



**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 hybrid meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** will be held at the **Council Chamber, 2 Llys Cadwyn, Taff Street, Pontypridd, CF37 4TH** on **THURSDAY, 7TH MARCH, 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, 5 MARCH 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 08.02.24

To approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on 08.02.24.

5 - 10

APPLICATIONS RECOMMENDED FOR APPROVAL BY THE DIRECTOR OF PROSPERITY & DEVELOPMENT

5. APPLICATION NO: 23/1125

Reinstatement of existing living accommodation to first floor, upgrade, alteration and extension of building (Amended plans and description received 14/11/2023) (Amended plans received 05/12/2023 and 16/02/2024)

OLD YNYSYBWL INN, MILL ROAD, YNYS-Y-BWL, PONTYPRIDD, CF37 3LS

11 - 22

6. APPLICATION NO: 23/1169

Detached dwelling and upgrade works to access lane. (Coal Mining Risk Assessment received 21/11/23) (amended red line boundary and plans received 15/12/23)

LAND TO THE REAR OF MILDRED STREET, BEDDAU

23 - 36

7. APPLICATION NO: 23/1244

Development of 18 affordable dwellings, car parking, landscaping, sustainable drainage and associated works (Revised plans, to include solar panels on dwellings, received 13th December 2023. Revised Site Layout Plan, Soft Landscaping Details and Green Infrastructure Statement, Landscape Specification and Management Plan received 14th February 2023)

LAND TO THE EAST OF EAST STREET, TYLORSTOWN, FERNDALE

8. APPLICATION NO: 23/1277

Discharge of conditions 7 (Traffic management) and 8 (full drainage) of previously approved 23/0575/15 (Variation of condition 1 of application 18/0617/15 (original application: 13/0758/10 - Residential development, construction of 3 no. 3 bedroom linked housing units)

LAND ADJ TO 15 GROVER STREET, GRAIG, PONTYPRIDD

53 - 62

9. APPLICATION NO: 23/1318

Certificate of Lawfulness for a proposed change of use of a dwelling C3(a) to a Children's Residential Home C2 for up to 2 children.

142 KENRY STREET, TONYPANDY, CF40 1DD

63 - 70

INFORMATION REPORT**10. INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN UNDER DELEGATED POWERS**

To inform Members of the following, for the period 12/02/2024 – 23/02/2024

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

71 - 80

11. 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

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

Minutes of the virtual meeting of the Planning and Development Committee held on Thursday, 8 February 2024 at 3.00 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 in the Council Chamber: -

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 R Williams

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

191 WELCOME & APOLOGIES

Apologies for absence were received from County Borough Councillors J Smith and L Tomkinson.

192 DECLARATION OF INTEREST

In accordance with the Council's Code of Conduct, the following declarations of interest were made:

County Borough Councillor W Lewis declared a personal interest in respect of application NO: 21/1331 Construction of health complex and venue with associated amenities, to include A3, D2 and Sui Generis use classes and regularisation of 52no. Space Overspill Carpark. (Amended Redline Boundary Received 08/07/22)(Revised description received 08/07/22)(Swept Path Analysis and car park details received 09/09/22) TY MAELWG, ROAD TO FOREST VIEW, YNYSMAERDY, LLANTRISANT, PONTYCLUN, CF72 9JS
"The Applicant has supported events and made a donation to the Mayors Charity."

County Borough Councillor S Emanuel declared a personal and prejudicial interest in respect of application No: 23/1198 Residential development of 10 no. affordable dwellings and associated works. D K S TRIMMINGS LTD, CATHERINE CRESCENT, CYMMER, PORTH, CF39 9AF

"I am employed by Trivallis who are the intended developers for this project."

193 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.

194 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.

195 MINUTES 11.01.24

It was **RESOLVED** to approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on the 11.01.24.

196 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.

