured), or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with the approved scheme.

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



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

Reason: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

19. The parking areas identified on submitted drawing number 23018-ARC-DRG-0511 shall remain for the purpose of the parking of vehicles only.

Reason: To ensure that 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.

20. A minimum of 10% of the car/vehicle parking spaces shall be suitable for charging ULEV vehicles. The charging points shall be fully operational for such time as the development is in beneficial use.

Reason: To comply with the requirements of Future Wales 2040 to improve environmental and cultural wellbeing of the people and communities and support the provision of infrastructure to facilitate adoption of ultra-low emission vehicles.

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## PLANNING & DEVELOPMENT COMMITTEE

11 January 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/1110/16 (GH)  
**APPLICANT:** Mr Danaher  
**DEVELOPMENT:** Approval of reserved matters (access, appearance, landscaping, layout and scale) of outline planning permission 20/0646/13  
**LOCATION:** LAND AT OTTERS BROOK, IVOR PARK, BRYNSADLER, PONT-Y-CLUN, PONTYCLUN, CF72 9BF  
**DATE REGISTERED:** 03/10/2023  
**ELECTORAL DIVISION:** Pontyclun West

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

**REASONS:** The application site comprises previously developed land within settlement limits which has already benefitted from outline planning consent for residential development, granted in 2021.

In respect of the reserved matters, the design, scale and layout of the new houses, together with the landscaping of their plots would be appropriate to the size of the site and surrounding development, and the access arrangements, as previously determined and agreed in detail, are acceptable in highway safety terms.

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

Three or more letters of objection have been received.

#### **APPLICATION DETAILS**

Planning permission is sought for the approval of the reserved matters pertaining to an existing outline planning consent at Otter's Brook, Ivor Park, Brynsadler.

The existing outline consent, ref. 20/0646/13, provides for two detached dwellings with all matters reserved, although the following minimum/maximum parameters were provided on an indicative basis:

Width: 10.3m to 11.8m

Depth: 9.5m to 10.5m for lower ground and first floor  
12.5m to 14.5m for ground floor (including terrace)  
Height: 10.87m to 11.87m from lower ground floor  
8.17m to 8.67m from ground floor level

The two identical new dwellings would be split-level, appearing as two-storey from the front and three-storey from the rear, in order to take account of the change in land levels and in terms of their maximum dimensions each would have a width of 10.8m depth of 12.7m and height of 11.7m

The design of the two houses would be typically contemporary, with elevations comprising sections of render and face brickwork, enclosed by a twin-pitch roof with reconstituted slate tiles.

In addition to the elevation and plan drawings, soft landscaping proposals have also been submitted alongside plans for highway works, namely the completion of a footpath link between Talygarn Drive and Ivor Park and the improvement of a turning head at the end of Ivor Park.

Although the earlier application was made in outline, with all matters reserved, it is noted that Committee also determined and approved the details of the access, hence the outline permission is subject to conditions requiring the implementation of the footpath link and turning head.

## **SITE APPRAISAL**

The application site comprises part of the curtilage of the property known as Otters Brook, which is located within the settlement boundary to the most south-eastern part of Brynsadler.

Otters Brook is a large house set in a substantial plot and the proposed dwellings would be constructed between this property and the closest neighbouring property to the west no.9 Ivor Park.

Access to the site is via Ivor Park, which is an unadopted lane, and connects to the A4222 Cowbridge Road through Talygarn Drive.

Land to the north and south of the plot is open countryside and part of a SINC; however, that to the south on the opposite side of the lane provides a short buffer to the M4 motorway, which is within 35 to 40m of the application site boundary.

## **PLANNING HISTORY**

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

**20/0646/13:** Two split level 4 bed dwellings with garages and shared drive. Provision of foot path. (Outline) (Affecting Public Right of Way ANT/340/1)(Description amended. Amended plans and information received 5<sup>th</sup> October, 6<sup>th</sup> November and 9<sup>th</sup> November 2020). Decision: 05/03/2021, Granted.

**20/0248/13:** Two split level 4 bed dwellings with garages and shared drive (Outline). Decision: 17/06/2020, Refused.

## **PUBLICITY**

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

Seven letters of objection or representation have been received raising the following matters summarised below:

### Highways/Traffic

- Increased traffic will impinge on children playing in the street.
- Traffic volume will increase, especially during construction, with more noise and inconvenience.
- Ivor Park is only a narrow lane and has a maximum width of 4.8 metres which reduces to only 4.5 metres outside my home. The regulations require a minimum of 5.5 metres.
- It is impossible for 2 vehicles to pass without mounting the pavement.
- I strongly object to the requirement in this application to change the footpath outside 16 Talygarn Drive. We have lived here since 1997, there has been no issue with the current provision and a couple of extra houses will make no difference to this. The footpath proposed will not connect to the main council footpath as the main footpath concluded at the door of 16 Talygarn Drive. There is no crossover and the area of the proposed footpath link is not council owned land.
- Please be very clear, I will contact the media if you attempt to destroy my garden of 25 years. Why are you being so idiotic to ask for a pavement when people just walk over the grass or round the turning circle?
- The Highways Department of RCT has identified in previous planning applications that the proposed access off Talygarn Drive and Ivor Park is considered unacceptable to serve two additional residential dwellings and vehicular and pedestrian movements due to its substandard width, substandard turning areas and missing footway links.

### Health and Safety

- Concerns about any hazardous waste left by construction vehicles.

- There are already signs of slight subsidence in the area which together with the cutting down of a number of trees and bushes adjacent to my property will affect the stability of land, which is supported by gabions, and thereby my house foundations.

#### Other matters

- Ivor Park road is a private road with residents responsible for its upkeep. Increased use of the road caused by heavy traffic will cause wear and tear or damage. It seems totally unfair and punitive that these costs will be substantially increased by the passage of heavy construction traffic and the ongoing future growth in vehicle traffic.
- The submitted plans fail to satisfy conditions of the outline consent. The land on which the alterations to where the existing highway and turning areas are now situated, and the proposed alterations are to be constructed, are not owned or in the control of the developer and therefore should not be acceptable.
- The threat to safety, disturbance and noise, together with the costs of maintaining the road, are affecting our wellbeing.
- The previous outline planning was granted without a site visit by either the Highways or Planning Departments to confirm the suitability of the access roads. Before any decision is made on this occasion it would be appreciated if a visit could be made to ensure that the Planning Committee is making a decision based on accurate information.

## **CONSULTATION**

### Highways and Transportation

No objection subject to conditions relating to highway improvements, parking and a construction method statement.

### Flood Risk Management

The applicant will require SuDS consent. If approval is granted this would cover any issue with the proposed soakaway.

### Dwr Cymru Welsh Water

No objection to the approval of reserved matters.

### National Grid

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

### Countryside Section – Ecologist

No objection, subject to the removal of a species from the rain garden planting scheme.

### Welsh Government

The Welsh Government as highway authority for the M4 trunk road does not issue a direction in respect of this application but notes that the site is within an area highlighted in the strategic noise maps of Wales. Therefore, noise mitigation measures should be incorporated within the development design.

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

## **POLICY CONTEXT**

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

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

**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 AW1** - concerns the supply of new housing within the Borough and stipulates that the supply will be met by the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

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

**Policy AW5** – identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of

the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. Additionally, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

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

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

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

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

### **Supplementary Planning Guidance**

- Design and Placemaking
- Access, Circulation and Parking Requirements
- 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 2: Planning and Affordable Housing;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The principle of the redevelopment of the site for residential purposes and the construction of two dwellings has already been established on account of the outline planning permission granted in March 2021.

