



CYNGOR BWRDEISTREF SIROL
RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL

COMMITTEE SUMMONS

C Hanagan
Service Director of Democratic Services & Communication
Rhondda Cynon Taf County Borough Council
2 Llys Cadwyn
Taff Street
Pontypridd
CF37 4TH

Meeting Contact: Jess Daniel - Democratic Services (07385401877)

A virtual meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** will be held on **THURSDAY, 25TH JANUARY, 2024** at **3.00 PM**.

NON-COMMITTEE MEMBERS AND MEMBERS OF THE PUBLIC MAY [REQUEST THE FACILITY TO ADDRESS THE COMMITTEE](#) AT THEIR MEETING ON THE BUSINESS LISTED. IT IS KINDLY ASKED THAT SUCH NOTIFICATION IS MADE TO PLANNINGSERVICES@RCTCBC.GOV.UK BY 5PM ON TUESDAY, 23 JANUARY 2024, INCLUDING STIPULATING WHETHER THE ADDRESS WILL BE IN WELSH OR ENGLISH.

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

AGENDA

1. DECLARATION OF INTEREST

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

Note:

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

2. HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS

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

3. WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

4. MINUTES 14.12.23

To approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on 14.12.23.

5 - 10

APPLICATIONS RECOMMENDED FOR APPROVAL BY THE DIRECTOR OF PROSPERITY & DEVELOPMENT

5. APPLICATION NO: 22/1413

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)

RHIWFELIN FAWR FARM, LLANTRISANT

11 - 36

6. APPLICATION NO: 23/0378

Change of use from dwelling to Chapel of Rest
1 BROOK STREET, YSTRAD, PENTRE, CF41 7RB

37 - 44

7. APPLICATION NO: 23/0493

Detached dwelling, parking area, amenity space, associated works
(Amended plans received 24/09/2023 and 06/10/2023)

**LAND TO THE WEST OF HIGH STREET, YNYSYBWL,
PONTYPRIDD**

45 - 62

- 8. APPLICATION NO: 23/1004**
 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 Analysis and Construction Management Plan received 30th November 2023. Updated Tree Report, Soft Landscaping details and Ecology Assessment received 4th December 2023)
LAND AT PUROLITE, LLANTRISANT BUSINESS PARK, LLANTRISANT, PONT-Y-CLUN, PONTYCLUN, CF72 8LF
- 63 - 82**
- 9. APPLICATION NO: 23/1110**
 Approval of reserved matters (access, appearance, landscaping, layout and scale) of outline planning permission 20/0646/13
LAND AT OTTERS BROOK, IVOR PARK, BRYNSADLER, PONT-Y-CLUN, PONTYCLUN, CF72 9BF
- 83 - 98**
- 10. APPLICATION NO: 23/0654**
 Variation of condition 1 of planning permission 17/1351 (Proposed erection of 8 No. 3 bed dwellings) to allow a further 5 years for the commencement of development (Preliminary Ecology Survey rec. 03/11/23)
LAND AT SALISBURY ROAD, ABERCYNON, MOUNTAIN ASH, CF45 4NU
- 99 - 114**
- 11. APPLICATION NO: 23/1056**
 4 semi detached dwellings and 1 detached dwelling (resubmission of 21/0373/10)
LAND BETWEEN 37 TO 43 TREBANOG ROAD, TREBANOG, CF39 9EP
- 115 - 132**
- 12. APPLICATION NO: 23/1237**
 Two storey rear extension
30 BRON-Y-DERI, MOUNTAIN ASH, CF45 4LL
- 133 - 140**
- 13. APPLICATION NO: 23/1285**
 Proposed expansion comprising part three (offices) and part two storey (medical equipment processing, assembling and manufacturing) building, new staff car park and landscaping works.
ORTHO CLINICAL DIAGNOSTICS, FELINDRE MEADOWS, LLANHARAN, PENCOED, BRIDGEND, CF35 5PZ
- 141 - 160**

DEFERRED APPLICATIONS

14. 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**

161 - 176

15. APPLICATION NO: 23/0412/10

New four bedroom dwelling with detached garage and two additional parking spaces (Amended plans received 21/12/23), **LAND ADJACENT TO 4 NASH STREET, ABERCYNON, MOUNTAIN ASH, CF45 4PB**

177 - 190

INFORMATION REPORT

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

To inform Members of the following, for the period 04/12/2023 – 12/01/2024.

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

191 - 206

17. URGENT BUSINESS

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

Service Director of Democratic Services & Communication Circulation:-

Members of the Planning & Development Committee

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

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

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



RHONDDA CYNON TAF COUNCIL Planning and Development Committee

Minutes of the virtual meeting of the Planning and Development Committee held on Thursday, 14 December 2023 at 2.30 pm.

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

County Borough Councillors – The following Planning and Development Committee Members were present: -

Councillor S Rees (Chair)

Councillor W Lewis Councillor J Bonetto
Councillor A Dennis Councillor S Emanuel
Councillor D Grehan Councillor G Hughes
Councillor M Powell Councillor J Smith
Councillor R Williams

County Borough Councillors in attendance: -

Councillor D Evans

Officers in attendance: -

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

149 WELCOME AND APOLOGIES

Apologies for absence were received from County Borough Councillor L Tomkinson.

150 DECLARATION OF INTEREST

In accordance with the Council's Code of Conduct, there were no declarations made pertaining to the agenda.

151 HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS

It was **RESOLVED** to note that when Committee Members determine the development control matters before them, they should have regard to the Development Plan and, so far as material to applications, to any other material considerations and when taking decisions, Members have

to ensure they do not act in a manner that is incompatible with the convention on Human Rights as incorporated into legislation by the Human Rights Act 1998.

152 WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

153 MINUTES 09.11.23

It was **RESOLVED** to approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on the 09.11.23.

154 CHANGE TO THE AGENDA

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

155 APPLICATION NO: 23/0412

New four bedroom dwelling with detached garage and two additional parking spaces. LAND ADJACENT TO 4 NASH STREET, ABERCYNON, MOUNTAIN ASH, CF45 4PB

Members **RESOLVED** to defer the determination of the application to a future meeting of the Planning & Development Committee to allow Planning Officers more time to review further information received for the application.

156 APPLICATION NO: 23/0514/10

Residential development of 20 x one and two-bedroom apartments, with associated landscaping, boundary treatment and parking (Description amended on receipt of revised plans on 31/10/23, reducing number of units and removing top floor). Site of Former Royal Naval Association Club, 233 Court Street, Tonypany, CF40 2RF.

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

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

The Agent Mr N Ahmed exercised the right to respond to the comments made by the objector.

The Head of Planning presented the application which was originally reported to Committee on 5th October 2023 where Members were minded to refuse the application, contrary to the officer recommendation of the Director, Prosperity and Development.

The Head of Planning presented the further report highlighting to Members the revisions made by the Applicant to the original plans and Members gave consideration to the further report, highlighting the potential strengths and weaknesses and following discussions, it was **RESOLVED** to approve the application for the reason outlined in the report and to the conditions contained within the updated report.

(**Note:** County Borough Councillor G Hughes wished to have recorded that he voted against the approval of the above-mentioned application.)

157 APPLICATION NO: 23/0904

Two storey extension one side, one storey extension the other, attic conversion and engineering works to the rear to include ground levelling and access steps. 45 HILL STREET, HENDREFORGAN, GILFACH-GOCH, PORTH, CF39 8TW

(**Note:** County Borough Councillor M Powell joined the meeting at this point.)

(**Note:** At this point in proceedings County Borough Councillor W Lewis declared a personal and prejudicial interest in Application 23/0641:
"I am employed by the Applicant and have worked on this site.")

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

The Head of Planning outlined the contents of a 'late' letter submitted by a neighbouring property detailing their objection to the proposed development.

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

(**Note:** County Borough Councillor M Powell abstained from the vote as he was not present for the full item.)

158 APPLICATION NO: 23/1115

Development of 10 affordable dwellings and associated works. LAND AT DERWEN ROAD, YSTRAD, PENTRE, CF41 7QQ

(**Note:** At this point in proceedings County Borough Councillor S Emmanuel declared a personal and prejudicial interest for this application:
"I am employed by Trivallis who are the applicants.")

Therefore, he left the meeting for this item and did not take part in the debate or vote.)

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

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development subject to the completion of a section 106 agreement requiring that the dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs.

159 APPLICATION NO: 23/0641

Discharge of condition 34 (Sustainable Development Strategy) of 10/0845/34 (insofar that it relates to Phases 3 and 4). LAND AT FORMER OPEN CAST COAL SITE AND LAND TO THE NORTH OF THE A473, LLANILID (PHASE 3 & 4)

(Note: County Borough Councillor S Emmanuel returned to the meeting at the beginning of this item and County Borough Councillor G Hughes left the meeting at this point and did not return.)

(Note: Having earlier declared an interest in the above-mentioned application, County Borough Councillor W Lewis left the meeting for this item).

Non-Committee, Local Member County Borough Councillor D Evans spoke on the application and put forward his concerns in respect of the proposed application.

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

(Note: A motion was seconded to defer the application but failed)

160 APPLICATION NO: 22/1279

Conversion of a former public house into apartments. FULL MOON HOTEL, CARDIFF ROAD, ABERAMAN, ABERDARE, CF44 7HH

(Note: County Borough Councillor W Lewis returned to the meeting at the start of this item.)

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

161 APPLICATION NO: 23/0118

Extensions to create 10 no. bed hotel with bar, restaurant, welfare areas and car park extension. Rear extension to include solar panels (Tree Survey Rec. 05/06/23) (Preliminary Ecological Appraisal rec. 12/06/23) (Updated Preliminary Ecological Appraisal rec. 29/06/23)(Additional Bat Surveys Rec. 06/10/23) NAVIGATION HOUSE HOTEL, THE BASIN, CILFYNYDD ROAD, ABERCYNON, MOUNTAIN ASH, CF45 4RR

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

162 APPLICATION NO: 23/1068

Construction of skate park for all skate disciplines - Skateboards, BMX, WCMX, Scooters etc, with associated landscaping and drainage works. LLANHARRY PARK, LLANHARRY ROAD, LLANHARRY, PONTYCLUN

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

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

Members **RESOLVED** to receive the report of the Service Director, Planning in relation to Planning and Enforcement Appeal Decisions received, Delegated Decisions Approvals and Refusals with reasons, Overview of Enforcement Cases and Enforcement Delegated Decisions received for the period 13/11/2023 – 01/12/2023.

This meeting closed at 4.30 pm

**Councillor S Rees
Chair.**

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PLANNING & DEVELOPMENT COMMITTEE

25 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

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.

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

25 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

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.

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 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 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 30m², 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 10m² 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

25 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

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.

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

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

It is also considered the proposed development is compliant with the NDF.

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 Ynysybwł. 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

25 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

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.

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.

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

The application site lies within the settlement boundary for 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. The development shall be carried out in accordance with the Construction Management Plan 'FM-SITE-001 Rev. B' (Andrew Scott Ltd., dated 23/11/23) received by the Local Planning Authority on 30th November 2023.

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. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

PLANNING & DEVELOPMENT COMMITTEE

25 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

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.

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 5th October, 6th November and 9th 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 £85m² 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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PLANNING & DEVELOPMENT COMMITTEE

25 January 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0654/15 (KL)
APPLICANT: Mr Onyejiukwa
DEVELOPMENT: Variation of condition 1 of planning permission 17/1351 (Proposed erection of 8 No. 3 bed dwellings) to allow a further 5 years for the commencement of development (Preliminary Ecology Survey rec. 03/11/23)
LOCATION: LAND AT SALISBURY ROAD, ABERCYNON, MOUNTAIN ASH, CF45 4NU
DATE REGISTERED: 22/06/2023
ELECTORAL DIVISION: Abercynon

RECOMMENDATION: Approve

REASONS:

Although there has been a change in national planning policy since the approval of the previous outline consent (ref. 17/1351/10), the main thrust of planning policy remains the same in that residential development is supported within sustainable locations and within defined settlement boundaries. Nothing has changed in terms of the position of the site in that it remains within the settlement boundary of Abercynon and it is therefore still considered to be a highly sustainable location. As such, the proposal is still considered to be acceptable in principle. Furthermore, in the absence of a change in circumstance at the site and lack of objections from consultees, the greater weight lies in favour of granting approval for an extension of the timescale in which the development may commence.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

This application is submitted under Section 73 of the Town and Country Planning Act 1990 and seeks to vary condition 1 of a previous full planning consent (planning permission ref. 17/1351) for the construction of 8 no. three bedroom dwellings with

associated off-street parking and amenity space on land at Salisbury Road, Abercynon.