197 APPLICATION NO: 23/1056/10

4 semi-detached dwellings and 1 detached dwelling (resubmission of 21/0373/10), LAND BETWEEN 37 TO 43 TREBANOG ROAD, TREBANOG, CF39 9EP

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 P Norman (Applicant)
- Ms N Lewis (Objector)

The Applicant Mr P Norman exercised the right to respond to the comments made by the objector.

The Head of Major Development and Investment presented the application

which was originally reported to Committee on 25th January 2024 where Members were minded to refuse the application, contrary to the officer recommendation of the Director, Prosperity and Development.

Members gave consideration to the further report, highlighting the potential strengths and weaknesses of approving contrary to officer recommendation and following discussions, it was **RESOLVED** to refuse the application contrary to the recommendation of the Director, Prosperity and Development for the reasons outlined in the further report.

198 APPLICATION NO: 23/1052

Change of use from guest house and ancillary bungalow to a residential drugs and alcohol rehabilitation centre (Use Class C2). FIFTH AVENUE GUEST HOUSE, FIFTH AVENUE, HIRWAUN INDUSTRIAL ESTATE, HIRWAUN, ABERDARE, CF44 9UN

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 A Archard (Applicant)
- Ms J Oats (Supporter)
- Ms S Baker (Supporter)
- Mr N Wakeford (Supporter)

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.

199 APPLICATION NO: 23/0733

Refurbish Berw Road Bridge. (Phase 3 of the works, which this application supports) (amended drainage details, Heritage Impact Assessment (HIA) and reduced works to banking and retention of trees - received 15/11/2023), Berw Road Bridge (White Bridge), Pontypridd.

(Note: At this point in proceedings, County Borough Councillor R Williams declared a personal interest in this application:

“The public speaker is known to me through work on other projects.”)

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

The Head of Planning outlined the content of a ‘late’ letter received from the Council’s Ecologist.

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 conditions set out within the report and to an additional two conditions as detailed below:

4. The CEMP referred to in condition 3 (above) shall incorporate the recommendations and measures contained in the following reports:

- Berw Road Bridge Memo Report, February 2019;
- Berw Road Preliminary Ecological Appraisal (PEA), Redstart, September 2020;
- Berw Road Emergency Works, Ecological Method Statement, June 2021; and
- Berw Road Bridge – Otter Survey Report, June 2021.

Reason - To enhance and afford protection to animal and plant species in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan and Chapter 6 of Planning Policy Wales 12 (February 2024).

5. Prior to the completion of the development hereby approved, details for the provision of bat and bird boxes (to be 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.

Reason: In the interest nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan and Chapter 6 of Planning Policy Wales 12 (February 2024).

200 APPLICATION NO: 21/1331

Construction of health complex and venue with associated amenities, to include A3, D2 and Sui Generis use classes and regularisation of 52no. Space Overspill Carpark. (Amended Redline Boundary Received 08/07/22)(Revised description received 08/07/22)(Swept Path Analysis and car park details received 09/09/22) TY MAELWG, ROAD TO FOREST VIEW, YNYSMAERDY, LLANTRISANT, PONTYCLUN, CF72 9JS

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development subject to the conditions set out in the report and to the amendment of condition 12 to include the property address.

(Note: County Borough Councillor M Powell declared a personal interest in respect of this application.

“The applicant is known to me.”

201 APPLICATION NO: 23/1198

Residential development of 10 no. affordable dwellings and associated

works. D K S TRIMMINGS LTD, CATHERINE CRESCENT, CYMMER, PORTH, CF39 9AF

(Note: Having earlier declared a personal and prejudicial interest in this application County Borough Councillor S Emanuel left the meeting at this point and did not return.)

(Note: County Borough Councillor S Rees left the meeting at this point and did not return. County Borough Councillor W Lewis continued the meeting as Chair.)

The Head of Planning / 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 developer enter into an agreement to secure the development as affordable housing in perpetuity.

202 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 15/01/2024 – 26/01/2024.