Since then, there have been no material changes to national or local planning policy and whilst the neighbour consultation has resulted in numerous objections on principle, as well as detail, the scope of consideration relating to this application can only be in respect of the reserved matters.

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

From the point at which it connects with Talygarn Drive, the street scene at Ivor Park is characterised by a linear arrangement of residential development on its northern side, and a treelined verge, separating the site from the M4, on the opposite side.

Excluding Otter's Brook, the aforementioned dwellings number a total of nine properties of five different designs and although their styles and external appearance/finishes are not all similar, they all comprise larger detached dwellings set in larger than average plots.

Therefore, whilst the new dwellings would have a more contemporary style, their layout, as a continuation of Ivor Park, together with their scale and the submitted landscaping scheme, suggests they would be an appropriate development and of an acceptable appearance in the context of their setting.

Nevertheless, the new dwellings would benefit from much larger gardens than those existing houses and although this land is currently within the curtilage of Otter's Brook, it would be seen in the context of the surrounding open countryside which is at a lower level than Ivor Park.

Therefore, to remove the potential for any landscape harm to occur as a result of any permitted development rights, from which the new dwellings would benefit, it is considered that a condition removing permitted rights for the construction of any outbuildings would be justifiable.

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

Since the application site is located at the end of Ivor Park and there are no other dwellings located immediately to its north, east or south, the main consideration is how the development would affect the closest residents at the neighbouring dwelling to the west, no.9.

The new dwellings would be roughly in line with the existing houses along Ivor Park, which means that the outlook from main openings with the front and rear elevations of no.9 would largely remain the same. No.9 benefits from a conservatory to the rear, which is set on the western side of its rear elevation, so although some views of the nearest new dwelling might be visible to the side, these would not be considered to be harmful to amenity.

In addition, the ground floor of the new properties would be at a similar level to the existing, so whilst a rear terrace is proposed to each, this would also be at a comparable level to that of the neighbour's conservatory, where existing boundary treatments and vegetation would be expected to screen any intrusive views. In terms of privacy, it is also recognised that the new dwelling closest to no.9 would not have any openings within its western side elevation, save for one at the lower ground floor, which due to the site topography, would not benefit from views towards no.9.

With regard to future residents, the matter of noise caused by the proximity of the site to the M4, as noted by the Welsh Government, means that a condition has been carried forward from the outline planning permission requiring the submission of details of a mitigation scheme for approval.

In light of the above, the proposed reserved matters relating to the amenity and privacy of existing neighbouring occupiers are considered to be acceptable.

## **Access and highway safety**

### *Access*

The proposed development would be located on land associated with Otter's Brook Lodge, adjacent to the existing turning area on Ivor Park, which is a private residential street. Access to the publicly maintained highway network is via Talygarn Drive.

Talygarn Drive has a carriageway width of 4.8m with a 1.8m wide footway on its development side and a grass verge opposite. Talygarn Drive serves fifteen dwellings and terminates at a sub-standard (to current standards) turning area before leading to Ivor Park. There is a missing footway link approximately 14m in length between Talygarn Drive and Ivor Park.

Ivor Park is a private residential street with a carriageway width of 4.8m, a 1.6m wide footway on its development side and a verge opposite. Ivor Park terminates at a sub-standard (to current standards) turning area. Otter's Brook Lodge is served off the turning area via a private drive.

The proposed site layout plan indicates that the two new dwellings would be served from the existing private access to Otter's Brook Lodge. The drawing also shows that the existing turning area at the end of Ivor Park is to be improved and a 2m wide footway provided between the existing footway on Ivor Park and the proposed dwellings. The private drive is also to be widened to 5.5m across the site frontage.

The site location and highways improvements plan indicate that the missing footway link between Talygarn Drive and Ivor park would be provided as part of the development. When considering the development is for two residential dwellings on an existing street, the provision of the improved turning area and missing pedestrian link is considered enough mitigation against the increased trip generation.

### *Parking*

The development is for 2 x 5-bedroom dwellings. The Council's SPG for Access, Circulation and Parking Requirements sets out that a dwelling with 3 or more bedrooms has an off-street parking requirement of 3 spaces. As such, the proposed development has a total requirement of 6 spaces.

The submitted plans indicate that each dwelling will benefit from an integral garage with clear internal dimensions sufficient to act as an off-street parking space. Each dwelling has a further space on the drive to the garage and there are 3 spaces off the proposed shared courtyard. As such, the proposed development would have a total of 7 off-street parking spaces and gives no undue cause for concern regarding off-street parking provision.

### *Summary*

There have been no material changes to the access leading to the proposed since outline planning permission was granted, at which point detailed consideration was given to the access leading to the site. The current application provides for the improvements conditioned as part of the outline application and is therefore acceptable.

The means of access to the proposed development via Talygarn Drive and Ivor Park remains sub-standard in comparison to current standards and the proposal would intensify its use. However, the proposed development would include provision of an improved turning area at the end of Ivor Park and missing pedestrian footway links. The proposed improvements will offer betterment for existing large vehicles using the streets and pedestrians walking along Ivor Park. On balance, the proposed development is therefore considered acceptable in highway safety terms.

### **Ecology**

The Council's Ecologist has reviewed the proposed soft landscaping scheme, in terms of trying to avoid ecologically problematic planting.

The only species of concern is Royal Fern *Osmunda Regalis* proposed for use in the rain garden. Royal Fern is very rare in RCT and to protect its natural distribution it is preferable for it not to be included in rain garden plantings. Consequently, it would be acceptable to increase the percentages of the other species proposed for the rain garden to take account of that.

A condition, preventing the use of Royal Fern, has been included below. In addition, a condition of the earlier outline permission has been replicated which seeks the submission of a scheme for biodiversity improvements, in order to meet the requirements of PPW11 to demonstrate a biodiversity net benefit.

### **Other Matters**

#### *Ownership of land*

Several objectors stated, in their comments, that the Applicant neither owns nor is in control of the land required to undertake the required highway improvements.

The ownership certificates completed at the time of the previous outline application advise that notice was served on both the Council and the Bona Vacantia Division of the Welsh Government. Hence, in terms of the latter, residents have advised that the private road serving Ivor Park is not owned by anyone, but that they are jointly responsible for its maintenance.

With regard to the area of land where the footpath extension is proposed, the Council's Highways section has provided a copy of the relevant adoption notice advised that this is within the extent of the public highway.

Applications for the submission of reserved matters do not require the completion of ownership certificates and the serving of notice for a second time.

#### *Noise/disturbance from construction*

It is appreciated that any construction works are likely to result in a period of disturbance to existing residents, as would be the case for any development site within a residential area. However, construction works, particularly for a pair of dwellings, would be a relatively short-term impact and would not, therefore, constitute a sustainable reason for refusal of consent.

#### *Site visits*

It is alleged that no site visits were undertaken prior to determination of the previous outline application. However, photographic records demonstrate that officer site visits were undertaken prior to and during the public consultation period.

#### *Damage to neighbouring property*

Any damage to third party land or buildings, resulting from works being carried out which benefit from planning permission, is not a material consideration.

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

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

The application is for development of a kind that is 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 £85m<sup>2</sup> for residential development.