The original application was approved by the Planning and Development Committee on 02 July 2018. A number of conditions were attached to the consent with condition 1 of the permission being as follows:

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.

This current application seeks to vary the condition to allow a further five years for the development to commence.

The original permission included 8 no. three bedroom split-level dwellings at the site. The dwellings would be arranged in 4 no. semi-detached pairs across the site with two-storey front elevations facing toward Salisbury Road to the north-west. Due to changes in topography at the site, the rear elevations would be three-storey with the lower ground floor opening out onto rear private gardens.

Each dwelling would incorporate an integral garage and off-street car parking to the front.

External materials would consist of a mixture of stone and render to the walls with the roof being clad with artificial slate. The windows and doors would be powder-coated aluminium.

The application is accompanied by the following:

- Coal Mining Risk Assessment
- Preliminary Ecological Assessment

SITE APPRAISAL

The application site relates to a vacant parcel of land which is situated to the south-eastern side of Salisbury Road in the settlement of Abercynon. The site has an area of approximately 0.13 hectares and is steeply sloping with ground levels falling away from the front boundary at Salisbury Road towards a service lane at the rear. Boundary treatments currently consist of hoarding to all four sides however, this has become dilapidated in recent years with several gaps and openings visible in various parts.

From a review of previous Street View images, it is understood that the site was previously well-covered with numerous trees and vegetation however, this was completely cleared at some point prior to the submission of the original application.

Some vegetation has since re-established at the site however, it mostly consists of cleared ground with areas of rubble, earth and debris.

The surrounding area is predominantly residential in character with two-storey terraced properties being situated opposite the site on Salisbury Road and in Aberdare Road to the rear of the site. Detached properties are situated further along Salisbury Road to the north-east and south-west of the site. Due to topographical changes in the area, properties to the north-west and south-east are situated at a higher and lower ground level to the site (Salisbury Road and Aberdare Road respectively).

PLANNING HISTORY

The following planning applications are on record for this site (in the last 20 years):

17/1351	Land at Salisbury Road, Abercynon	Proposed erection of 8 No. 3 bed dwellings with associated off street parking and amenity space.	Granted 02/07/18
17/0554	Land at Salisbury Road, Abercynon	Proposed erection of 10 no. 3 bedroom dwellings with associated off-street parking and amenity space	Refused 07/08/17
15/0985	Land to the east of Salisbury Road, Abercynon	4 no. pairs of semi-detached dwellings (8 dwellings)	Granted 31/12/15
14/0920	Land between Salisbury Road and Aberdare Road, Carnetown, Abercynon	Construction of 1 pair of split-level semi-detached dwellings with associated works including parking provision for 4 cars	Refused 24/09/14
13/0906	Plots 2 & 3, Land at Salisbury Road, Abercynon	Construction of detached residential dwellings	Granted 21/01/14
10/0939	Plots 1 & 4, Land at Salisbury Road, Abercynon	Construction of 2 no. split-level detached residential dwellings with access and parking	Granted 22/11/10
08/0084	Land at Salisbury Road, Abercynon	Outline application for residential development	Granted 16/04/08

PUBLICITY

The application has been advertised by means of direct neighbour notification letters and through the erection of site notices at both Salisbury Road and Aberdare Road.

One letter of objection has been received in relation to the proposal and is summarised as follows:

Residential Amenity

- Loss of daylight and overshadowing would occur as a result of the two-storey dwellings proposed.
- Loss of privacy as the two-storey dwellings would look directly into properties on Salisbury Road.
- The developer has a fence around the building site which has caused detrimental impact to Salisbury Road during the winter when the sun is lying low. The road is like an ice-skating ring until about 2/3pm.

Environmental Impact

- The carbon footprint of existing properties in Salisbury Road would be increased due to heating and lighting being on longer as the benefits of natural heat and light provided by the sun would be lost.

Traffic and Parking Impact

- The plans show the properties will have a garage along with a drive. In reality, not many people keep vehicles in garages, especially when the drive is directly in front.
- Residents are likely to park one vehicle on the drive and another on the road, along with works vans, which will displace current residents or create a fight for parking spaces which does not currently exist.
- The potential parking will inhibit access for emergency services.
- A query is raised on whether the turning area to swing a car in and out of the proposed homes would be sufficient, given that current residents park outside their homes on the street.
- The street does not seem equipped to cope with the potential increase of extra vehicles being parked along it.
- There would be an increase in noise levels and traffic in the area.

Site Access/Japanese Knotweed

- The developer has recently been treating Japanese Knotweed on the site and, due to the road layouts and access to the site, they've had to park a main vehicle on Aberdare Road to offload a digger and small dumper truck, then drive up to the site via Elizabeth Street, Bradley Street and Salisbury Road.
- These vehicles have left the road surface damaged and with plenty of mud, which is concerning given the nature of the work being carried out.
- There is concern that the mud trails left behind could contain Japanese Knotweed, which will contaminate all the affected streets.
- This raises the question of how the developer will be able to bring building supplies for eight houses without damaging the surrounding area.

Flooding Potential

- The site will be mostly concrete which will displace run off and rainwater and could cause flooding to the streets below and alongside the site.
- An example of similar situation in Plantation Road (Abercynon) where water runs down the road like a stream and disperses down Well Street and through the garden of a house on Mountain Ash Road. The water exits alongside the house onto the main road and down onto Herbert Street. It is suggested that two new-build properties on the corner of Well Street is the cause of the increased run-off.

General

- Eight three-storey houses seems excessive as it would double the homes on that particular part of the street with no expansion to any current infrastructure.
- The site does not seem practical or feasible for the development proposed as if it was, then it would have already been built on during the past 5 years.
- The developer seems to just scratch around on site and are potentially making a bad situation worse, especially in relation to Japanese Knotweed.
- The properties are not in-keeping with the area.

CONSULTATION

The following consultation responses have been received (summarised):

Coal Authority: No comments to make regarding the proposal to extend the period to commence development.

Ecology: No objection, condition recommended for details of all ecological mitigation and enhancement measures (to include swift bricks incorporated into the properties with a minimum of 6 in clusters of 3).

Flood Risk Management: No comments to make regarding the proposal to extend the period to commence development.

Glamorgan-Gwent Archaeological Trust: No comments to make regarding the proposal to extend the period to commence development.

Highways and Transportation: No objection, subject to the re-imposition of previous planning conditions.

National Grid: Advises that the applicant will be required to make a separate application to National Grid if a new connection or service alteration is required.

Natural Resources Wales: No comments to make regarding the proposal to extend the period to commence development.

Public Health and Protection: No comments to make regarding the proposal to extend the period to commence development.

Structural Engineer: The development will be approximately 1m away from a RCT footpath (steps) with adjacent retaining wall structure which supports private ground at the edge of the site. A condition is therefore recommended for a further section to be provided through the steps to ensure that the foundations don't surcharge or affect the wall.

Welsh Water: No objection to the variation of condition however, the comments made in relation to the original application are reiterated.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within the defined settlement boundary of Abercynon and is unallocated. The following policies are considered to be relevant in the determination of this application:

Policy CS1 (Development in the North): sets out criteria for achieving strong sustainable communities including, promoting residential development in locations which support the role of principal towns and settlements and provide high quality, affordable accommodation that promotes diversity in the residential market.

Policy AW1 (Supply of New Housing): sets out the criteria for new housing proposals, commenting that the provision of new dwellings will be met by a number of methods, including the development of unallocated land within the defined settlement boundaries.

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 place making, including landscaping.

Policy AW8 (Protection and Enhancement of the Natural Environment): seeks to ensure that the areas natural heritage is preserved, enhanced and protected from inappropriate development.

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

Policy NSA10 (Housing Density): requires a minimum density of 30 dwelling per hectare.

Policy NSA12 (Housing Development Within and Adjacent to Settlement Boundaries): set out the criteria for development within and adjacent to settlement boundaries.

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

Supplementary Planning Guidance

Design and Placemaking
Nature Conservation
Planning Obligations
Access Circulation and Parking

National Guidance

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

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

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

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed: *(or not in the case of refusals)*

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
- Policy 9 – Resilient Ecological Networks – green infrastructure/ecology

SE Wales Policies

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

Other relevant policy guidance consulted:

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

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

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

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

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

In this instance, the applicant is seeking to extend the period of time within which the development can commence. In such circumstances, it is appropriate to consider whether there has been any change in policy or any other material circumstance that might affect the proposal; however, it is not appropriate to challenge the heart of the consent itself.

The Local Development Plan (LDP) remains the key policy consideration in this application however, national policy has changed since the approval of the original application with the publication of PPW11 and Future Wales – The National Plan 2040, both of which place a much greater emphasis on the need for sustainable development. There is still a clear emphasis for residential development in sustainable locations and within defined settlement boundaries and nothing has changed in terms of the position of the site in that it remains within the defined settlement boundary for Abercynon, or in terms of the nature of the development, and the proposed is still considered to be acceptable in principle. Furthermore, with the lack of objection from consultees, greater weight lies in favour of granting approval for an extension of the timescale in which the development may commence.

The application to renew planning permission for this development has drawn one letter of objection from the public which primarily relate to the impact of the proposal upon the amenity and privacy of existing residential properties, highway safety and parking, drainage and environmental factors. These issues, amongst numerous others, were fully considered in the approval of the original consent and no objections have been raised by the relevant consultees during the consultation exercise carried out for the current application.

It must also be noted that the original application was not supported by an Ecological Assessment as the site had already been largely cleared prior to that application being submitted. In the intervening period between that application being determined and the submission of this current application, some vegetation has re-established at the site and the Council's Ecologist considered that a Preliminary Ecological Assessment would be required to support this application in order to fully consider whether the site has any ecological value and whether any mitigation and enhancement measures are required. A Preliminary Ecological Survey was subsequently submitted and reviewed by the Council's Ecologist. The comments received indicate that the report is an appropriate assessment which identifies that whilst the site has some species and habitat use and potential, there are no overriding ecological reasons for refusing planning permission or requiring more detailed ecology assessments. As such, no objection is raised to the proposal, subject to a condition being imposed to secure details of all ecological mitigation and enhancement measures.

Furthermore, since the approval of the original application, a standard condition in respect of gigabit broadband is required for all successful planning permissions for new dwellings and this has been added accordingly.

A further condition has also been recommended by the Council's Structural Engineer to secure details to demonstrate that the new foundation to support the gable wall and upper ground floor do not surcharge the existing retaining walls adjacent to the public footpath (steps).

Further Objections Raised by the Public

As indicated above, one letter of objection has been received in respect of this current application however, the letter mostly raises the same concerns as in the previous application and these were fully considered and addressed in the determination of the original consent. The objector raises just one new concern and that is that it is not feasible to develop the site, as if it was, then it would have been developed following the approval of the original consent. Whilst this is a valid point given the topography of the site, the feasibility of developing sites is not a material planning consideration and it is assumed that the developer will have investigated this prior to purchasing the site/going to the expense of formulating a planning application. As such, the Local Planning Authority must consider and determine any application that is submitted.

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

Although there has been a change in national planning policy since the approval of the previous outline consent (ref. 17/1351/10), the main thrust of planning policy remains the same in that residential development is supported within sustainable locations and within defined settlement boundaries. Nothing has changed in terms of the position of the site in that it remains within the settlement boundary of Abercynon, and it is therefore still considered to be a highly sustainable location. As such, the proposal is still considered to be acceptable in principle. Furthermore, in the absence of a change in circumstance at the site and lack of objections from consultees, the greater weight lies in favour of granting approval for an extension of the timescale in which the development may commence.

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 plan nos. 491-002C; 491-003C; 491-004C and 491-005B and documents received by the Local Planning Authority on 20/06/23 and 03/11/23 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Notwithstanding the provisions of schedule 2, Part 1, Classes A, B and C 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 extensions or alterations shall be erected or undertaken other than those expressly authorised by this permission.