This meeting closed at 4.30 pm

**Councillor S Rees
Chair.**

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PLANNING & DEVELOPMENT COMMITTEE

07 March 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1125/10 (RP)
APPLICANT: Mrs.Y Rees
DEVELOPMENT: Refurbishment of existing living accommodation to first floor, upgrade, alteration and extension of building (Amended plans and description received 14/11/2023) (Amended plans received 05/12/2023 and 16/02/2024)
LOCATION: OLD YNYSYBWL INN, MILL ROAD, YNYS-Y-BWL, PONTYPRIDD, CF37 3LS
DATE REGISTERED: 16/10/2023
ELECTORAL DIVISION: Ynysybwl

RECOMMENDATION: GRANT

Reasons: The principle of the proposal is considered to be acceptable and the public house, which appears to be valued by the local community, would be retained.

Furthermore, no significant concerns are raised with regard to the impact of the proposed development upon the character and appearance of the application site, the amenities or privacy of the neighbouring residents or highway safety.

The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning consent is sought for the renovation of an existing first floor flat, in addition to the alteration and general refurbishment of the Old Ynysybwl Inn, Ynysybwl.

The submitted plans that accompany the application show that the ground floor of the public house would be re-configured to provide for what would be a sports bar, re-located toilet facilities and an enlarged snug for patrons.

To the first floor, the existing residential flat would be refurbished and modernised and the plans indicate that a new entrance hallway and stairwell would be formed to provide the necessary access arrangements.

Externally, the development proposes a number of alterations, as follows:

- The removal of an existing flat roofed extension that projects forward of the front elevation of the public house, and which currently acts as the main entrance to the Inn and provides its patrons with washroom facilities, and its replacement with a new front extension to provide the aforementioned entrance hallway and stairwell for the existing residential flat.
- The provision of new window and door openings to serve the re-modelled building including the formation of a new entrance to the bar area and snug of the public house. The plans also detail that a new canopy would be constructed forward of the new entrance to the pub.
- The erection of a balcony to the rear elevation of the building. The plans detail that the balcony would project for almost the full width of the rear elevation and would be accessible from the main living area and master bedroom of the first floor flat. The balcony would be supported by steel corner posts and be enclosed by both a 1.1m high toughened glass balustrade and 2m high privacy screening.
- The re-grading of a bank to the rear of the building to form a level garden space;
- The removal of 2no. chimney stacks from the building.

In respect of external materials, the application denotes that the existing single glazed timber windows would be replaced with double glazed UPVC types, whilst the new elevations would be made good via the use of a mix of stone cladding and render. The roof would be finished in reconstituted slate and solar panels would be installed.

Members will note that amended plans have been received during the course of the application which has included the introduction of privacy screening to the proposed balcony and the removal of an extension to the buildings north-eastern side. The conversion of around half of the ground floor space to residential accommodation has also been removed from the scheme.

SITE APPRAISAL

The application site is currently occupied by the Old Ynysybwl Inn, a Public House and its associated car parking areas and outside space.

Access is provided via an existing track to the south of the site (off Mill Road) and the site is relatively well screened from the road and surrounding area.

The site and surrounding area are considered to be open countryside, being located outside of defined settlement limits, although there is a small cluster of residential properties located along Mill Road and also directly adjacent to the north-eastern boundary of the site, namely Riverbank Cottage. Properties vary in terms of their scale and design although the majority are traditional in terms of their appearance and finish.

The Nant Clydach runs along the southern and eastern boundaries of the site. As such, the whole of the application site, including the access off Mill Road, is within Flood Zone C2. A Public Right of Way runs directly through the site (YCC/21/1) and the area immediately surrounding the application site is designated as a Site of Important Nature Conservation (SINC).