The CIL (including indexation) for this development is expected to be £73,953.56.

### **Conclusion**

Subject to the conditions outlined below, it is considered that the proposed development is in accordance with the approved outline scheme and that the details relating to the approval of the reserved matters of access, appearance, landscaping, layout and scale are acceptable.

In light of the above, the development would be considered to comply with the requirements of LDP Policies AW5, AW6, AW8, AW10 and SSA13.

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

1. The development hereby approved shall be completed in accordance with the approved drawings and documents:
  - 1001 Rev. A Location Plan
  - 1101 Rev. A Proposed Site Plan
  - 1105 Proposed Highways Improvements
  - 1200 Proposed Floor Plans
  - 1300 Proposed Elevations
  - 1190.01 Soft Landscape Proposals

and details and documents received on 28th September 2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

2. 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.

3. No development shall commence until a scheme for protecting the future occupiers of the new dwellings from noise from the M4 has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved scheme prior to occupation of any of the dwellings hereby approved.

Reason: To protect the amenity of residents in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence until a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting features and/or nesting opportunities for birds has been submitted to and agreed in writing with the Local Planning Authority. 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.

The approved details shall be implemented prior to occupation of any of the dwellings hereby approved, and shall be retained and maintained for the designed purpose in accordance with the approved scheme.

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

5. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for:

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site,
- h) hours of operation,
- i) measures for the control of noise from construction,
- j) site lighting during construction,
- k) measures for the suppression of dust

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

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

6. No development shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:

- i) Engineering design and construction details for the creation of the missing footway link between Talygarn Drive and Ivor Park.
- ii) Engineering design and construction details for the improvement of the existing turning area at the end of Ivor Park.

The approved details shall be implemented prior to beneficial occupation of the first dwelling and the means of access to the development shall be constructed in permanent materials.

Reason: To provide improved pedestrian connectivity and improved vehicular turning facilities, in the interests of safety for all highway users in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. The off-street parking spaces, shown on submitted drawing number 1101 Proposed Site Plan, shall be constructed on site in permanent materials prior to occupation of any of the dwellings hereby approved and, together with the proposed garages, shall remain for the purpose of vehicular parking only.

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

8. All HGV deliveries during the construction period shall only take place between the hours of 09:00 am and 16:30 pm on weekdays to and from the site.

Reason: In the interests of the safety and free flow of traffic in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

9. 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.

10. Royal Fern *Osmunda Regalis* shall not be used as part of the planting scheme for the proposed rain gardens.



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

11. Notwithstanding the provisions of schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected on site other than those expressly authorised by this permission and shown on plan number 1101 Rev. A (Proposed Site Plan).

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

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL  
MUNICIPAL YEAR 2023-2024:**

**Agenda Item No. 12**

**PLANNING AND  
DEVELOPMENT COMMITTEE  
11<sup>th</sup> JANUARY 2024**

**REPORT OF: DIRECTOR  
PROSPERITY AND  
DEVELOPMENT**

**APPLICATION NO: 23/0679 - Change of use from bed and breakfast to 11-bedroom House in Multiple Occupation (HMO) use (Amended Plans received 01/12/2023), Central House Guest House, Stow Hill, Treforest, Pontypridd, CF37 1RZ**

## **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 reported to 23<sup>rd</sup> November 2023 Planning and Development Committee meeting with an officer recommendation of approval. A copy of the original report is attached as Appendix A. At the meeting, Members considered that the creation of an 11-bedroom House in Multiple Occupation (HMO) at the site was an over-intensification of use with sub-standard accommodation provided. Members also wanted clarification on the proposals for refuse/ bin storage facilities at the site. Consequently, Members resolved to defer determination of the application in order to request that the developer reduce the number of bedrooms at the proposed HMO and to seek greater clarity on the refuse/ bin storage facilities.

## **4. PLANNING ASSESSMENT**

The officer considerations regarding the principle of the development are outlined in the original report, however, a summary is provided below:

Full planning permission is sought for the conversion of an existing bed and breakfast to a House in Multiple Occupation (HMO).

The site is situated within the settlement boundary limits of Treforest in a predominantly residential area. It is considered that Houses in Multiple Occupation (HMOs) have a key role to play in meeting housing need within the Social Rented sector and the proposal would assist in providing additional accommodation within this sector. However, it is also acknowledged that multiple occupation of a house can involve the intensification of its residential use and that this intensification of

occupation could result in increased levels of activity in and around the house, which can have negative impacts on occupants, their neighbours, and the local community.

Notwithstanding, the application site is in a predominantly residential area and in a sustainable location with good access to public transport and key services and facilities which is considered acceptable. Furthermore, the application complies with relevant policies of the Council's Houses in Multiple Occupation (HMO) Supplementary Planning Guidance (SPG).

The site also relates to an existing building and the proposal would be residential in nature, which is considered acceptable at this location. The proposal would not involve substantial external alterations and would not be considered to impact upon the character and appearance of the application property or upon the amenity and privacy of surrounding properties, nor would it have any adverse impact upon highway safety in the vicinity of the site.

Following the deferral of the application, a request was made by Members of the Planning and Development Committee for the developer to reduce the number of bedrooms at the property due to their concerns of overdevelopment at the site. However, the developer confirmed that a minimum of 11 bedrooms was needed at the site to make the development viable. Furthermore, the developer contends that they consider sufficient space would be provided for future occupants of the HMO and that they consider the development would comply with the Rhondda Cynon Taf HMO Landlord Guide. It should be noted that under the Wales wide Mandatory Licensing Scheme, HMOs that are 3 storeys or more and occupied by 5 or more persons living in 2 or more households are required to be licensed. In addition to those buildings that require a licence under Mandatory Licensing, from the 1st April 2019 all HMOs in the borough are required to be licensed under the Additional Licensing (Houses in Multiple Occupation) Scheme 2019. As such, the proposed HMO will need a licence and would need to meet the required amenities and facilities standards.

Concerning refuse/ bin storage at the site. Amended plans were provided by the developer on 1<sup>st</sup> December which showed an area dedicated for recycling storage and waste storage bins provided within the grounds of the property and sited adjacent to the entrance gates which open onto Stow Hill. These plans now supersede the original proposed plans provided with the application and condition 2 has therefore been amended accordingly to include the amended proposed plans, received on 1<sup>st</sup> December.

For clarification purposes, and to clearly define the scope of development, the description of the development has also been amended to the following: '*Change of use from bed and breakfast to 11-bedroom House in Multiple Occupation (HMO) use (Amended Plans received 01/12/2023)*'.

Overall, it is considered that the proposal would assist in providing much needed additional accommodation within the Social Rented sector. The site is in a residential area and in a highly sustainable location. The property is considered of a sufficient scale and the development proposals would provide adequate space for people's living needs. Additional plans also show that there would be dedicated are within the

ground of the property for refuse storage facilities. Consequently, the development is considered acceptable, and the application is recommended for approval.

**5. RECOMMENDATION: Approve, subject to 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 unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Central Guest House, Stow Hill, Treforest, PONTYPRIDD. Rhondda Cynon Taff CF37 1RZ. Drawing No. 2941. C. 01. Received by Local Planning Authority 01/12/2023.
- Central Guest House, Stow Hill, Treforest, PONTYPRIDD. Rhondda Cynon Taff CF37 1RZ. Drawing No. 2941 C. Received by Local Planning Authority 30/08/2023.