Reason: In the interests of the privacy and amenity of the neighbouring properties closest to the site, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the details of the approved plans, 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 the levels and gradients of all landscaped areas, 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. 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.

6. Notwithstanding the details of the approved plans, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. The development shall only be carried out in accordance with the approved details and shall be retained as such thereafter.

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

7. Building operations shall not be commenced until samples of all external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the samples 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.

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

9. Before the development is brought into use the means of access, together with the parking facilities, shall be laid out in accordance with the submitted plan 491-002C and approved by the Local Planning Authority.

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

10. Notwithstanding the details shown on the submitted plans, development shall not commence until full engineering design and details of the road widening

to 5.5m including tie in details, surface water drainage details, 2.0m footway and vehicular crossovers details have been submitted to and approved in writing by the Local Planning Authority. The works shall be provided in accordance with the approved details prior to the beneficial occupation of the first dwelling and shall be retained as such thereafter.

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

11. Any boundary wall fronting the site shall be no more than 0.9m above ground level in height and shall be constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into beneficial use. The development shall be retained as such thereafter.

Reason: To ensure that adequate visibility is provided, in the interests of highway safety, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. The parking areas shall be constructed in permanent materials, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall only proceed in accordance with the details and shall be retained as such thereafter. The area shall be 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.

13. The garages, hereby approved, shall be used as garages for purposes ancillary and incidental to the use of the dwellings and at no time shall any garage be converted to a room or living accommodation to be enjoyed as part of the dwelling.

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

14. Notwithstanding the details of the approved plans, the garages hereby approved shall be fitted with a roller shutter door which will not open out obstructing the car parking space. The development shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the adequacy of the proposed development. To ensure vehicles are parked off the highway, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure the adequacy of the proposed development. To ensure vehicles are parked off the highway, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. All construction traffic used as part of the development shall access / egress the site via Salisbury Road and Elizabeth Street with HGV traffic restricted to 09:00am to 16:30pm weekdays, 09:30am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with 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.

17. 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.

18. No development shall take place until a Wildlife and Habitat Protection Plan has been submitted and approved in writing by the Local Planning Authority. The plan shall include:

- i) A plan showing wildlife/ habitat protection zones;
- ii) Details of development and construction methods within the wildlife and habitat zones and measures to be taken to minimise the impact of any works;
- iii) Details of phasing of construction to avoid periods of the year when sensitive wildlife and species could be harmed;
- iv) Details of specific species mitigation measures for reptiles, birds, and bat measures; and

Persons responsible for:

- a) Compliance with planning conditions relating to nature conservation (Ecological Clerk of Works);
- b) Installation of physical protection measures and management during construction;
- c) Implementation of sensitive working practices during construction;
- d) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- e) Specific species and Habitat Mitigation measures;
- f) Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.

The development shall only proceed in accordance with the approved details and shall be maintained as such throughout the duration of the development.

Reason: In the interests of the ecological value of the site in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

19. Prior to the commencement of development, a non-native and invasive species management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i) a full site survey to identify all areas of non-native and invasive species on the site and
- ii) details of the timing, specification and methodology for the eradication and control of all non-native and invasive species identified on the site.

The development shall only proceed in accordance with the approved details and shall be maintained as such thereafter.

Reason: In the interests of the natural environment value of the site, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

20. Prior to any works commencing on site, details of a section through the end gable wall of the plot to the south-west to the retaining wall/steps to the south-west of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the new foundation to support the gable wall and upper ground floor do not surcharge the existing retaining walls adjacent to the public footpath (steps), in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

21. No development shall commence until a scheme for biodiversity enhancement 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: Future Wales requires all development to maintain and enhance biodiversity.

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

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

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PLANNING & DEVELOPMENT COMMITTEE

25 January 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1056/10 (GH)
APPLICANT: PK Norman Associates
DEVELOPMENT: 4 semi-detached dwellings and 1 detached dwelling
(resubmission of 21/0373/10)
LOCATION: LAND BETWEEN 37 TO 43 TREBANOG ROAD,
TREBANOG, CF39 9EP
DATE REGISTERED: 22/09/2023
ELECTORAL DIVISION: Cymer

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

REASONS:

The proposed development of four houses would be located in a sustainable position within the settlement boundary and compatible with the neighbouring land uses, which are mostly residential in nature.

The design and scale of the new dwellings would be appropriate to the size of the site and character of the neighbourhood and would not be considered detrimental to highway safety or third party amenity.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received

APPLICATION DETAILS

Full planning permission is sought for the erection of 5 dwellings on land between 37 and 43 Trebanog Road. This is a re-submission of application reference 21/0373/10, which was refused for the following reason:

The proposed development lacks a satisfactory vision splay onto Trebanog Road (A4233) which is a classified road and would increase potential hazards to the detriment of safety of all highway users and free flow of traffic. As such the

development would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

The current application is identical to that previously proposed, comprising one detached dwelling and four semi-detached dwellings to be arranged fronting Trebanog Road.

As per the earlier application a new vehicle access from Trebanog Road would be provided with an open parking area at the rear of the site. An access path to the land behind the site, between number 37 and plot 1, would be maintained.

The application has been resubmitted on the basis that the vision splay requirements for the site access would now be acceptable, due to the implementation of the 20mph default speed limit in Wales.

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

- Travel Plan Statement
- Updated Ecology Surveys: Reptiles, Breeding Birds and Habitat Assessment (dated June 2020)
- Illustrative 3D street scene drawings

SITE APPRAISAL

The application site relates to an irregularly shaped piece of land located between no.'s 37 and 43 Trebanog Road. The site itself is set within a fairly large plot with a road frontage of approximately 47m onto Trebanog Road. Immediately behind the pavement is a wall retaining the higher land of the application site.

The site is covered in vegetation, including a few small trees, and is open to the countryside beyond. A small watercourse is evident to the eastern part of the site. There is also a bench located near to the front of the site and an informal path travels from the pavement, on the western side of the site near to the bench, and diagonally across the site.

The surrounding area is predominantly characterised by a mixture of historic valley terraces and more modern housing types featuring houses with detached and semi-detached properties within plots of various sizes.

PLANNING HISTORY

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

21/0373/10: Proposed 4no. semi-detached dwellings and 1no. detached dwelling (Amended site plan '302/05 Rev F' received 17th February 2022). Decision: 12th October 2022, Refused.

20/0072/10: 4 no. semi-detached dwellings and 1 no. detached dwelling. Decision: 14th April 2020, Refused.

19/5029/41: Semi-detached dwellings and detached dwelling (Pre-Application Advice). Decision: 25th March 2019, Raise Objections.

18/5131/41: Two storey building comprising 6no. flats and access (Pre-Application Advice). Decision 22nd October 2018, Raise Objections.

PUBLICITY

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

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

Traffic / Highway Safety

- Traffic travelling down Trebanog road could suddenly be faced with a queue of cars behind a vehicle waiting to turn right into the development. There have been many accidents on this hill.
- Not everyone is going 20mph they are still going the speed they were before (30-40mph). Also, the volume of traffic is increasing all the time.
- Trebanog hill is well known for multiple collisions, some of these being major accidents.
- Cars will slow outside my house causing more noise/pollution at peak times.
- Two crashes have occurred into my property already due to speeding so increased activity in that area would be dangerous. Lorries are always stalling trying to get up the hill on that bend. There has already been a well-documented catalogue of crashes and this development will only add to it.

Drainage

- A spring that runs through the gardens at the back of our property and any building could disturb this and cause flooding to the properties and gardens.
- There is also a culvert on this land which again if blocked would flood if not for the water spout.
- The spout is a historic landmark which has been there for around 70 years. I have continued to maintain the grounds of the landmark for around 20 years and first helped to do this as a young boy with the help of my father.

- This historic landmark continues to provide clean drinking water to the locals of the area and also any by passers. The ground above the spout also contains multiple wells that continue to provide the water to the spout.

Amenity

- The development will block my light and view and will be overlooking my house as they will be facing me directly.

Ecology

- The plans make no mention of foxes which are seen regularly along with many protected species.
- The site also contains Japanese knotweed that cannot be built on

Other / Non-Material Matters

- Possible damage to my property and boundary wall from construction
- Occupier may have to park further away from the house if a new junction requires existing double yellow lines to be extended.
- The grounds of the entrance point of these plans includes a memorial ground and also has a memorial bench there.

CONSULTATION

Highways and Transportation

No objection, subject to conditions

Flood Risk Management

No objection but a condition is recommended in relation to surface water management.

Public Health and Protection

No objection subject to conditions on demolition of dwellings, hours of operation, noise, dust and waste. The proposed development will be within an Air Quality Management Zone; however, due to the size of the development and types of dwellings being proposed, there will be no requirement for an Air Quality Assessment.

Dwr Cymru Welsh Water

No objection subject to a condition that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. Advisory notes with regard sustainable drainage and water supply have been provided.

National Grid

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

Countryside – Ecologist

The application is a resubmission, so previous comments and requirements for mitigation conditions apply. The requirement to deliver a Habitat Management Plan via a Section 106 agreement for the mitigation area previously agreed remains.

Therefore, there would be no ecological objection subject to a Habitat and Wildlife Protection Plan condition which would incorporate mitigation measures from the Acer Ecology Report recommendations, and a S106 Agreement HMP for management of the SINC mitigation/enhancement and a grass fire buffer.

Natural Resources Wales

NRW has no objection and notes that the Habitat Assessment and more recent walkover survey have not identified that any protected species using the site.

South Wales Police – Traffic Section

The Police still have some concerns with regards to the vision splay from any potential junction to a new development. Unfortunately, although there is now a default 20mph limit in place compliance at this location will be difficult to achieve due to the topography of the area. The A4233 at the location outlined has a gradient of almost 17% and vehicles may likely be accelerating up this gradient to maintain vehicle momentum, and likewise on the downhill gradient drivers will find it difficult to maintain 20mph. Consequently, there may be very little change in vehicle speeds with no scope for a speed enforcement site, and the A4233 not a suitable location for traffic calming measures.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Trebanog.

The whole of the site is identified as part of a Site of Importance for Nature Conservation (SINC) as Trebanog Slopes and is adjacent to a Special Landscape Area identified as Mynydd y Glyn & Nant Muchudd basin. The site also lies within the designated Rhondda Historic Landscape.

Policy CS1 - sets out criteria for achieving strong sustainable communities including promoting residential development in locations which support the role of principal towns and settlements and provide high quality, affordable accommodation that promotes diversity in the residential market.

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

Policy AW2 - 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 its scale, form and design should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. In addition, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

Policy AW6 - supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. 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 and that there would be no unacceptable impact upon the features of importance to landscape or nature conservation. Development proposals must be accompanied by appropriate ecological surveys and should demonstrate a net biodiversity gain.

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

Policy NSA10 - permits proposals with the net residential density is a minimum of 30 dwellings per hectare but recognises that this may vary depending on the characteristics and specific context of a site.

Policy NSA12 - requires housing development within the settlement boundary to be accessible to local services by a range of sustainable transport modes without adversely affecting the highway network or provision of car parking in the surrounding area. Any contamination or land stability issues must be remedied and developments should not adversely affect the provision of public open space.

Supplementary Planning Guidance

- Design and Place-making
- Access, Circulation and Parking Requirements
- Planning Obligations
- 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 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application site is located in the Northern Strategy Area, on land adjacent to the A4233. The site is within the defined settlement boundary in accordance with LDP Policy NSA12.

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

The minimum net residential density permitted by Policy NSA10 is 30 dwellings per hectare. The site is approximately 0.11 hectares, resulting in a net residential density of approximately 45 dwellings per hectare and which exceeds the threshold set out by the policy.

In terms of Policy AW2 the development would be compatible with surrounding land uses and there are no environmental factors, such as flooding or land contamination, that would present an unacceptable risk to the site being developed.

In addition, the site located on a bus route, with links to the national rail network at the Porth transport hub. There are also some shops and facilities within walking distance of the site at Trebanog and Cymmer, albeit it is recognised that the terrain is steep.

In light of the above, the development would be considered acceptable in principle.

Impact on the character and appearance of the area

The proposed development is for the construction of five dwellings which would be positioned in a line facing towards the main road. This layout would be complimentary to the existing neighbouring properties and represent an appropriate density of development.