PLANNING HISTORY

99/4060	Retention of alterations and kitchen extension	Grant	19/04/99
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PUBLICITY

The application has been advertised by direct neighbour notification and the erection of site notices. Letters of objection have been received from six local residents to the original and re-consultation exercises conducted and raise the following points:

- The balcony extension will overlook the whole of the rear garden of Riverbank Cottage and would result in a complete invasion of privacy. The development of an outdoor seating area, to the rear of the pub, would also be located directly adjacent to the main living area and garden of Riverbank Cottage and could result in excess noise, foul language and smoking being experienced;
- The 200-year-old pub needs to be kept looking exactly the same as it has done for many years, the current plans look nothing like a pub but a modern house. This pub was always popular with a successful restaurant but has been run down since the present owner took over;
- The plans hardly accommodate a village pub anymore, the restaurant and kitchen being turned into private bedrooms will have a hugely negative impact on the future of the pub as it is the only pub in the village able to offer food;
- I cannot see any public car parking and there is no 'cellar' for the bar, a pub cannot operate without a cellar;
- Flood risk (last witnessed inside the pub in 2020) should negatively impact such a change of use;

- The proposed development of the ground floor would not only remove half the potential space of the pub, but its hard to see how the remaining space would be viable for any future development as a public house since the cellar, kitchen, dining area, prominent public entrance, signage, adequate car parking and so on, are either ill-defined or removed altogether;
- This is one of the oldest buildings in Old Ynysybwl and is a focal point for many local families for functions, is used by horseback riders, walkers, runners and cyclists and local choirs. The proposed plans would make this almost impossible and the building is currently being torn apart before this planning application is even considered.
- My objection as to privacy concerns still stands. I would be happier if the privacy screen went approximately halfway across the balcony, there would then be no requirement for the middle screen.

CONSULTATION

- Highways – No objection nor conditions suggested.
- Natural Resources Wales – No objection to the amended scheme.
- Dwr Cymru Welsh Water – No objection subject to condition and informative notes.
- South Wales Fire and Rescue – No objection subject to standing advice.
- Public Health and Protection - No objection, conditions recommended.
- RCT CBC Definitive Map Officer – No objection.

No other consultation responses have been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

remains the development plan for consideration when determining this planning application.

The application site lies outside of the settlement boundary for Ynysybwl but is not allocated for any specific purpose.

Core Policies

Policy CS1 – places an emphasis is on sustainable growth that benefits Rhondda Cynon Taf as a whole.

Area Wide Policies

Policy AW1 – outlines how the housing land requirement will be met.

Policy AW2 – ensures that development proposals are only supported in sustainable locations.

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

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

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

Policy AW7 – seeks to protect features of the built environment including Public Rights of Way.

Policy AW9 – sets out the criteria for development proposals which seek to alter, renovate or convert existing buildings outside the defined settlement boundaries.

Policy AW10 – outlines that development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and / or local amenity.

Policy AW14.2 – seeks to safeguard resources of Sandstone from development.

Northern Strategy Area

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
A Design Guide for Householder Development
Access Circulation and Parking Requirements
Planning Obligations.

National Guidance

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

Planning Policy Wales Edition 12 (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. Future Wales: The National Plan 2040 (FW2040) sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

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

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

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

Other policy guidance considered:

PPW Technical Advice Note 11 - Noise
PPW Technical Advice Note 12 – Design
PPW Technical Advice Note 15 – Development and Flood Risk
PPW Technical Advice Note 18 – Transport
PPW Technical Advice Note 23 – Economic Development
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

This application relates to the refurbishment of existing living accommodation at the site and also seeks consent for a number of external extensions and alterations to the building's fabric.

In respect of the residential proposals to the first floor, although the application site is located outside and detached from the settlement boundaries, as prescribed within the Rhondda Cynon Taf Local Development Plan, it is clear the accommodation has been situ at the site for a considerable period, operating as ancillary accommodation to the public house. Consequently, no policy objection is raised to the modernisation of the flat or the replacement of the entrance hallway and Members should note that the renovation or refurbishment of the existing first floor flat as described in the application description, in itself, does not require the benefit of planning permission.

With regards to the development works to the public house itself, Planning Policy Wales (PPW 12) does afford a level of protection for community facilities, stating at paragraph 4.3.40 that:

“Public houses provide an important role in the local community and their loss can have a detrimental impact, particularly in rural locations and that the economic and social function of local shops, village shops and public houses should be taken into account when considering applications for a change of use into residential or other uses”.