And documents received by the Local Planning Authority on 26/06/2023, 07/07/2023, 30/08/2023 and 01/12/2023 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. Within 2 months of the date of this decision, a scheme for biodiversity enhancement shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: Future Wales requires all development to maintain and enhance biodiversity.

**PLANNING & DEVELOPMENT COMMITTEE**

**23 November 2023**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0679/10 (GRD)  
**APPLICANT:** D2 PropCo Limited  
**DEVELOPMENT:** Change of use from bed and breakfast to House in Multiple Occupation (HMO) use (Amended Plans received 30/08/2023)  
**LOCATION:** CENTRAL HOUSE GUEST HOUSE, STOW HILL, TREFOREST, PONTYPRIDD, CF37 1RZ  
**DATE REGISTERED:** 30/08/2023  
**ELECTORAL DIVISION:** Treforest

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**RECOMMENDATION:** Approve, Subject to conditions

**REASONS:** Houses in Multiple Occupation (HMOs) have a key role to play in meeting housing need within the Social Rented sector and the proposal would assist in providing additional accommodation within this sector. However, it is also acknowledged that multiple occupation of a house can involve the intensification of its residential use and that this intensification of occupation could result in increased levels of activity in and around the house, which can have negative impacts on occupants, their neighbours, and the local community. Notwithstanding, the application site is in a predominantly residential area and in a sustainable location with good access to public transport and key services and facilities which is considered acceptable. Furthermore, the application complies with relevant policies of the Council's Houses in Multiple Occupation (HMO) Supplementary Planning Guidance (SPG).

The site also relates to an existing building and the proposal would be residential in nature, which is considered acceptable. The proposal would not involve substantial external alterations and would not be considered to impact upon the character and appearance of the application property or upon the amenity and privacy of surrounding properties, nor would it have any adverse impact upon highway safety in the vicinity of the site.

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**REASON APPLICATION REPORTED TO COMMITTEE**

- A written request has been received from Councillor Steve Powderhill for the application to be reported to the Development Control Committee.

**APPLICATION DETAILS**

Full planning permission is sought for the conversion of an existing bed and breakfast to a House in Multiple Occupation (HMO). The applicant has confirmed that the conversion would not involve external changes at the property, except for some minor works including replacing windows and a small screening fence to the decking to the rear of the site.

The proposed House in Multiple Occupation would contain 11 bedrooms, 5 of which would benefit from en-suite facilities, arranged over two floors of the property. The HMO would also have a living room, kitchen, office and shower room and W/C to ground floor, with a further bathroom to first floor and storerooms, a bathroom and internal 'amenity space' for residents to the second floor of the building.

Amended plans were received on 30/08/2023 which provided a slight amendment to the application site red line boundary. The amended plans provided also reduced the bedrooms proposed at the HMO from 13 to 11 and included an additional indoor 'amenity space for residents' along with store rooms to the second floor.

## **SITE APPRAISAL**

The application site relates to Central House Guest House, a detached bed and breakfast guest house, situated in a predominantly residential area of Treforest, towards the western edge of the village at the top of Stow Hill. The site is bound to the north and east by the adjacent highway with a small lane to the south of the site. Some shrubbery and trees are sited along the northwest of the site, with a neighbouring property's garden positioned to the west of the application site.

Vehicular access to the building is gained from the southeast via Stow Hill and the property benefits from parking areas within its curtilage to the front of the building. Pedestrian access can be gained to the property from both Stow Hill and via the adjacent lane to the south of the site. The application site also contains an outbuilding to the rear of the guest house along with an existing raised decking area.

Surrounding properties vary in terms of scale and design being a mixture of traditional terraced and more modern detached and semi-detached dwellings.

## **PLANNING HISTORY**

21/0617/10: CENTRAL GUEST HOUSE, STOW HILL, TREFOREST, PONTYPRIDD, CF37 1RZ. '*Proposed two bedroom annexe ancillary to and in the grounds of Central Guest House, Stow Hill, Pontypridd*'. Granted, 04/10/2021

14/0254/10: LAND ADJACENT TO CENTRAL GUEST HOUSE, STOW HILL, TREFOREST, PONTYPRIDD, CF37 1RZ: '*Retrospective dry room/store*'. Granted, 02/05/2014

05/2070/10: LAND OFF STOW HILL, TREFOREST, PONTYPRIDD. '*Proposed construction of residential property to serve as bed and breakfast establishment*'. Granted, 14/04/2006.

05/0219/10: LAND AT STOW HILL, TREFOREST, PONTYPRIDD: '*Temporary permission for siting of caravan for applicants residential use*'. Granted, 12/05/2006

05/0091/10: LAND OFF STOW HILL, TREFOREST, PONTYPRIDD: '*Proposed Bed & Breakfast Accommodation*'. Refused, 01/09/2005.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and through the erection of a site notices in the vicinity of the site. No letters of objection were received from neighbours following consultation.

## **CONSULTATION:**

### Pontypridd Town Council

Object strongly to the planning application. The objections received from the Town Council are as follows:

- Traffic and Parking – The Town Council consider that the area has issues with traffic and parking and that parking is currently inadequate. The proposal would exacerbate the issue for residents and businesses and would negatively impact the quality of local residents' amenities.
- The Town Council also consider that the proposal would potentially cause mental distress, contrary to creating a 'Healthier Wales' and contrary to the 'Well-being of Future Generations (Wales) Act 2015'
- The Town Council consider that there is a surplus of student accommodation available in the immediate area and as such, they consider that local residents and their families are being forced to move from the community, which would not be deemed satisfactory to the sustainability of the community.

### Local Highway Authority

No objections.

### Flood Risk Management

No objections.

### Public Health & Protection

No objections, subject to condition. Advisory notes recommended.

### Dwr Cymru/ Welsh Water

No objections, subject to condition. Advisory notes recommended.

### South Wales Police

No objections. Advisory notes recommended.

### South Wales Fire and Rescue Service

No objections



### Rights of Way Officers

No adverse comments received.

The Local Member for the ward, Councillor Steve Powderhill, has raised concerns with the application and has stated his concerns with Houses in Multiple Occupation (HMO) properties. The Local Member has noted that the guest house has 6 letting rooms and that the proposed 11 bed HMO would double the occupancy with concerns raised with regards to the number of occupants at the site. The Local Member further noted that they understood the need for this type of accommodation, however objected to the number of occupants proposed.

## **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 relates to an existing Bed and Breakfast facility. The following policies are relevant in the determination of this application:

**Policy CS2 (Development in the South):** sets out criteria for achieving sustainable growth including development that benefits Rhondda Cynon Taf as a whole.

**Policy AW1 (Supply of New Housing):** sets out how the Council will meet the housing land requirement during the plan period.

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

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

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

**Policy AW8 (Protection and Enhancement of the Natural Environment):** seeks to ensure that developments would not unacceptably impact upon features of importance to landscape or nature conservation.

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

**Policy SSA13 (Housing Development Within Settlement Boundaries):** Outlines criteria for permitting development within the defined settlement boundaries.

## **Supplementary Planning Guidance**

Design and Placemaking  
Nature Conservation  
Planning Obligations  
Access Circulation and Parking  
Development of Flats  
Houses in Multiple Occupation (HMO)

### **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.

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 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**

The application relates to the change of use of an existing bed and breakfast to a House in Multiple Occupation (HMO).