The design, size and scale of the dwellings is also considered acceptable, and although there is a concern that parking area to the rear would have some urbanising impact on the character to the rear of the site, the application area is wholly within the settlement boundary.

Furthermore, it is noted that that some gardens to either side of the site are in line with the car park area and seen in the wider context of how the built environment relates to the edge of the settlement boundary in this part of Trebanog, it is considered that this issue would not cause a reasonable ground for refusal.

The proposed development is therefore considered to be acceptable in terms of its design, siting, massing, scale, materials and overall visual appearance.

Impact on neighbouring occupiers

Some objections have been received, as a result of the public consultation exercise, detailing the development would result in a loss of privacy and would also impact on light reaching their dwellings. It is however considered the proposed dwellings are of a sufficient distance from others so as not to result in a significant impact from over shadowing or detriment to outlook.

In terms of overlooking, the dwellings would look towards those on the opposite side of Trebanog Road from a potentially higher level. It is noted that the distance between plot 1 and the dwellings opposite would be the closest at approximately 15m. Whilst there may be some overlooking impact and the concerns of local residents are noted, the proposed dwellings, would be at a similar distance to the affected properties as the existing dwellings either side of the site.

In addition, this situation is seen in many areas of the County Borough where rows of traditional Victorian terraced dwellings directly face each other across a street. On balance, given the surrounding settlement pattern it is considered this issue would be acceptable.

The garden of plot 1 would also be close to the boundary of number 43. The current boundary treatment comprises a stone wall in poor condition. Due to the overgrown nature of the site, it is difficult to assess the full impact of the development on the amenity of the occupiers.

Consequently, it is considered if permission were to be granted it would be necessary to obtain clarification of the proposed levels and boundary treatments, details of which could be required by a suitably worded condition.

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

Access and highway safety

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

Access

The application site would be served from Trebanog Road A4233 which is a principal classified road with a substantial amount of vehicular traffic, due to being a link between the A4119 and A4058. Trebanog Road has a carriageway width of 11.m and 1.8m wide footways both of which would be acceptable in respect of accessing the proposed development.

Typical of the valleys topography the gradient of Trebanog Road falls steeply between Trebanog and Cymmer with signage indicating a gradient of 16% (Approx 1 in 6.25) and a pedestrian handrail has been provided to assist pedestrian movement along the undeveloped site frontage.

There are double yellow lines on the development side preventing on-street car parking with limited off-street car parking available on-street for residents opposite.

Private Shared Access

The Applicant has proposed to provide a 5m wide vehicular access leading to a parking court for residents of the new dwellings. The access as indicated shows radii kerbing which is not acceptable and would need to be replaced by a vehicular crossover. This matter is included as part of a condition for engineering design and detail of the access and vision splays.

Vision Splays

In accordance with TAN 18: Transport / Manual for Streets 2 the required vision splays are 2.4m x 35m downhill and 2.4m x 23m uphill for a 20mph speed limit, which also includes the 16% gradient of the former. The speed limit on this road has recently defaulted to 20mph along with the majority of residential streets throughout Wales.

The site layout drawing number 302/05 REV F indicates vision splays of 2.4m x 40m will be provided which is in excess of the requirement as set out in Manual for Streets and TAN 18 Transport.

Parking

In accordance with the Council's SPG for Access, Circulation & Parking, the proposed 3 bed dwellings require a maximum of 3 spaces per plot, the 4 bed dwelling requires a maximum of 3 spaces, together with 1 visitor space, giving a total of 15 spaces with 12 provided.

However, there would be a minimum of 2 spaces for the 2 bedroom dwellings and 3 spaces for the 4 bed dwelling with potential to park in the shared access whilst still maintaining access. The sustainable location and the prevailing guidance within PPW 11 and Future Wales 2040, which advocates lower levels of parking provision for new development, means that the proposed parking provision is considered acceptable.

It is noted that objectors have raised a concern that the off-street car parking proposed to the rear of number 43 would prevent potential for rear access to the existing dwellings with potential off-street car parking provided, however, the residents do not own the adjacent land to deliver such an access and if required could improve their rear access from the existing lane between Nos 49 and 50 Trebanog Road.

Local Amenities

The site is located in a sustainable location close to public transport and a number of facilities. However, taking into account the topography of Trebanog Road A4233 leading to the proposed it is likely that that the proposed site would have greater reliance on the private motor vehicle. Nevertheless, given that Trebanog Road serves a large number of dwellings with similar constraints and acceptable parking provision and objection would not be warranted.

Accident Data

Local residents have indicated that there have been a number of accidents within the vicinity of the site. However, the latest accident data for 2018-2023 has been obtained, with one reported accident within the vicinity of the site for which the contributing factor was defective brakes on a public service vehicle. This resulted in a collision with a number of vehicles travelling or parked on the highway. The recorded accident is an exceptional occurrence and the accident data does not indicate any groups or clusters of accidents.

Ecology

The Council's Ecologist has advised that site is part of a Site of Importance for Nature Conservation (SINC) no.49, comprising a large valley side with a rich habitat mosaic, which the development would affect a corner of.

However, following an earlier site visit with the Applicant, during which measures for biodiversity and habitat management plans were discussed, the Ecologist advised that the development would be acceptable subject to a condition and S106 agreement, as outlined further above.

Drainage and Flood Risk

Local residents have objected to the watercourse (referred to as the 'spout') being built over due to it being a historic feature. It was evident on site that there is a watercourse, but it is overgrown. Whilst the 'spout' may be a local historic feature, it is not a recorded historic asset and its loss would not be considered to warrant a refusal of the planning application.

Turning to the impact on flooding, the submitted plans do not identify how the watercourse would be dealt with, however it is assumed the watercourse would have to be culverted. Council records indicate that Natural Resources Wales identifies there is a low risk of flooding from the watercourse through the site.

It is noted that an application demonstrating compliance with the Statutory Sustainable Drainage System (SuDS) Standards for the design, construction, operation and maintenance and operation of surface water systems serving new developments, must be submitted to the Suds Approval Body (SAB). In addition, an application for Open Watercourse Consent may also be required for works to the watercourse.

Both of these would be required outside the planning application process and any necessary permissions put in place prior to works commencing.

Therefore, taking account of the above, there is no objection in this regard.

Other matters

An objector has stated that views would be lost as a result of the proposal. Whilst the dwellings may impact the outlook or residents on the opposite side of Trebanog Road this is not a reason that would warrant a refusal reason of the planning application.

Another objector details that the development may result in an impact on their foundations and another has concerns that their stone boundary wall may be damaged from the proximity of boundary treatment. The dwellings would be some distance from the foundations of the existing dwellings, either side, and any damage to a boundary wall during construction would be a matter for the landowners. It is considered these issues are outside the remit of this planning application.

A further objection relates to the loss of the existing bench. Although publicly accessible, the bench and any memorial use or feature are on private land and this would not warrant a sustainable reason to refuse development.

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.

Section 106 Contributions / Planning Obligations

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

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

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

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

The Section 106 requirements in this case

In this case the proposed development would provide five market houses.

In order to ensure a net biodiversity gain, in accordance with local and national planning policy, a S106 agreement would be required to arrange a Habitat Management Plan for the SINC mitigation and enhancement areas, together with a grass fire buffer, in respect of adjoining land within the Applicant's ownership, but which is not within the area of the red line site location plan.

Conclusion

It is considered the development would be acceptable, both in respect of the character and appearance of the locality and the residential amenity of the surrounding neighbouring residents.

In addition, the ability to provide suitable visibility splays, now that the default speed limit has been reduced to 20mph along the A4233, means that the access to the application site will comply with PPW TAN 18 and Policy AW5 of the Local Development Plan, the latter requiring new development to have safe access to the highway network.

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

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

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

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

- 302/01 Rev C
- 302/02 Rev C
- 302/05 Rev F
- 302/06 Rev B
- 302/07 Rev A
- 302/08 Rev B
- 302/09
- 302/11
- 302/14

and details and documents received on 19th 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.

3. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in

writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

4. No development shall commence until details of a scheme for the management of surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme, which shall demonstrate compliance with the requirements of Section 8.3 of PPW Technical Advice Note 15, shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

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

5. No development shall commence until details of the design and construction of the proposed access, works to the public highway for provision of vehicular crossover, vision splay and relocation of pedestrian hand rail have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation of the first dwelling.

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

6. No development shall commence until details and design calculations of the retaining walls abutting the highway have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation.

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

7. No development shall commence, including any works of site clearance, until a Construction Method Statement has been submitted 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.

8. No development shall commence until a Habitat and Wildlife Protection Plan has been submitted to and approved in writing by the Local Planning Authority, which shall include all recommendations and required actions set out within Section 5 of the Updated Ecology Surveys: Reptiles, Breeding Birds and Habitat Assessment Report (Acer Ecology, dated June 2020).

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

9. No development shall commence until details of all boundary treatments and pre and post-development site levels have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: In the interest of the amenity and privacy of neighbouring occupiers in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

11. Before the development is brought into use the means of access, together with the vision splays, parking and turning facilities, shall be laid out in accordance with the submitted plan 302/05 REV F.

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

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PLANNING & DEVELOPMENT COMMITTEE

25 January 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1237/10 (GD)
APPLICANT: C/o Agent
DEVELOPMENT: Two storey rear extension
LOCATION: 30 BRON-Y-DERI, MOUNTAIN ASH, CF45 4LL
DATE REGISTERED: 01/11/2023
ELECTORAL DIVISION: Mountain Ash

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development is acceptable in terms of planning policy and the proposals are acceptable in terms of all other material planning considerations.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

The proposal involves the construction of a full width double gabled extension at the rear of the application property. The extension would measure 2.4m x 9.3m and would stand 5.1m at the eaves and 6.5m at each of the two ridges. The original property has a ridgeline height of 7.25m. It is anticipated that the extension will be completed in brick and tile as per the existing dwelling. The property will remain a three-bedroomed house but will be reconfigured internally such that all bedrooms will be made bigger and two will also be provided with en suite bathroom facilities on the first floor. On the ground floor internal arrangements will be reconfigured to provide a large kitchen/dining/living area to the rear of the property along with a snug, utility room and office. In addition to the extension bi-fold doors will also be provided to the north east elevation adjacent to the above-mentioned living area.

SITE APPRAISAL

The application property is located on the north eastern up slope side of Bron Y Deri. It is a detached three-bedroom property built in brick and with a tiled roof that dates

from the mid/late 1980's. The house is set within an extensive curtilage that rises steeply to the rear of the property in a north easterly direction. Off street parking takes the form of a driveway and detached double garage. Bron Y Deri is a relatively modern estate of detached houses located to the east of the A4059 in Mountain Ash.

PLANNING HISTORY

None in the last ten years.

PUBLICITY

The application has been advertised by way of neighbour notification letters and this has resulted in the submission of seven letters of objection from five individuals. The objections raised can be summarised as follows: -

Amenity issues

- Loss of light and heat to the neighbouring property particularly the dining area.
- Residents consider the scale of the proposed development to be extreme that will have an overbearing and overshadowing impact on adjacent properties.
- Loss of privacy of the adjacent property through overlooking of the garden and pool area particularly from the proposed balcony.
- The height of the extension will reduce the amount of sunlight the adjacent garden would receive, which would reduce the enjoyment of the adjacent garden particularly in the summer months when the new extension would block sunlight to this area.

Design issues

- The plans are not dimensioned and it was only after a site visit by the original case officer that the objector realised that the original garden retaining wall is being moved back to accommodate the development which indicates the vast size of this plan.

Other matters

- Loss of security.
- Loss of view.
- The current applicants have not attempted to contact neighbours to discuss their proposals.
- There seems to be a rush to commence works as already landscaping/lopping/felling of mature trees has taken place and altered the aspect from neighbouring properties. This the objector finds this disturbing given the promotion of environmental issues in this day and age.
- The loss of trees could cause water related problems.

- Neighbours have benefitted from a right to light from the application property for over 30 years and this will be lost should the development proceed.
- Residents consider the impact of the proposals on themselves and their property to be unacceptable but believe matters could be resolved with a reconfiguration of the proposed plans.
- Adverse impact on the wildlife in the trees behind the property.
- The quality of enjoyment that grandchildren experience when visiting their grandmother at the adjacent property will be lost.
- The proposed development would negatively impact the quality of life and enjoyment of their property of the neighbours and their family.
- Loss of house value.
- Dirt, noise and disturbance caused by building works.