Given the above, the objectors initial concerns shown to the proposal to convert part of the ground floor to a residential use were pertinent. However, Members are advised that the amended scheme would now retain the whole of the ground floor for use as a public house and would be subject to refurbishment. Subsequently, there would be no conflict with National Planning Policy requirements.

Taking the above into consideration, the principle of the proposals is acceptable. However, in accordance with the requirements of Policies NSA12, AW5 and AW6 development proposals may only be considered acceptable providing no adverse impacts result in terms of character, amenity or highway safety. These matters will be considered in detail in the following sections.

Impact on the character and appearance of the area

It is not considered that the public house, prior to the commencement of works, was of architectural merit and did not make a positive contribution to the site's semi-rural setting.

The proposed alterations to the primary elevation of the building would see the main roof of the property being extended to form a new entrance to the first floor and would include the removal of a rather unsympathetic flat roofed extension. The balcony, by being located on the rear elevation of the premise, would also have a limited visual impact upon the public realm.

In addition, although unfortunate, the building is not listed in any way and accordingly, the removal of the chimney stacks does not require planning consent. Furthermore, whilst the removal of the timber framed sash windows and their replacement with UPVC fenestration would result in a significant change to the outward appearance of the building, it is not considered that this would justify refusal of the application for this reason alone. It is also noted that the proposal would utilise materials in the form of stone cladding, render and slate which is considered would soften the external alterations proposed to some effect.

Consequently, it is not considered that the application would compromise or dilute the semi-rural character and appearance of the area to a point which warrants refusal of the application.

Impact on residential amenity and privacy

The scheme details that the application would include the construction of a rear balcony, to serve the occupants of the first floor flat and the site visit showed this had been constructed.

The written representations received have raised concern to this element of the scheme, inasmuch as it has the potential to impact upon the privacy of the neighbouring occupants of Riverbank Cottage when using their own outside space, given the depth and width of the balcony and its elevated height.

To overcome these concerns, the applicant has submitted amended plans which include the establishment of a new hedgerow on the boundary with Riverbank Cottage and this has already been planted. In addition, 2m high privacy screening would be installed upon the north-eastern side of the balcony and would include a 1.5m return, whilst a further 2m high screen would be installed at its centre point, between the living accommodation and the master bedroom.

Given the above, although the balcony extends for the full width of the rear of the building and that French doors have been installed, the decision to strengthen the boundary with additional hedging should benefit the occupants of Riverbank Cottage

and, together with the inclusion of the 2m high privacy screening, provides appropriate mitigation and ensures the amenity of the neighbouring garden would be preserved.

Consequently, it is considered that the proposed development would not have a significant adverse impact upon the privacy of neighbouring residents and the application therefore accords with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

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

Mill Road, Ynysybwll.

Mill Road, leading to the application site from Clydach Road (B4273) is sub-standard in terms of width for safe two-way vehicular movement, has an acute angled junction, sub-standard visibility, lack of continuous footway links and lack of positive surface water drainage.

Acute angled junction

There is major concern with regards the acute angled junction onto the B4273 Clydach Road with sub-standard visibility and any increase of vehicular movement at this location.

Pedestrian Access

Pedestrians would be forced to walk in the carriageway with sub-standard width as a shared surface to the detriment of safety of all highway users. This is of particular concern given the lack of positive drainage resulting in potential freezing on the carriageway leading to potential slips / collisions and third-party claims.

Manual for streets indicates that a minimum unobstructed footway width of 2.0m should be provided for safe pedestrian access for able and less able-bodied pedestrians.

Highways Summary

There is concern with regards the sub-standard nature of Mill Road leading to the site. However, the applicant proposes to maintain the ground floor use as a public house/restaurant and upgrade the existing facilities which is not envisaged to have any significant adverse impact on highway or pedestrian safety and therefore, is considered acceptable and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Flood Risk

The revised planning application proposes the retention of highly vulnerable development (residential use) at first floor, and alterations to existing less vulnerable development (public house) at ground floor.