The application site is in a predominantly residential area and most of the application site, including the guest house itself and the site's associated parking area are within settlement boundary limits. However, minor parts of the application site including an existing outbuilding and decking area are located just outside the settlement boundary line. The site nonetheless has good access to key services and facilities, being located close to bus routes and within walking distance of both Treforest Train Station and the main retail centre of Treforest.

It is recognised that Houses in Multiple Occupation (HMOs) have a key role to play in meeting housing need within the Social Rented sector. HMOs are needed to provide accommodation for low-income individuals or small households who would otherwise be in hostels, overly large households or even homeless. They are popular with students, young, single employed or unemployed persons, small households unable to afford self-contained accommodation and small households who need flexibility to move home. Accordingly, such residents are often transient, with a high turnover of population within these communities.

However, it is also acknowledged that multiple occupation of a house can also involve the intensification of its residential use and that this intensification of occupation could result in increased levels of activity in and around the house, which can have negative impacts on occupants, their neighbours, and the local community.

The Council therefore has a Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance (SPG) with relevant policies relating to proposals for Houses in Multiple Occupation (HMOs) in Rhondda Cynon Taf, and Treforest specifically. The SPG has the twin purpose of identifying when it is deemed that the concentration of HMOs in an area has reached a level considered to adversely impact upon the community and secondly, provide guidance on standards of HMOs and how they should be developed.

The application site relates to a detached building and as such, the development would not result in the 'sandwiching' of non-HMO properties and would not result in more than two HMOs being sited directly adjacent to each other, and as such, the proposal complies with 'Policy HMO 3 – Sandwiching and Adjacent HMOs' of the SPG.

The application site is in Treforest. 'Policy HMO 1 – 20% Threshold Area in Treforest' stipulates that within the Treforest Ward, a threshold of 20% of HMO dwellings (as a percentage of all residential properties) within a 50 metre radius of the planning application address, will be applied. If the proposed HMO would result in this threshold percentage being exceeded, it would be considered unacceptable in principle, and permission refused.

A search of the Council's records shows that there is one other HMO dwelling within 50 metres of the application property, out of a total 20 properties within a 50 metre

radius of the planning application address. The provision of an HMO at the application site would therefore not result the 20% threshold being exceeded, and the proposal complies with Policy HMO 1 of the Houses in Multiple Occupation (HMOs) SPG.

Overall, the proposal is considered to comply with relevant policies of the Local Development Plan in terms of its sustainable location within a residential area. Furthermore, the proposal complies with relevant policies contained within the Council's adopted Houses in Multiple Occupation (HMO) SPG. Consequently, it is considered that the general principle of providing a House in Multiple Occupation at this location is considered acceptable.

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

The proposal would not result in any major external alterations to the property. The character and appearance of the property would therefore remain as existing. Furthermore, the proposal complies with the Council's adopted Houses in Multiple Occupation (HMOs) SPG and it is considered that the provision of an HMO at this location, being residential in nature, would not be considered to alter or harm the general character of the area.

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

The proposal would not result in any substantial external alterations to the property and as such, the outlook gained from the property would remain as existing and it would not be considered that the proposed development would adversely impact upon the privacy of neighbouring occupiers or their amenities by ways of overshadowing or overbearing.

The building is an existing guest house, and as such, there are existing comings and goings to and from the site. It is acknowledged that the provision of an 11 bed HMO could cause some additional disturbances and noise at the site; however, this would not be considered a significant increase or excessive. Furthermore, the application site is a substantial detached building which is bound to the north, east and west by the adjacent highway, all of which provide a degree of separation from other properties within the immediate vicinity thus lessening any additional disturbances caused. The site is also bound to the west by a line of trees and hedgerow which provide some additional privacy for occupiers to the west of the site. Overall, the proposal would be residential in nature, and it is not considered that the development would excessively increase the level of disturbance at the site and would not significantly harm the amenities of neighbouring occupiers.

Concerning future occupiers of the HMO. Bedrooms and habitable rooms offer reasonable levels of outlook, and the property would provide future occupants with a kitchen, office, living room, an internal room providing 'amenity space for residents', two storerooms and a total of 3 bathrooms and 5 en-suites. Overall, the application site is considered of a sufficient scale and the development proposal would provide adequate space for people's living needs.

The proposed HMO would provide limited outdoor amenity space for future occupiers, with only a small, raised decking area to the rear of the site and some areas around

the building provided for future residents. However, the site is situated close to public rights of way routes and is within walking distance of other outdoor open spaces and recreational routes and other facilities and amenities within Treforest, which is considered sufficient to compensate for the lack of outdoor amenity space provided at the application site. It is also considered that sufficient space exists within the grounds of the application site for the storage of bins, recycling, and food waste.

Comments from the Town Council, who consider that the proposed HMO would potentially cause mental distress and would be contrary to a 'Healthier Wales' and contrary to the 'Well-being of Future Generations (Wales) Act 2015' have been considered; however, as discussed above, the Local Planning Authority consider that the proposal would be acceptable in terms of its impact upon residential amenity. Comments were also received from the Local Member who noted that the existing facility contained 6 guest bedrooms rather than the 8 shown on the developer's plans. Whilst this discrepancy is noted, the Local Planning Authority have nonetheless assessed the application as a change of use from an existing guest house to an 11-bedroom HMO and consider the proposal to be acceptable in principle and in terms of its impact upon residential amenity and privacy.

Overall, it is not considered that the proposal would significantly harm the amenities of neighbouring occupiers and the proposal is considered acceptable in terms of its impact on residential amenity and privacy.

### **Access and highway safety**

The application has been assessed by the Local Highway Authority and no objection is raised in relation to the proposal. The comments received from the Local Highway Authority are summarised as follows:

#### Location:

Although located on a steeply sloping street the location is in a sustainable location close to local amenities and facilities including public transport and the University of South Wales Campus at Treforest.

Whilst there is high demand for on street parking within the surrounding area, no parking restriction or residents parking bays have been implemented along Stow Hill in the vicinity of the site.

#### Access:

The property is served off Stow Hill which provides continuous footway links on both sides of the carriageway leading to the proposed. On-street turning facilities are also provided near the proposed at Pen yr Ysgol.

No alterations to the existing access arrangements that served the use of the property as a guest house are proposed and the existing access is considered acceptable to provide safe access to the highway.

#### Parking:

The existing use as a bed and breakfast has a parking requirement of 1 commercial vehicle space, 1 space per 3 non-residential staff and 1 space per bedroom in

accordance with the Council's SPG: Access, Circulation and Parking Requirements (March 2011).

The existing guest house provides 4 spaces marked within the carpark along with circulation, although it is considered that if blocking of cars could be managed an additional 4 vehicles could potentially be accommodated within the car parking area.

In accordance with the Councils' SPG Houses in Multiple Occupation (HMOs) 2018, the proposed change of use to HMO within parking zones 2-4 would require 1 space per bedroom up to a maximum of 3 spaces (for residents) and 1 spaces per 5 units for visitors.

On this basis the proposed would require 3 spaces for residents plus 2 spaces for visitors with 4 spaces provided.

The Local Highway Authority consider that the shortfall in parking is one space for visitor parking. Given the nature of the Council's Access, Circulation and Parking Requirements SPG, which is based on maximum parking, and that the proposed development would be in a sustainable location close to public transport routes with potential to accommodate short-term visitor parking on street or within the off street carpark by means of double parking by agreement. The Local Highway Authority consider that the parking provision is considered acceptable.