CONSULTATION

None required or undertaken.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

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

Supplementary Planning Guidance

Design and Placemaking
A Design Guide for Householders

National Guidance

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

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

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

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

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
SE Wales Policies
- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 12: Design
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The key issues in the determination of this application are the principle of the proposed development itself, the impact of the proposed development on the character and appearance of the area and the impact on residential amenity and privacy.

Principle of the proposed development

The application seeks consent for an extension to a residential property located within settlement limits as defined by the Local Development Plan. Subject to the proposals satisfying policy requirements in respect of the character and appearance of the area and the impact on residential amenity and privacy, the principle of development is considered acceptable.

Impact on the character and appearance of the area

The application property is a relatively modern brick built house within a wider estate that contains a variety of house designs, though the majority of properties are detached and set within relatively generous plots. Given the variety that exists in house design in the area the design of the proposed extension is considered acceptable in the context of the character and appearance of the area.

The only design specific issue raised by objectors was an allegation that the retaining wall to the rear of the property would need to be moved back to accommodate the proposed extension. This is not correct and the proposals would not affect the garden retaining wall.

As such, the scheme is considered compliant with Policies AW5 and AW6 in as far as they relate to this particular issue.

Impact on residential amenity and privacy

The application will have some impact on light, sunlight and associated heat to the rear of the adjacent property. Given the relationship between the two properties and the fact that 31 Bron Y Deri lies to the north west of the application property and sits at a lower level, there would be some impact particularly through the middle of the day. However, this is not considered sufficient to warrant the refusal of the planning application in this instance.

Concern has been expressed at the scale of the proposed development and the consequential impacts of that for the adjacent property in terms of an overbearing and overshadowing impact. The proposed extension projects only 2.4m from the original

rear wall of the house and across its full width. The amount of projection is limited by the need to maintain a serviceable gap between the proposed development and the garden retaining wall. Further, the use of a double gable for the roof reduces the scale and mass of the proposed development. As such and despite the difference in level between the application property and the adjacent property, the relationship between the two would remain acceptable with any overshadowing or overbearing impact reduced to acceptable levels.

Despite the application property and its neighbours being detached and within generous curtilages, there is already an established degree of mutual overlooking to the rear of all properties. The proposed extension will make this situation no worse. Objectors have specifically mentioned the inclusion of a balcony in their concerns on this issue and Members should note that this is a close fitted Juliet balcony with inward opening patio doors behind which would have no greater effect than a standard window.

Objectors have also referenced the height of the proposed extension affecting the amount of sunlight reaching the adjacent garden particularly during the summer months. As mentioned above, given the relationship between the two there would be some impact during the middle of the day though is not sufficient that it would warrant refusal of the application.

In light of the above, the proposals are considered acceptable in terms of their impact on the privacy and amenity of adjacent properties and meet the requirements of Local Development Plan policies AW5 and AW6 insofar as they relate to these issues.

Other Issues

Objectors have raised a number of other points in respect of the proposed development and these are addressed below.

- The objectors have not explained why the development would result in a loss of security to their property and there is nothing in the physical characteristics of this case that would indicate that this would be the case.
- The loss of a private view is not a material planning consideration.
- Whether or not applicants' choose to discuss their proposals with neighbours is a matter of choice and while the Council encourages pre submission discussion applicants are under no obligation to undertake such action and it does not influence the consideration of the planning merits of the case.
- Any works prior to permission being granted are undertaken at the developers own risk and they do not affect the planning merits of the proposals. In this case, the objectors have specifically referenced the removal of trees from the rear garden. This has been drawn to the attention of the appropriate officer by the Enforcement team and no further action is required. As this is governed by a separate legislative stream, the applicants have been advised in respect of

any future works and their obligations with regard to trees in the area that are covered by a group Tree Preservation Order.

- No evidence is offered to support the assertion that the trees that have been removed would affect land drainage in the area.
- The “right to light” issue is a private matter that needs to be pursued independently and not via the planning process.
- The plans have to be considered as submitted, whilst the objectors believe that their issues might be addressed through reconfiguration there is no obligation on the part of the applicants to do that.
- As the proposals will not affect the trees behind the property there could be no impact on local wildlife. Whilst trees have been removed within the garden these were largely ornamental or self-set specimens that would have been of low ecological value.
- Issues around the quality of enjoyment of a property and quality of life are not thoroughly explained by the objectors nor are they easily quantified – if they relate to the claimed overshadowing/overbearing impacts of the proposals these are addressed above.
- Loss of house value is not a material planning consideration.
- The dirt, noise and disturbance associated with development work is by its nature transient and is governed effectively by separate public health legislation

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of sustainability, the effect on the character and appearance of the area and its impact on residential amenity and privacy. It is acknowledged that there will be some impact on the adjacent property at 31 Bron Y Deri, but these impacts are of themselves insufficient to warrant the refusal of this application as submitted. Consequently, a positive recommendation is made.

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 consent hereby granted relates to the following plans

- Site and location plan drawing no 001
- Existing plans and elevations drawing no.002
- Proposed Plans and elevations drawing no 003

Reason: for the avoidance of doubt as to the approved plans.

3. Building operations shall not be commenced until samples of the external finishes 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 samples so approved.

Reason: To ensure that the extension is in keeping with the existing building in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

25 January 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1285/10 (GH)
APPLICANT: Ortho Clinical Diagnostics
DEVELOPMENT: Proposed expansion comprising part three (offices) and part two storey (medical equipment processing, assembling and manufacturing) building, new staff car park and landscaping works
LOCATION: ORTHO CLINICAL DIAGNOSTICS, FELINDRE MEADOWS, LLANHARAN, PENCOED, BRIDGEND, CF35 5PZ
DATE REGISTERED: 10/11/2023
ELECTORAL DIVISION: Brynna and Llanharan

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW

REASONS:

Pencoed Technology Park is an established employment site, where the construction or extension of further commercial buildings is compatible with the existing neighbouring land uses and would be consistent with the character and uses of the site.

In addition, the proposal represents a significant investment and expansion by an existing successful business, both supporting long-term economic growth within the County Borough and creating employment opportunities during construction and on a permanent basis thereafter.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning consent is sought for the construction of a new building, car park and associated works, at Ortho Clinical Diagnostics, Felindre Meadows.

The two and three storey building would act as an extension to the Applicant's existing business operations and comprise new floorspace of 7458sqm. Approximately 75% of the additional space would be for manufacturing purposes (Use Class B2) and the remaining 25%, within the three storey element to the front, would be office and laboratory use (Use Class B1).

Both the new building and car park would be constructed within an area of 2.07 hectares, half of which is within the existing curtilage and currently hardstanding laid out as a car park, whilst the other half extends into the adjoining development plot.

The new car park would provide 315 spaces, including 8 disabled and 14 EV charging, all of which represent a net gain of 149 spaces. Separate areas would be set aside for motorcycles and covered cycle shelters.

Further to the above, ancillary development in the form of a new substation, generator, external switch room, condenser compounds and sprinkler tank are proposed. With the exception of the substation, all of these other structures and/or plant are located to the rear of the site.

Lastly, landscaping and green infrastructure plans have been provided which set out a scheme for tree planting, ground cover, native hedge laying, mixed grassed areas and rain gardens. Locations have also been identified for bat and bird boxes, together with brash/log piles. It is noted that the existing security fence would be extended around the enlarged site and external areas would be lit.

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

- Pre-Application Consultation Report
- Preliminary Ecological Appraisal
- Drainage Strategy and Technical Note
- Transport Statement
- Planning Statement
- Site Investigation Report
- Design and Access Statement

SITE APPRAISAL

The application property is the Ortho Clinical Diagnostics production facility, which is located within the Pencoed Technology Park employment site at Felindre Meadows.

The property can be found at the eastern end of Felindre Meadows and comprises a large flat, square area, currently of just over 4 hectares, within which the main building, internal accesses, parking, delivery areas and other ancillary structures are positioned.

The area of the site to which the application relates is both that within the western side of the curtilage and also the adjoining yet-to-be-developed area of land; the latter comprising maintained grassland.

The closest other properties within 300m of the site are either commercial or non-residential land uses. The southern site boundary is demarcated by the M4 motorway, whilst that to the east, beyond Felindre Road, is open countryside.

PLANNING HISTORY

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

- 23/0560/01:** 1 no. fascia signage with individual lettering (halo illumination) and 1 no. monolith sign (halo illumination). Decision: 10/07/2023, Grant.
- 23/0260/09:** The installation of solar panels on the upper and lower roofs of the main building and also on the roofs of two ancillary buildings in close proximity. Decision: 03/05/2023, Grant.
- 22/1372/10:** Proposed Office Building. Decision: TBC.
- 21/5134/41:** Pre-application advice. Decision: 11/01/2022, Raise No Objections.
- 21/1566/10:** Extension to existing factory building to provide additional storage space. Decision: 17/01/2022, Grant.
- 21/0348/09:** Temporary warehouse shelter. Decision: 29/04/2021, Grant.
- 20/0805/01:** Signage to rear of building, facing M4 motorway. Decision: 24/09/2020, Grant.
- 14/1493/10:** Extension to the current facility to accommodate additional business capacity. Decision: 09/01/2015, Grant.
- 13/0212/10:** Extensions to the current facility to accommodate additional business capacity. The units will be located on the south and west side of the current production building. Decision: 05/06/2013, Grant.
- 10/1246/10:** Proposed shelter to house existing effluent treatment tank. Decision: 25/01/2011, Grant.
- 10/0736/10:** New gym. Decision: 20/09/2010, Grant.
- 06/0622/10:** Medical devices manufacture plant - facility will comprise of environmentally controlled production suites with materials storage and associated warehousing, with plant room over, and a three storey

office block, with associated external works and landscaping .
Decision: 14/06/2006, Grant.

02/1850/13: Erection of building for uses within Classes B1 & B2 of the Town & Country Planning (Use Classes) Order 1987, together with associated engineering & building operations & landscaping works (Amended general layout plans received 5th June 2003). Decision: 26/03/2004, Grant.

PUBLICITY

The application has been advertised by direct notification to eleven 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 20th November 2023 identifying that the proposed represented Major Development.

No letters of objection or representation have been received.

CONSULTATION

Highways and Transportation

No objection subject to conditions relating to parking, construction management and highway condition surveys.

Flood Risk Management

No objection.

Public Health and Protection

Conditions are recommended in respect of noise, dust, waste and artificial lighting. However, given that some of these matters can be controlled within the scope of existing public health powers or a construction method statement, it is considered that an informative note would be appropriate.

Natural Resources Wales

NRW has noted that there are drains at the north and south of the site which are hydrologically linked to the Eweny Fach, located within 243 metres of the site. Consequently, a condition is recommended for a Construction Environment Management Plan.

Dwr Cymru Welsh Water

No objection to the principle of the foul flows discharging to the public sewer, subject to a recommended condition to identify the point of connection.

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 comment to make on access for fire appliances or water supplies and no objection to the proposed development.

Countryside Section – Ecologist

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

South Wales Police

No objection. A list of recommendations, in respect of designing out crime, have been submitted for forwarding to the developer and South Wales Police would welcome working with the Applicant to achieve Secured By Design standard.

Welsh Government

The Welsh Government as highway authority for the M4 motorway does not issue a direction in respect of this application.

However, WG advises that there must be no interference with the motorway soft estate, embankment or boundary fence; no drainage from the development site shall be connected to, interfere with or allowed to discharge into the motorway drainage system; and all lights must be suitable directed and cowled so as not to cause dazzle or glare to the motorway users.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

The application site lies outside of any settlement boundary.

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

Policy CS10 - seeks to protect resources and contribute to the local regional and national demand for a continuous supply of minerals without compromising environmental and social issues.

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

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

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

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

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

Policy AW14.1 - Safeguards sand and gravel resources at Llanilid, East of Felindre Road, from any development which would unnecessarily sterilise them or hinder their extraction.

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
- Planning Obligations
- Employment Skills
- Nature Conservation

National Guidance

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

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

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

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

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

SE Wales Policies

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
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 Applicant seeks permission to construct a new building and car park, as an extension to existing manufacturing operations, on a parcel of land within the boundary of Pencoed Technology Park. The site is also an existing employment land-bank site (TL36) which is annually monitored by the Council's Planning Policy team.