#### Local Highway Authority Recommendation:

The application site is located in a sustainable location with access to local amenities and facilities including the University of South Wales and public transport.

Whilst there is high demand for on street parking within the surrounding area, no parking restriction or residents parking bays have been implemented along Stow Hill in the vicinity of the site.

In accordance with the Councils Supplementary Planning Guidance (SPG) Parking Access and Circulation (March 2011) and Supplementary Planning Guidance (SPG) Houses in Multiple Occupation (HMOs) (May 2018), the proposed change of use would require a lesser parking provision of 3 spaces for residents and 2 spaces for visitor parking. With a total of 4 spaces provided.

Comments and objections received from the Town Council in relation to parking and traffic have been noted and considered; however, the Local Highway Authority have raised no such concerns with the application. Considering that the Council's Access, Circulation and Parking Requirements SPG, which is based on maximum parking, the location of the development in a sustainable location close to public transport routes and potential to accommodate short term visitor parking on street or within the off street carpark by means of double parking by agreement, the parking provision is considered to acceptable

Considering the above assessment, no highway objections have been raised by the Local Highway Authority, nor conditions suggested.

## **Other Issues:**

Following consultation, the South Wales Fire and Rescue Service have no objections to the proposed development.

The Council's Public Health Department have issued no objection to the proposal, with standard advice recommended in respect of hours of construction, noise, dust, and waste. The Council's Public Health Department have also noted that all work must be completed with current Building Regulations and that the HMO must adhere to the Council's space and amenity standards.

Furthermore, under the Wales wide Mandatory Licensing Scheme, HMOs that are 3 storeys or more and occupied by 5 or more persons living in 2 or more households are required to be licensed. In addition to those buildings that require a licence under Mandatory Licensing, from the 1<sup>st</sup> April 2019 all HMOs in the borough are required to be licensed under the Additional Licensing (Houses in Multiple Occupation) Scheme 2019. As such, the proposed HMO will need a licence and will need to meet the required amenities and facilities standards. An advisory note is recommended to any grant of planning permission notifying the developer that a HMO licence will be required for the property.

South Wales Police have also been consulted on the planning application and have offered no objection to the proposal. South Wales Police have noted that they recognise that there is a specific Supplementary Planning Guidance (SPG) in relation to Houses in Multiple Occupation (HMO) at the Council and consider that the application should be assessed in line with said SPG. South Wales Police have further issued several recommendations within their consultation response, including recommendations relating to 'Secured by Design' standards, which are recommended as advisory notes to any grant of planning consent.

No major external or internal alterations are proposed, and as such, the development would not be considered to impact local ecological interests. However, a condition for biodiversity enhancement details is recommended.

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

Welsh Water have offered no objections to the proposal, subject a condition stipulating that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. However, due to the nature of the proposed development and that no extensions are proposed, the condition would not be considered necessary. Welsh Water have also noted that the site is crossed by public sewers and watermains and an advisory note is recommended to any grant of planning permission advising the developer as such.

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

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

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

## **Conclusion**

Houses in Multiple Occupation (HMOs) have a key role to play in meeting housing need within the Social Rented sector and the proposal would assist in providing additional accommodation within this sector. The application site is in a predominantly residential area and in a sustainable location with good access to public transport and key services and facilities which is considered acceptable. Furthermore, the application complies with relevant policies of the Council's Houses in Multiple Occupation (HMO).

The site also relates to an existing building and the proposal would be residential in nature, which is considered acceptable. The proposal would not involve substantial external alterations and would not be considered to impact upon the character and appearance of the application property or upon the amenity and privacy of surrounding properties, nor would it have any adverse impact upon highway safety in the vicinity of the site.

## **RECOMMENDATION: Approve, subject to 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 unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Central Guest House, Stow Hill, Treforest, PONTYPRIDD. Rhondda Cynon Taff CF37 1RZ. Drawing No. 2941. C. 01. Received by Local Planning Authority 30/08/2023.
- Central Guest House, Stow Hill, Treforest, PONTYPRIDD. Rhondda Cynon Taff CF37 1RZ. Drawing No. 2941 C. Received by Local Planning Authority 30/08/2023.

And documents received by the Local Planning Authority on 26/06/2023, 07/07/2023 and 30/08/2023 and unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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



3. Within 2 months of the date of this decision, a scheme for biodiversity enhancement shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: Future Wales requires all development to maintain and enhance biodiversity.

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## PLANNING & DEVELOPMENT COMMITTEE

11 JANUARY 2024

### 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 04/12/2023 – 29/12/2023

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**

**11 JANUARY 2024**

**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**

**APPEAL DECISION RECEIVED**

**APPLICATION NO:** 23/0182  
**APPEAL REF:** CAS-02679-F9V3N1  
**APPLICANT:** The Handy Bee  
**DEVELOPMENT:** Proposed construction of one bedroom eco-cabin dwelling.  
**LOCATION:** LAND ADJ. TO 11 ST JOHN STREET, TRECYNON,  
ABERDARE  
**DECIDED:** 12/04/2023  
**DECISION:** Refused  
**APPEAL RECEIVED:** 17/04/2023  
**APPEAL DECIDED:** 05/12/2023  
**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**

**04/12/2023 and 29/12/2023**

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**Cwmbach**

**21/0456/10** Decision Date: 21/12/2023  
**Proposal:** Change of use of land to become part of garden.

**Location:** 7 ROSE ROW, CWM-BACH, ABERDARE, CF44 0BN

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**Tonypandy**

**23/1263/10** Decision Date: 13/12/2023  
**Proposal:** Change of use from first floor office space to 1No. 2 bedroom flat

**Location:** CAFE, 121 DUNRAVEN STREET, TONYPANDY, CF40 1AS

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**Abercynon**

**23/1163/10** Decision Date: 07/12/2023  
**Proposal:** Change of use of ground floor from hotel/public house to 2 self-contained flats.

**Location:** TYNTE HOTEL PUBLIC HOUSE, MAIN ROAD, TYNTETOWN, ABERCYNON, MOUNTAIN ASH, CF45 4YH

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**Aberdare East**

**23/0968/10** Decision Date: 08/12/2023  
**Proposal:** Detached dwelling with detached garage.

**Location:** LAND ADJACENT TO CARTREF, MOSS PLACE, ABER-NANT, ABERDARE, CF44 OYJ

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**23/1124/10** Decision Date: 22/12/2023  
**Proposal:** Change use of from retail to a sports recovery and wellness centre.

**Location:** UNIT 5 SPORTSDIRECT, 3-6 CARDIFF STREET, ABERDARE, CF44 7DP

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**23/1192/10** Decision Date: 19/12/2023  
**Proposal:** Proposed single storey front extension and side single storey extension

**Location:** THE BUNGALOW, 5 PLASDRAW AVENUE, ABER-NANT, ABERDARE, CF44 0NT

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**23/1250/10** Decision Date: 19/12/2023  
**Proposal:** Installation of an ATM.

**Location:** SHOP, 50-51 CARDIFF STREET, ABERDARE, CF44 7DG

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**23/1251/01** Decision Date: 19/12/2023  
**Proposal:** Advertisement consent for installation of ATM signage.

**Location:** SHOP, 50-51 CARDIFF STREET, ABERDARE, CF44 7DG

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**04/12/2023 and 29/12/2023**

**Aberdare East**

**23/1282/01** Decision Date: 22/12/2023

**Proposal:** Standing external sign in front garden.

**Location:** DEINTYDDFA KATRINA CLARKE, 3 MAENDY PLACE, WEATHERAL STREET, ABERDARE, CF44 7AY

**Aberdare West and Llwydcoed**

**23/0881/10** Decision Date: 07/12/2023

**Proposal:** Proposed first floor extension on top of existing ground floor extension.

**Location:** 1 TAIR EGLWYS, CHURCH AVENUE, LLWYDCOED, ABERDARE, CF44 0US

**23/1153/10** Decision Date: 06/12/2023

**Proposal:** Change of use from a betting shop (Planning Use Class A2) to a tattoo studio (Sui Generis)

**Location:** LADBROKES PLC, 110 CEMETERY ROAD, TRECYNON, ABERDARE, CF44 8HG

**23/1221/10** Decision Date: 18/12/2023

**Proposal:** Porch to the front

**Location:** 97 TREFELIN, TRECYNON, ABERDARE, CF44 8LG

**Beddau and Tyn-y-nant**

**23/1099/10** Decision Date: 06/12/2023

**Proposal:** Conversion of a 3 bed bungalow into a 4 bed two storey dormer bungalow and construction of detached workshop.

**Location:** KISMET, BRYNTEG LANE, BRYNTEG, BEDDAU, PONTYCLUN, CF72 8LS

**Church Village**

**23/1210/09** Decision Date: 19/12/2023

**Proposal:** Certificate of lawful development for a proposed single storey rear extension to provide additional living space

**Location:** 37 MAES-YR-EGLWYS, CHURCH VILLAGE, PONTYPRIDD, CF38 1EJ

**23/1309/09** Decision Date: 19/12/2023

**Proposal:** Certificate of lawful development for the proposed conversion of garage into a study/gym and the construction of a new rear single storey extension to provide an additional living area.

**Location:** 17 ROWAN GARDENS, CHURCH VILLAGE, PONTYPRIDD, CF38 2GG

**Cilfynydd**

**23/1146/10** Decision Date: 04/12/2023

**Proposal:** First floor duo-pitch extension over ground floor

**Location:** 46 WILLIAM STREET, CILFYNYDD, PONTYPRIDD, CF37 4EH



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**04/12/2023 and 29/12/2023**

**Cwmbach**

**23/1249/10** Decision Date: 22/12/2023  
**Proposal:** Car parking space to front of property  
**Location:** 36 BRO DEG, CWM-BACH, ABERDARE, CF44 0HA

**Ferndale and Maerdy**

**23/0033/15** Decision Date: 06/12/2023  
**Proposal:** Variation of conditions 1c and 1d(i) of planning permission 21/0805/16 to extend the period for the submission of reserved matters by a further year to 30th January 2024, and extend the time by which development should  
**Location:** LAND AT THE END OF BLAKE STREET, MAERDY, FERNDALE

**Gilfach-goch**

**23/1191/10** Decision Date: 20/12/2023  
**Proposal:** Raised deck to back of house  
**Location:** 42 THOMAS STREET, HENDREFORGAN, GILFACH-GOCH, PORTH, CF39 8TU

**Graig and Pontypridd West**

**23/0304/10** Decision Date: 13/12/2023  
**Proposal:** Erection of Granny Annex  
**Location:** 16 ARRAN CLOSE, PENYCOEDCAE, PONTYPRIDD, CF37 1XB

**Hawthorn and Lower Rhydfelen**

**23/0428/10** Decision Date: 11/12/2023  
**Proposal:** Works to riverbank - gabion baskets (Structural report received 19/10/2023)  
**Location:** 11 MERVYN STREET, RHYDYFELIN, PONTYPRIDD, CF37 5HS

**23/1157/01** Decision Date: 06/12/2023  
**Proposal:** New External Signage - Sign A - 1no. illuminated totem sign - Sign B - 1no. illuminated logo sign - Sign C - 1 set of illuminated individual letters- Sign D - 1no. illuminated fascia sign - Sign E - 1no. non illuminated  
**Location:** GRIFFIN MILL BASECAMP GARAGES, HEOL-Y-BWNSY, UPPER BOAT, PONTYPRIDD, CF37 5YE

**23/1245/15** Decision Date: 18/12/2023  
**Proposal:** Variation of condition 2 to include an additional window to the rear gable end at attic level 23/0442/08  
**Location:** 1 LAUREL AVENUE, HAWTHORN, PONTYPRIDD, CF37 5AU

**Hirwaun, Penderyn and Rhigos**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**04/12/2023 and 29/12/2023**

**Hirwaun, Penderyn and Rhigos**

**22/0894/10** Decision Date: 22/12/2023  
**Proposal:** Proposal to construct 1 No. Adapted, 3 bedroom bungalow including integral parking and associated landscaping (Amended site location plan received 26/09/22) (Flood Consequences Assessment received  
**Location:** PLOT 5 DEVELOPMENT SITE, PENDERYN ROAD, HIRWAUN

**23/0153/15** Decision Date: 06/12/2023  
**Proposal:** Proposed removal of conditions 3 (drainage details), 4 (site investigation for contamination) and 5 (side bedroom window restriction) of planning permission 18/0379/10. (Ground Investigation Report received 7th  
**Location:** PLOT 3 PEN-Y-BANC, RHIGOS, ABERDARE, CF44 9YT

**Llantwit Fardre**

**23/1199/10** Decision Date: 18/12/2023  
**Proposal:** Single storey side/rear extension.  
**Location:** 5 PINE COURT, LLANTWIT FARDRE, PONTYPRIDD, CF38 2NX

**23/1253/19** Decision Date: 22/12/2023  
**Proposal:** T1 (Oak) - Remove as close to ground level as possible and treat stump to inhibit regrowth. The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long  
**Location:** TIR Y DAIL, THE WOODLANDS, LLANTWIT FARDRE, PONTYPRIDD, CF38 2DU

**Llwyn-y-pia**

**23/0696/10** Decision Date: 07/12/2023  
**Proposal:** Retrospective application for a cafe, within a container, and a security guard caravan, with extension of site boundary. (Caravan plans received 29/10/2023)  
**Location:** UNED 1, YNYSCYNON MOT CENTRE, 235-245 YNYSCYNON ROAD, TREALAW, TONYPANDY, CF40 2LL

**Pen-y-graig**

**23/1159/10** Decision Date: 04/12/2023  
**Proposal:** Detached garage to the rear  
**Location:** MAES Y CRAIG, 8 VICARAGE ROAD, PEN-Y-GRAIG, TONYPANDY, CF40 1HN

**Pen-y-waun**

**23/1135/10** Decision Date: 05/12/2023  
**Proposal:** Change of use of land and existing retail store to Class B8 storage facility, including siting of 114 no. storage containers (resubmission of planning ref. 23/0233/10)  
**Location:** WHAT ABERDARE LTD, GWLADYS STREET, PEN-Y-WAUN, ABERDARE, CF44 9LL

**23/1231/10** Decision Date: 18/12/2023  
**Proposal:** Proposed extension to community hall including site managers accomodation to the first floor and development of 10no. car parking spaces.  
**Location:** OASIS, 46 HEOL BRYN GWYN, PEN-Y-WAUN, ABERDARE, CF44 9HB

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**04/12/2023 and 29/12/2023**