The wider site consists of a range engineered development plateaus with associated access roads, which were originally set out in anticipation of development. The principle of employment here has long been established via a previous outline permission, dating from when the site was brought forward for development by the then Welsh Development Agency in 2002.

Some of these plateaus have already been developed for employment use or benefit from consent for such; and those Members who were part of the Planning Committee in the previous term of the Council may recall two applications for industrial units on plots at the eastern and western ends of the site. More recently, Members have determined a cross-boundary application on the northern side of the Park.

Whilst the site is wholly within a Sand and Gravel safeguarding area, identified by Policy AW 14.1, it is highly unlikely to be suitable for extraction due to sterilisation buffer zones around existing built development and the proximity of the M4.

As part of 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. In this case the application details set out that the extension would be expected to create up to 150 new jobs.

Therefore, the principle of the development is considered to be acceptable, subject to the other material considerations outlined below.

Impact on the character and appearance of the area

Construction of the application property was completed in 2009 and since its occupation by Ortho-Clinical Diagnostics, has been subject to numerous subsequent applications, including extensions, as set out within the planning history.

However, the current proposal would result in a much more significant enlargement resulting in a facility with a total floorspace of around 23,130sqm, which would be in line with that envisaged by the initial outline planning permission granted in 2004 as the flagship 'Project Bluebird' building.

As a relatively recent development, it is unsurprising that the property is of a contemporary design and with the office block element of the operation forming the north-facing principal elevation, alongside the well-maintained landscaped grounds, its appearance is a far less industrial one compared with some older sites.

The application details outline that the new building has been designed to complement the appearance of that existing building with the height of the addition being comparable. The horizontal fenestration would also provide a visual link between the two structures and the elevations would utilise a mix of facing brickwork, cladding panels and colour coated metal louvres.

The new building is smaller in size than the existing and would be considered to be a suitable addition to the site and the surroundings. Within the wider setting of the business park, the siting, scale and appearance of the development would be sympathetic. Furthermore, the proposed landscaping of the site, including the Green Infrastructure Plan shows that much thought has been given to the outward appearance of the property and its impact on the street scene, including extensive landscaping along the boundaries of the new car park.

As such, it is considered that the proposed development would be acceptable in terms of its immediate and wider visual impact and would constitute a high quality commercial development in an appropriate location.

Impact on neighbouring occupiers

As noted above, the application site is located within a business park where the neighbouring properties and those within the vicinity of the site are mostly all industrial/commercial in character.

This includes the land on the opposite side of the access road which is currently subject to construction of a group of eighteen small industrial units that Committee

Members approved in early 2022. In addition, the South Wales Police building occupies the plot immediately to the west of this construction area.

Nonetheless, whilst the proposed development would result in a greater intensity of activity at the site via an expansion of the existing operations it would not introduce any new uses or processes to the site that might raise concerns about compatibility with the aforementioned neighbouring land uses.

By way of contrast, the closest residential properties to the site are located at least 330m to the south, both in the Vale of Glamorgan area and beyond the M4 and its embankment. To the north, the nearest dwelling to the north is at Velindre Farm, at a distance in excess of 464m.

In light of the above, it is considered that the construction and use of the proposed development would not be detrimental to the other properties or third party land owners adjacent to the application site

Access and highway safety

Access

Felindre Meadows is an unadopted industrial estate road subject to a Section 38 agreement of the Highways Act 1980 and is currently in the ownership and control of the Welsh Government.

Felindre Road connects to the A473 to the northwest which in turn provides connections to Pencoed, Llantrisant, M4 junction 35 and is located with Bridgend County Borough Council's administrative boundary.

Transport Statement

A Transport Statement, (TS), by SLR Consulting has been provided dated September 2023 and has been reviewed as follows:

Trip Generation

The TS indicates at paragraph 5.4 that the proposed expansion of the site would result in an increase in staff numbers of 100-150.

The trip estimation undertaken within the TS utilises the Trip Rate Information System, (TRICS) database which indicates that the existing staff of 670 employees would generate 1374 trips per day (05:00-21:00 hrs)

Following expansion, up to 820 staff would be expected to be employed generating 1682 trips per day (05:00-21:00 hrs), representing an increase of 308 trips per working

day. With the development generating 42 additional trips in the AM Peak (08:00-09:00) and 36 additional trips in the PM Peak (14:00-18:00).

The TS indicates that a sensitivity test comparing ATC Survey data with the TRICS trip generation was undertaken which indicated that the TRICS forecast generated a higher trip rate than observed and can therefore be considered as a robust estimate of trips to and from the development.

The peak hour trip generation represents less than 1 additional vehicle per minute during peak periods which would have no significant impact on highway and junction capacity and within the daily variation of traffic.

Accident Data

Accident data within the TS indicates clusters at the roundabout junction on the route to the proposed development. Nonetheless, the roundabout is located within Bridgend County Borough Council's administrative area, the recorded accidents are typical of such junctions and would be monitored and addresses by Bridgend County Borough Council. No accidents are recorded within the administrative area of RCT.

Parking

Paragraph 4.12 of the TS indicates that the existing site benefits from 463 parking spaces of which 177 spaces would be lost to accommodate extension of the buildings. However, the construction of a new 320 space car park would result in an overall parking provision of 606 spaces.

Whilst PPW 11 and associated documentation encourages control of parking provision to encourage uptake of sustainable modes of travel the level of parking is considered acceptable given the remote location, staff demand (670 employees), shift patterns and lack of public transport. Given the need to avoid parking on street, in the interests of highway safety and free flow of traffic, the parking provision is considered acceptable.

Cycle Parking

The applicant proposes 40no. cycle parking spaces in the form of 20no. Sheffield stands to the east of the new car park. There are existing and proposed walking and cycling active travel routes in the vicinity of the site which link to the nearby towns promoting sustainable modes of transport.

EV Charging

The applicant proposes 16no EV charging bays promoting sustainable modes of transport however in accordance with Future Wales 2040, all new or substantially refurbished non-domestic buildings with dedicated parking will be required to have at

least 10% of parking spaces allocated for EV charging. Since part of the existing carpark is to be retained the requirement applied on the proposed new 320 space carpark would require the provision of 32no EV charging bays.

Active Travel Wales Act 2013 /PPW 11.

The Active Travel (Wales) Act 2013 aims to support an increase in the level of walking and cycling in Wales, to encourage a shift in travel behaviour to active travel modes, and to facilitate the building of walking and cycling infrastructure.

It is a legal requirement for local authorities in Wales to map and plan for suitable routes for active travel, and to build and improve infrastructure for walking and cycling every year. It creates new duties to consider the needs of walkers and cyclists and make better provision for them. It also requires the consideration of walking and cycling as a mode of transport and the Act focuses on the promotion of walking and cycling for purposeful journeys, rather than as a purely recreational activity.

There are continuous links along the industrial estate along with segregated footways within the site and good cycle route/active travel route connections. This existing provision is considered to be acceptable and aligns with the requirements of the Act.

Construction Traffic

There is a concern that construction traffic could cause damage to the proposed access road at Felindre Meadows which could prejudice adoption in accordance with the highway agreement.

Therefore, a condition has been recommended requiring a condition survey of the access from the roundabout to the access of the site to ensure that any damage arising from the construction of the proposed development is addressed to ensure the highway agreement and adoption of the estates road is not prejudiced.

Summary

No objection is raised subject to the conditions recommended at the end of this report.

Ecology and Green Infrastructure

Natural Resources Wales has identified that there are drains at the north and south of the site which are hydrologically linked to the Ewenny Fach, located within 243 metres of the site. For this reason, NRW has recommended a condition for a Construction Environmental Management Plan to protect that nearby watercourse and this has been included in the list of conditions set out at the end of the report.

The Council's Ecologist advises that the Preliminary Ecological Appraisal is an appropriate assessment, although it doesn't identify the presence of SINC 175 (the

Ewenny Fach corridor) which is within a couple of hundred metres of the site. This omission is not overly significant, but the nearby presence of SINC 175 increases the importance of securing some grassland habitat mitigation for the development (see comments below).

The PEA identifies the car park extension area as species poor semi-improved grassland, although species which are more indicative of a high degree of agricultural improvement, a suite of wet grassland species of greater ecological value (meadowsweet, angelica, compact rush, redshank, fleabane, red clover and ox-eye daisy) are present. There is therefore some evidence of some residual grassland ecology value that might be encouraged through better management of retained areas secured as mitigation.

The PEA concludes that there is a negligible bat roost potential, although it recommends a bat sensitive lighting scheme and reference is made to a previous 2021 Great Crested Newt (GCN) eDNA survey of a nearby attenuation pond and the absence of that species. Limited potential for badger is identified via use of the grassland areas as foraging habitat, and also common reptiles, amphibians and nesting birds. Himalayan balsam is identified as being present.

Section 5 of the PEA concludes that there would be no overriding significant ecological impact but identifies bat sensitive lighting requirements and precautionary measures for mammals, reptiles/amphibians and nesting birds, together with Himalayan Balsam control, and biodiversity enhancement proposals (including bat and bird boxes). Whilst the PEA doesn't include compensatory management of retained grassland areas, this is identified in the TirCollective Green Infrastructure Plan. Consequently, a condition for details and the delivery of all ecological mitigation and enhancement proposals as identified in the Soltys Brewster September 2023 PEA, plus the long-term grassland mitigation areas identified in the TirCollective Green Infrastructure Plan, would be necessary.

Lastly, in terms of landscaping the use of some of the species proposed should be reviewed. For example, the use of species-rich wildflower seeding would not be appropriate and *Prunus laurocerasus* is far too invasive. Similarly, *Alnus cordata* can hybridise with native alder and *Liquidambar* species can also be invasive. A feature of the SINC and the biodiversity mitigation zone along the Ewenny Fach, is the presence of a significant element of veteran wood pasture trees, and riverside alder woodland. Given that context a more ecologically sensitive shrub and tree planting proposal would be necessary and a further condition for landscaping details, to ensure planting is ecologically appropriate and sensitive, should be appended to any planning permission.

Land Drainage

With a total site area of 2.07 hectares Schedule 3 of the Flood and Water Management Act 2010 will require the Applicant to submit an application to the Sustainable Drainage

Systems (SuDS) Approval Body (SAB), in addition to compliance with Part H of the Building Regulations.

Natural Resources Wales' Surface Water Flood Risk maps have been used to review the site's surface water flood risk, which demonstrate that the site falls within areas of high to low surface water flood risk. This risk is associated to surface water accumulation along the highway and surrounding the perimeter of the site. There are also drainage features to the north and northwest of the site which include a pond and unnamed ordinary watercourse.

Ordinary Watercourse Consent under Section 23 of the Land Drainage Act 1991 would be required prior to undertaking any works that may be deemed necessary and which would affect any watercourse identified within the site.

The Applicant has outlined that surface water will be disposed of via SuDS and existing watercourses. The Council, in its role as Lead Local Flooding Authority, is satisfied with the surface water drainage strategy and plan submitted with the application, which show that surface water discharge rates from the site and into the existing watercourse would be close to greenfield runoff estimates.

National Sustainable Placemaking Outcomes

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

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

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

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

- **Creating and Sustaining Communities:** The development will provide jobs to meet society's needs and support the continued development of this employment land bank site.
- **Facilitating Accessible and Healthy Environments:** The application site is close to a bus, cycle and walking route and has good connections to the principal highway network and M4.

- **Growing Our Economy in a Sustainable Manner:** The development would create construction jobs and foster economic activity by providing a permanent employment base and up to 150 new jobs at an existing manufacturing facility. The development would also make use of the supporting infrastructure which has already been provided for the development of the business park
- **Maximising Environmental Protection:** The development would include green infrastructure, biodiversity and landscape mitigation or enhancement measures; and would manage water resources naturally via the use of sustainable drainage options, including rain gardens.
- **Making Best Use of Resources:** The application site is part brownfield land and the business park as a whole has already been physically engineered to support development of this kind.