**Pentre**

**23/1252/10** Decision Date: 07/12/2023

**Proposal:** Single storey rear extension

**Location:** 1 ELIZABETH CLOSE, PENTRE, CF41 7LE

**23/1311/19** Decision Date: 21/12/2023

**Proposal:** Work on the first 2 Lime trees South West of the access road, carry out a crown raise to the first 2 trees up to 10m height of the main stems, remove all new growth without damaging the stem, carry out an aerial

**Location:** 1A DINAM PARK AVENUE, TONPENTRE, PENTRE, CF41 7AT

**Pontyclun East**

**23/1229/10** Decision Date: 12/12/2023

**Proposal:** Fence along the boundary between the garden and public highway

**Location:** 1 DOL Y LLAN, MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 8RY

**Pontyclun West**

**23/0915/10** Decision Date: 20/12/2023

**Proposal:** Removal of old stabling structures and replacement with new stabling building in the same position.

**Location:** THE OLD BARN, COWBRIDGE ROAD, TALYGARN, PONT-Y-CLUN, PONTYCLUN, CF72 9JT

**23/1018/10** Decision Date: 18/12/2023

**Proposal:** Demolition of garage, construction of part two storey part single storey and rear extension and single storey detached outbuilding (gym)

**Location:** 8 PARK CRESCENT, PONTYCLUN, CF72 9BR

**23/1127/10** Decision Date: 05/12/2023

**Proposal:** Single storey extension to the rear

**Location:** 18 LLWYNFEN ROAD, PONTYCLUN, CF72 9EL

**Pontypridd Town**

**23/1097/10** Decision Date: 04/12/2023

**Proposal:** Change of use from a single dwelling (Planning Use Class C3) to an 8 bedroom House in Multiple Occupation (Sui Generis) (Amended plans received 23/11/2023)

**Location:** 35B TAFF STREET, PONTYPRIDD, CF37 4TR

**23/1164/10** Decision Date: 14/12/2023

**Proposal:** Change of use from office to tattoo studio.

**Location:** CAREERS WALES WESTBURY HOUSE, 1 PENUEL LANE, PONTYPRIDD, CF37 4UF

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**04/12/2023 and 29/12/2023**

**Pontypridd Town**

**23/1196/10**

Decision Date: 12/12/2023

**Proposal:** External Alterations Proposed. Externally - letter box to be sealed, removal of all Barclays signage, existing ATMs to be removed, existing timber panel to be repaired and painted to match the existing, CCTV cameras

**Location:** BARCLAYS, 91 TAFF STREET, PONTYPRIDD, CF37 4SN

**Porth**

**23/1024/10**

Decision Date: 14/12/2023

**Proposal:** Change of use from retail unit to a dog grooming facility with retail element.

**Location:** 57 HANNAH STREET, PORTH, CF39 9RA

**Treherbert**

**23/1248/10**

Decision Date: 08/12/2023

**Proposal:** Permanent farmhouse, glamping pods, storage building and associated development following grant of temporary consent under 19/0882/10

**Location:** FERNHILL VALLEY FARM, CAROLINE STREET, BLAENRHONDDA, CF42 5RY

**Treorchy**

**23/1261/10**

Decision Date: 07/12/2023

**Proposal:** Single storey extension

**Location:** 25 LOWER TERRACE, CWM-PARC, TREORCHY, CF42 6HP

**Tylorstown and Ynyshir**

**23/1168/10**

Decision Date: 11/12/2023

**Proposal:** Raised patio decking area - Retrospective

**Location:** TYLORSTOWN RUGBY CLUB, PENRHYS ROAD, TYLORSTOWN, FERNDAL, CF43 3PN

**23/1230/10**

Decision Date: 07/12/2023

**Proposal:** Detached purpose built GRP outbuilding to house sprinkler system water tank and pump gear.

**Location:** SPRINGFIELD, YNYS-HIR, PORTH

**Ystrad**

**23/1158/10**

Decision Date: 06/12/2023

**Proposal:** Proposed two storey extension, formation of raised decking area & boarded boundary fence together with a detached garage and drive.

**Location:** 9 OAK STREET, GELLI, PENTRE, CF41 7NP

Total Number of Delegated decisions is 46

Report for Development Control Planning Committee

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Cymer

23/1222/10

Decision Date: 22/12/2023

**Proposal:** Rear single and two storey extension (Amended plans received 08/12/2023)

**Location:** 20 PINEWALK DRIVE, GLYNFACH, PORTH, CF39 9NL

**Reason: 1** The proposed development, by virtue of its first floor side elevation window placement, would result in an unneighbourly form of development that will directly overlook and adversely impact upon the amenity and privacy standards of neighbouring occupiers. As such, the application is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the Council's Supplementary Planning Guidance 'A Design Guide for Householder Development'.

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Ferndale and Maerdy

23/0900/13

Decision Date: 20/12/2023

**Proposal:** Outline for residential development

**Location:** CAPEL NAZARETH, GEORGE STREET, BLAENLLECHAU, FERNDAL, CF43 4PN

**Reason: 1** The submitted Preliminary Roost Assessment concludes the building has a moderate bat roost potential and identifies that two bat emergence / return surveys are required. Requests have been made to the applicant to provide this information however they have rejected. Consequently, insufficient information has been submitted to demonstrate that the proposal will not adversely affect bats and their roosts and the absence of the necessary surveys means that no mitigation schemes can be devised. Therefore the development fails to comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan and is not in accordance with paragraph 6.4.22 of Planning Policy Wales Edition 11.

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Report for Development Control Planning Committee

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**Graig and Pontypridd West**

23/1133/10                      Decision Date: 22/12/2023

**Proposal:** Change of use from public house to dwelling along with a single storey extension and detached double garage

**Location:** QUEENS HEAD INN, LLANTRISANT ROAD, PENYCOEDCAE, PONTYPRIDD, CF37 1PY

**Reason: 1** Insufficient information and marketing evidence has been provided to demonstrate that the use of a public house at the site is unviable and insufficient information has been provided to justify the loss of a public house at this location. Furthermore, insufficient information and evidence has been provided to demonstrate that, other than residential use, there are no other viable alternative uses to secure the retention of the building. As such, the policy is contrary to Policy AW9 of the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales (Ed.11)

**Reason: 2** Insufficient information has been submitted to enable a full assessment of the impact of the proposal on protected species to be undertaken. The proposal is therefore contrary to Policy AW 8 of the Rhondda Cynon Taf Local Development Plan.

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**Trealaw**

23/0957/10                      Decision Date: 15/12/2023

**Proposal:** Change of use from storage to commercial retail units.

**Location:** TREALAW CONVENIENCE STORE, 253-259 BRITHWEUNYDD ROAD, TREALAW, TONYPANDY, CF40 2NZ

**Reason: 1** The proposal would give rise to a greater intensity of short-term on-street parking along Brithweunydd Road (B4278) and nearby adjoining streets and affect the safety and free flow of traffic to the detriment of highway and pedestrian safety.

The proposal will result in additional on-street parking in an area where there is already substantial demand, to the detriment of highway safety.

The proposed development will generate additional on-street parking by commercial service vehicles in an area where there is already considerable demand impacting on free flow of traffic along Brithweunydd Road (B4278) increasing hazards to the detriment of highway safety.

The proposed development will result in reversing movements to and from Brithweunydd Road (B4278) by service delivery vehicles with restricted vision due to high on-street car parking demand to the detriment of safety of all highway users.

As such, the application is considered contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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