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

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

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

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

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW

RECOMMENDATION: Grant

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

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

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

- Site Location Plan P100
- Proposed Site Plan P02
- Proposed Ground Floor Plan P03
- Proposed First Floor Plan P04
- Proposed Second Floor Plan P05
- Proposed Roof Plan P06
- Proposed Elevations 1 P07
- Proposed Elevations 2 P08
- Proposed Contextual Elevations P09
- Green Infrastructure Plan GI.1 TC23190_Landscape Plans v6
- Landscape Strategy LA.1
- Planting Plan LA.2
- Electrical Engineering Services Plan 9001 Rev P04

and details and documents received on 10th November 2023 and 9th January 2024, 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, 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 shall include:

- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management;
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of 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 protection of nearby watercourses and ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction, in accordance with Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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

(i) a scheme for the provision of biodiversity mitigation and enhancement measures, in accordance with the conclusions and recommendations of Section 5 of the Preliminary Ecological Appraisal (Soltys Brewster, dated September 2023).

(ii) a scheme for the management of long-term grassland mitigation areas in accordance with the Green Infrastructure Plan (TirCollective, dated 10th November 2023).

(iii) revised landscaping planting details to omit the use of species-rich wildflower seeding, *Prunus laurocerasus*, *Alnus cordata* and *Liquidambar*.

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

Reason: 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.

5. 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.

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

(i) A report indicating the methodology for undertaking a survey of the condition of the access roads between Felindre Road roundabout and the proposed development. The report should include:

- a) Details of the roads to be surveyed,
- b) The timescales for undertaking the surveys,
- c) The method(s) of reporting the findings to the local planning authority (including the use of comprehensive photographs), and
- d) Any potential compensation arrangements.

(ii) The completed condition survey carried out in accordance with the methodology approved under (i) above.

The development shall not be brought into beneficial use until the final survey on completion of the development has been undertaken 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 and structural integrity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made at or downstream of manhole reference number SS97800704.

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.

8. The car park indicated on submitted drawing no. "P02" shall remain for the purpose of vehicular parking only.

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

9. HGV's used during construction shall be restricted to 09:00am to 16:30pm weekdays, 09:00am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with 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.

10. ULEV charging points shall be installed and made fully operational in accordance with drawing number 9001 Rev P04 prior to beneficial use of the development and retained for the life of the development thereafter.

Reason: To comply with the requirements of FW2040 and improve the environmental and cultural wellbeing of people and communities.

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

**PLANNING AND
DEVELOPMENT COMMITTEE
25th JANUARY 2024**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

Agenda Item No.

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 23rd 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 1st 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 1st 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 areas 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

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.

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

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

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

**PLANNING AND
DEVELOPMENT COMMITTEE
25th JANUARY 2024**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

Agenda Item No.

**APPLICATION NO: 23/0412/10, New four
bedroom dwelling with detached garage
and two additional parking spaces
(Amended plans received 21/12/23)**

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

3. BACKGROUND

This application was originally reported to the 14 December 2023 meeting of the Planning and Development Committee with an officer recommendation of approval. A copy of the original report is attached as **APPENDIX A**.

At the meeting and following consideration of the report, Members expressed concerns regarding the potential visual impact of the proposal due to a lack of information clearly illustrating the relationship between the proposed dwelling and the adjacent neighbouring property. As such, Committee resolved to defer the application to allow for further discussions to take place with the applicant with a view towards additional information being submitted.

As a consequence of the above a street scene view plan showing the relationship between the application property and the adjacent neighbour, no.4 Nash Street, was submitted on 21 December 2023. Additionally, the applicant also amended the original plans by reducing the ridge height of the proposed dwelling from 9.1 metres to 8.4 metres in an attempt to reduce any difference in height between the two.

4. PLANNING ASSESSMENT

The revised proposal represents a reduction in the height of the dwelling by 0.5 metres. Whilst the proposed dwelling would continue to be higher than the adjacent terraced property, the difference between the two would now be only 0.5 metres. Given the existing context of the street with ridges heights increasing along the terrace towards the application site, the difference in height would not be considered to look out of character with the existing development, and a typical relationship found throughout the area.

Members are also advised that additional consultation has been undertaken with neighbouring occupiers following receipt of the amended plans and that no further objections have been received in relation to the changes undertaken. However, 1no. letter was received which raises concern with regard the site location plan submitted which is noted as not including properties at Llys Tyr Twyn to the south. Whilst it is appreciated that these properties are not shown on the site location plan, the submitted plan is drawn to an acceptable scale, clearly identifies the site boundary in red and includes the names of adjacent highways and a north arrow. As such, the plan is sufficient to validate and determine the application.

In light of the above, should Members regard the changes made sufficient to overcome the initial concerns, there would be a requirement to amend the approved plans condition (2) of the original report so it complies with the revised design. All other conditions set out in the original report would remain unchanged.

5. RECOMMENDATION

It is considered the proposed dwelling is of an appropriate design and scale that would ensure it integrates well with the existing street scene, a relationship that has been improved by the reduction in height and has been appropriately demonstrated through the additional street scene plan. As such the application is recommend for approval, subject to the conditions set out in the original report and an amended condition 2 set out below.

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

- NS-01 Rev B – Received 21/12/2023
- NS-02 Rev B – Received 21/12/2023
- NS-03 – Received 13/04/2023
- NS-04 Rev B – Received 21/12/2023
- NS-05 Rev B – Received 21/12/2023
- NS-06 – Received 13/04/2023
- NS-07 Rev B – Received 21/12/2023

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.

PLANNING & DEVELOPMENT COMMITTEE

14 December 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0412/10 (JE)
APPLICANT: Blackbrook Developments Ltd
DEVELOPMENT: New four bedroom dwelling with detached garage and two additional parking spaces
LOCATION: LAND ADJACENT TO 4 NASH STREET, ABERCYNON, MOUNTAIN ASH, CF45 4PB
DATE REGISTERED: 17/04/2023
ELECTORAL DIVISION: Abercynon

RECOMMENDATION: APPROVE

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

REASON APPLICATION REPORTED TO COMMITTEE

- 3 or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the construction of a 4 bedroom detached dwelling along with a detached garage and parking spaces at Land adjacent to 4 Nash Street, Abercynon. The dwelling would be located at the site of an existing detached garage that would be demolished.

The dwelling would be located towards the front of the site to tie into the existing property line along Nash Street and would measure a width of 6 metres by a depth of 8.2 metres. The proposed dwelling would have a dual pitched roof design with gable ends on its side elevations measuring a maximum height of 8.8 metres sloping to 5.3 metres at the eaves.

The proposed garage would be located towards the southern boundary of the site to the rear of the proposed dwelling and would measure a width of 3 metres by a depth

of 5 metres. The garage would have a double pitched roof design measuring a maximum height of 3.2 metres sloping to 2.4 metres at the eaves. To the front and alongside the garage would be 2no. off-street parking spaces that would be accessed from the highway at Llys Ty'r Twyn.

The dwelling would incorporate living accommodation over three floors with a kitchen/diner, lounge and W/C on the ground floor, three bedrooms and a bathroom on the first floor. A further bedroom would be sited on the second floor.

SITE APPRAISAL

The application site forms an irregular shaped parcel of land located adjacent to No.4 Nash Street, Abercynon. The site is located on the corner of Nash Street and Aberdare Road and is bounded by highways to the south, north and west. No. 4 Nash Street is located directly to the east. The site currently accommodates a detached garage and an area of hardstanding which benefits from dropped kerbs along Nash Street and Aberdare Road. The site slopes from south to north with an approximate one metre change in levels across the site.

The general character of the locality is residential in nature comprising traditional terraced dwellings, although it is noted that a development of 4no. large modern detached dwellings are located to the south.

PLANNING HISTORY

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

07/1763/13: LAND ADJACENT TO NASH STREET, ABERCYNON

Two detached properties (outline application)

Decision: 12/12/2007, Refuse

08/1190/13: LAND ADJACENT TO 4 NASH STREET, ABERCYNON

Detached dwelling with off street parking.

Decision: 06/10/2008, Grant

14/0121/10: TYR TWYN COURT, NASH STREET, ABERCYNON, MOUNTAIN ASH, CF45 4PB

Construction of four detached private dwellings with attached garages and associated external works and extension of residential curtilage for 6 Tressilian Place (Amended description and plans received on 4th February 2014).

Decision: 01/04/2014, Grant

PUBLICITY

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

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

- Highway safety associated with the proposed access.
- Parking and deliveries during the construction period.
- Issues associated with the construction of the dwelling.
- Loss of privacy.
- Access to gable end of adjacent property.
- Bluebells on site which are protected.

CONSULTATION

Transportation Section: No objection subject to conditions.

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

Countryside (Ecology): No objection raised.

National Grid: Standard consultation response setting out that a separate application to National Grid would be required should the developer require a new connection or a service alteration.

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

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

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

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

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

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

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

Policy NSA12 – sets out the criteria for the consideration of development proposals within and adjacent to settlement boundaries.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking

National Guidance

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

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

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

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

Other national policy guidance considered:

PPW Technical Advice Note 12 - Design

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 detached dwelling and garage at land adjacent to 4 Nash Street, Abercynon. The application site is located within the defined settlement boundary and a residential area of Abercynon, and is unallocated. 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 site is also located within walking distance of a number of local services and facilities and is within close proximity to public transport links with bus and train connections nearby. As such, the site is located within a sustainable location and is considered to comply with Policy AW2 of the LDP.

As such, taking the above into account, the principle of development is considered acceptable, subject to the below criteria.

Impact on the character and appearance of the area

The submitted site layout plan indicates the site is large enough to accommodate the proposed dwelling whilst also retaining sufficient amenity space and off street parking. Whilst the proposed dwelling would form a visible addition to the site and the immediate area, it would be sited on a relatively spacious plot, adjacent to an existing terraced dwelling with a highway and access lane flanking the western and southern boundaries respectively. The proposed dwelling would have a similar layout and orientation to the adjacent, terraced properties. As such, it is not considered that the proposal would form a dominant or incongruous feature within the area. In addition, the redevelopment of the site would result in a positive impact to the area surrounding the site and would bring a disused site of an unkempt appearance back into beneficial use.

Members are advised that the application currently lacks sufficient information in relation to landscaping and boundary treatments. Nevertheless, it is considered that these matters could be controlled via suitably worded conditions.

In light of the above, it is considered that the proposal will not detract from the character or appearance of the area and that the application is compliant with the

relevant requirements of Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

With regard to the impact upon No.4 Nash Street immediately to the east, given the location of the proposed dwelling, directly alongside the existing neighbour, the proposed dwelling would not be visible from within the adjacent property and would not result in any undue overshadowing or overbearing impacts. Whilst views would be possible from the rear amenity space of No.4, it is not considered that any impact would be significant and would be no different to that which occurs at most other properties within the area.

When considering the impact upon properties along Aberdare Road to the west, these dwellings would be separated by approximately 14 metres and elevated above the application site. As such, whilst there would be views towards the proposed development, any impact would not be significantly greater than that which already exists between properties within the vicinity.

Turning to overlooking, an issue raised by the objectors, when considering the terraced nature of properties surrounding the site a mutual level of overlooking has been established between surrounding neighbouring properties. As such, it is not considered that the proposal would exacerbate existing levels of overlooking and the scheme is considered acceptable in this regard.

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

Highway Safety

The Council's Highways and Transportation Section were consulted in order to provide comments on the suitability of the application with regard to highway safety and parking provision. The following response was received:

Access

Primary access to the proposed dwelling will be served off Nash Street with off street car parking served off the rear lane. Nash Street is acceptable as a primary means of access for vehicles and pedestrians taking into account the limited additional movement generated by 1 additional dwelling.

To the rear the off-street car parking will be served off the lane which is lightly trafficked acceptable in access terms. There is an existing vehicular crossover in place to serve the proposed off-street car parking provision.

The footway surrounding the site has two existing vehicular crossovers which will become redundant as part of the proposal and should be reinstated in full footway construction in the interests of pedestrian safety. A condition to this effect has been suggested accordingly.

Vision

There is concern that the proposed boundary treatment fronting Aberdare Road slightly impacts on the required vision splays from Nash Street and the lane, but there is sufficient space within the site to provide appropriate vision splays. Therefore a condition is suggested to ensure the required vision splays from both streets is implemented in accordance with Manual for Streets and TAN 18 for a 20Mph speed limit, 2.4m x 22m.

Parking

The proposed 4-bedroom dwelling requires up-to a maximum of 3 off-street car parking spaces in accordance with the SPG Access, Circulation & Parking 2011 with 3 provided, which is acceptable in this instance given the highly sustainable nature of the site.

Taking the above into account, the proposed will have minimal impact on the existing highway network and is considered acceptable in highway safety terms, subject to a number of highway related conditions.

Ecology

It is noted that the objectors raised concerns with the presence of bluebells at the site which would be removed following development. In this respect the Council's Ecologist has advised that the protection afforded to native bluebells is from being 'dug up and sold' as bulbs, and that native bluebells are not afforded protection from the impacts of development. Native bluebells occur in natural habitats, not often in urban situations, it is more likely that the bluebells visible at the site were Spanish bluebells which is a common garden plant that escapes into urban edge situations and are not afforded any protection. As such, no objection is raised subject to a condition requiring the submission of biodiversity enhancement measures.

Other issues raised by the objectors

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

An objector raised a number of concerns with regard the proximity of the new dwelling to No.4 Nash Street which could result in issues around the ability to access and maintain the gable end of the neighbouring property. Whilst this concern is acknowledged, this issue would form a civil matter between the owner of No.4 and the developer of the site. The Council's Building Control team have also confirmed that the proximity of the development to No.4 would require a party wall agreement prior to works commencing on site which would address this issue. As such, an informative note has been included below to advise the applicant of these requirements.

Public Health

No objections have been received from the Council's Public Health and Protection Division in respect of the application, they did however suggest a number of conditions be attached to any consent in relation construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, dust and waste matters can be more efficiently controlled by other legislation. Therefore, it is considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient in this instance.

Drainage

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

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

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

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan numbers
 - NS-01 – Received 13/04/2023
 - NS-02 – Received 13/04/2023

- NS-03 – Received 13/04/2023
- NS-04 – Received 13/04/2023
- NS-05 – Received 13/04/2023
- NS-06 – Received 13/04/2023

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

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

4. Notwithstanding the submitted plans, prior to the commencement of any development on site, details of the boundary treatment fronting Aberdare Road set back to maintain a vision splay of 2.4m x 22m from the adjacent junctions of Nash Street and Llys Tyr Twyn shall be submitted to and approved in writing by the Local Planning Authority. The development should be carried out in accordance with the approved plans and retained thereafter.

Reason: To ensure that adequate visibility is provided for vehicles exiting the adjacent junctions, in the interests of highway and pedestrian safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. The parking area 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.

6. The 2no. existing vehicular crossovers serving the existing site now redundant as part of the proposal on Nash Street and Aberdare Road shall be reinstated in full flexible footway construction in accordance with details to first be submitted to and approved in writing by the Local Planning Authority prior to any 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 the safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

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

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

10. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building 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.

11. No Development shall commence on site until a scheme for biodiversity mitigation and enhancement has been submitted to and agreed in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details.

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

PLANNING & DEVELOPMENT COMMITTEE

25 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 – 12/01/2024

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

25 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

APPLICATION NO: 23/0550
APPEAL REF: CAS-02990-L1F0V3
APPLICANT: MR Peacock
DEVELOPMENT: Retrospective application for decking
LOCATION: 29 PARK VIEW, ABERCYNON, MOUNTAIN ASH, CF45
4TP
DECIDED: 28/07/2023
DECISION: Refused
APPEAL RECEIVED: 26/09/2023
APPEAL DECIDED: 08/01/2024
APPEAL DECISION: Allowed with Conditions

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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 12/01/2024

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

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

Aberaman

23/1081/10 Decision Date: 05/01/2024
Proposal: Change of use from builders yard to a dwelling, parking, landscaping, demolition of derelict building
Location: BUILDERS YARD ADJ TO 4 ABERAMAN HOUSES, ABERAMAN, ABERDARE

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

23/1319/10 Decision Date: 08/01/2024
Proposal: External lift & associated works to front elevation.
Location: 56 GREENFIELD TERRACE, ABERCYNON, MOUNTAIN ASH, CF45 4TL

Aberdare East

23/0846/10 Decision Date: 03/01/2024
Proposal: Proposed raising of roof height to provide storage space to existing garage
Location: 36 ABERNANT ROAD, ABER-NANT, ABERDARE, CF44 0PY

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

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

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
Development Control : Delegated Decisions (Permissions) between:

Report for Development Control Planning Committee

04/12/2023 and 12/01/2024

Aberdare East

23/1150/10 Decision Date: 05/01/2024
Proposal: Single storey rear extension / front driveway extension and associated works
Location: 2 FORGE TRIP, ABER-NANT, ABERDARE, CF44 0RW

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

23/1250/10 Decision Date: 19/12/2023
Proposal: Installation of an ATM.
Location: SHOP, 50-51 CARDIFF STREET, ABERDARE, CF44 7DG

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

23/1282/01 Decision Date: 22/12/2023
Proposal: Standing external sign in front garden.
Location: DEINTYDDFA KATRINA CLARKE, 3 MAENDY PLACE, WEATHERAL STREET, ABERDAR, 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

23/1332/10 Decision Date: 03/01/2024
Proposal: First floor rear extension
Location: 51 TREFELIN, TRECYNON, ABERDARE, CF44 8LD

Beddau and Tyn-y-nant

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

Brynna and Llanharan

23/1374/10 Decision Date: 10/01/2024
Proposal: Proposed rear dormer extension and first floor side extension over carport with single storey porch extension.
Location: 38 RED ROOFS CLOSE, PENCOED, BRIDGEND, CF35 6PL

Church Village

23/1137/10 Decision Date: 09/01/2024
Proposal: Change of use from an Accountants Office (Planning Use Class B1) to a Podiatry Clinic (Planning Use Class D1). Creation of a parking space to the rear courtyard.
Location: 19 LEWIS STREET, CHURCH VILLAGE, PONTYPRIDD, CF38 1BY

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

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

Cymer

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
Development Control : Delegated Decisions (Permissions) between:

Report for Development Control Planning Committee

04/12/2023 and 12/01/2024

Cymer

23/1331/10 Decision Date: 04/01/2024
Proposal: Orangery to rear
Location: 32 HIGH STREET, CYMER, PORTH, CF39 9AP

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

23/1307/10 Decision Date: 03/01/2024
Proposal: Single storey rear extension
Location: 1 TEMPLE COTTAGES, LLANTRISANT ROAD, GRAIG, PONTYPRIDD, CF37 1LL

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

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
Development Control : Delegated Decisions (Permissions) between:

Report for Development Control Planning Committee

04/12/2023 and 12/01/2024

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

23/1039/10 Decision Date: 12/01/2024
Proposal: Detached dormer bungalow (resubmission of 22/1214)
Location: LAND TO THE REAR OF 10 RHIGOS ROAD, OFF MEADOW LANE, HIRWAUN, ABERDARE, CF44 9PS

23/1102/10 Decision Date: 12/01/2024
Proposal: Proposed 'Granny Flat' (Resubmission of 23/0788/10)
Location: AVERINA, 20 HALT ROAD, RHIGOS, ABERDARE, CF44 9UN

23/1290/10 Decision Date: 08/01/2024
Proposal: Proposed two storey side extension
Location: 1 LISBURN RISE, PENYARD ROAD, HIRWAUN, ABERDARE, CF44 9TR

Llantrisant and Talbot Green

23/1148/10 Decision Date: 04/01/2024
Proposal: Demolition of golf club junior locker room/office and construction of junior gym and locker room
Location: LLANTRISANT AND PONTYCLUN GOLF CLUB, ELY VALLEY ROAD, TALBOT GREEN, PONTYCLUN, CF72 8AP

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

23/1202/10 Decision Date: 03/01/2024
Proposal: Proposed first floor extension.
Location: 1 STATION HOUSES, LLANTWIT FARDRE, PONTYPRIDD, CF38 2EF

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

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
Development Control : Delegated Decisions (Permissions) between:

Report for Development Control Planning Committee

04/12/2023 and 12/01/2024

Llantwit Fardre

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

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

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
Development Control : Delegated Decisions (Permissions) between:

Report for Development Control Planning Committee

04/12/2023 and 12/01/2024

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

23/1292/10 Decision Date: 09/01/2024
Proposal: Proposed insulated overcladding to existing roof

Location: UNIT C1, COEDCAE LANE INDUSTRIAL ESTATE, TALBOT GREEN, PONTYCLUN, CF72 9HG

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

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

Taff's Well

23/1243/10 Decision Date: 12/01/2024
Proposal: Single storey rear extension

Location: 16 GARTH STREET, TAFF'S WELL, CARDIFF, CF15 7PJ

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
Development Control : Delegated Decisions (Permissions) between:

Report for Development Control Planning Committee

04/12/2023 and 12/01/2024

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, FERNDALE, 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 62

Report for Development Control Planning Committee

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'.

Ferndale and Maerdy

23/0296/10 Decision Date: 11/01/2024

Proposal: Change of use from commercial shop to a ground floor flat

Location: 8 CERIDWEN STREET, MAERDY, FERNDALE

Reason: 1 Insufficient evidence has been submitted to demonstrate that the retention of the existing premises for business purposes has been fully explored without success by the way of marketing for appropriate retail purposes at reasonable market rates for a minimum of 12 months. As such, there is no justification for allowing the loss of a commercial unit in the retail centre of the village. The proposal is therefore contrary to Policy AW 11 of the Rhondda Cynon Taf Local Development Plan.

Reason: 2 The proposed residential use, in the form of a single two-bedroom flat is considered to represent an inappropriate development that would result in the creation of poor quality living accommodation contrary to the Council's Supplementary Planning Guidance: Development of Flats – Conversion and New Build and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

23/0900/13 Decision Date: 20/12/2023

Proposal: Outline for residential development

Location: CAPEL NAZARETH, GEORGE STREET, BLAENLLECHAU, FERNDALE, CF43 4PN

Report for Development Control Planning Committee

Ferndale and Maerdy

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.

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.

Report for Development Control Planning Committee

Llanharry

23/1121/10

Decision Date: 10/01/2024

Proposal: Proposed 3 Bedroom Low Carbon Bungalow

Location: The Paddock (Former Fan House Land), Llanharry Lane, Llanharry, CF72 9LL

Reason: 1 By virtue of its location the proposal represents unjustified residential development outside of settlement limits that would harm the open nature of site and surrounding land which is designated as green wedge. In this regard it would also constitute inappropriate development as defined by Planning Policy Wales.
 In addition, In the absence of continuous pedestrian facilities leading to the site and the formation of an access which lacks adequate visibility in close proximity to the nearby road bend, the proposed development would create hazards to the safety of all highway users.
Furthermore, in the absence of Ecological Reports, insufficient information has been submitted to demonstrate that the risks and consequences associated with impacts upon ecology at the site can be adequately managed.
As such, the proposal conflicts with Future Wales, PPW 11 and Policies AW2, AW5, AW6, AW8, SSA13, SSA22 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

Llwyn-y-pia

23/1272/13

Decision Date: 12/01/2024

Proposal: 12 flat roof garages

Location: LAND ADJ TO TYNTYLA PARK, LLWYNYPIA, TONYPANDY

Reason: 1 The proposal would result in the erection of two large, utilitarian garage block at the centre of a traditional residential street. Such features would be at complete odds with their surroundings forming highly prominent and alien features in the street scene, to the detriment of the character and appearance of the area. The scheme therefore fails to comply Policies AW 5 and AW 6 of the Rhondda Cynon Taff Local Development Plan.

Report for Development Control Planning Committee

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.

Treforest

23/0702/12

Decision Date: 08/01/2024

Proposal: Change front door and change front windows to PVC (application for Listed Building Consent - LBC).

Location: 163 BROADWAY, TREFOREST, PONTYPRIDD, CF37 1BH

Reason: 1 The proposed replacement door and windows, by virtue of their materials and appearance are considered to be detrimental to the special architectural and historic significance of the Listed Building contrary to Policy AW7 of the Rhondda Cynon Taf Local Development Plan and the Historic Environment (Wales) Act 2023.

Reason: 2 The proposal would be detrimental to the character and appearance of the Broadway Conservation Area contrary to Policy AW7 of the Rhondda Cynon Taf Local Development Plan and the Historic Environment (Wales) Act 2023.

Total Number of Delegated decisions is 8