Natural Resources Wales Flood Risk Map confirms the site as being within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN 15) (July 2004).

Within their response, NRW have commented that given the nature of the development, which does not result in any change from the existing situation with regards to flood risk, they consider the proposals could be acceptable subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

To this end, it is noted that the applicant has proposed to provide a more permeable gravel surface to the front of the site and this would be re-graded to fall away from the building towards the river bank. ACO drains would also be installed to the buildings frontage and whilst it is noted some new development at the site is proposed in the form of a replacement entrance hallway, Members are advised this would be rebuilt to a reduced footprint and therefore, the development would have no further adverse impact, in terms of flood risk, on neighbouring properties and elsewhere on the flood plain.

Consequently, the application would comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan in this regard.

Neighbouring Consultation Responses

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

The objectors initially tendered objections regarding the loss of the almost half of the ground floor space of the building to a residential use. However, the amended plans received now indicate that the whole of the ground floor would be retained for use as a public house and that a kitchen, cellar, public bar and snug areas would remain.

Furthermore, 26no. parking spaces would be formed within the site curtilage and it is therefore clear that the use of the building as a community asset would be retained.

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 proposal is considered to be acceptable and the public house, which appears to be valued by the local community, would be retained.

Furthermore, no significant concerns are raised with regard to the impact of the proposed development upon the character and appearance of the application site, the amenities or privacy of the neighbouring residents or highway safety.

The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby approved shall be carried out in accordance with the approved drawing numbers and documents received by the Local Planning Authority on 03/10/2023, 14/11/2023 and 16/02/2024, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing no. 23.06/01 Rev. A (Block Plans)
- Drawing no. 23.06/02 (Existing South Elevations)
- Drawing no. 23.06/03 (Existing North Elevations)
- Drawing no. 23.06/04 (Existing Ground Floor Plan)
- Drawing no. 23.06/05 (Existing First Floor Plan)
- Drawing no. 23.06/06 Rev. C (Proposed South Elevations)
- Drawing no. 23.06/07 Rev. C (Proposed North Elevations)
- Drawing no. 23.06/08 Rev. C (Proposed Ground Floor Plan)
- Drawing no. 23.06/09 (Proposed First Floor Plan)
- Location Plan

Reason: For the sake of certainty, to ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

2. The 2 metre high privacy screening on the balcony hereby approved shall be installed within 2 months of the date of this consent.

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

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PLANNING & DEVELOPMENT COMMITTEE

07 March 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1169/10 (JE)
APPLICANT: Mr J Pritchard
DEVELOPMENT: Detached dwelling and upgrade works to access lane.
(Coal Mining Risk Assessment received 21/11/23)
(amended red line boundary and plans received 15/12/23)
LOCATION: LAND TO THE REAR OF MILDRED STREET,
BEDDAU
DATE REGISTERED: 20/10/2023
ELECTORAL DIVISION: Beddau and Tyn-y-nant

RECOMMENDATION: APPROVE

REASONS: The principle of development is considered acceptable and the proposed scheme would not result in a significant impact upon the character and appearance of the surrounding area or the amenities of the surrounding properties. Furthermore, there would be no undue impact upon pedestrian or highway safety in the vicinity of the site, subject to works detailed in the conditions below being carried out. As such, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.
- A request has been received from local Member Councillor Julie Barton for the matter to come to Committee so that Members can consider the key issues of the application.

APPLICATION DETAILS

Full planning permission is sought for the construction of a detached dwelling and upgrade works to the adjacent service lane at land to the rear of Mildred Street, Beddau.

The proposed dwelling would be located centrally within the plot with an area of parking to the front and a garden to the rear. The dwelling would measure a width of 12.4 metres by a depth of 12 metres. The dwelling would have a hipped roof design which also incorporates 2no. gable features on its front elevation measuring a maximum height of 8 metres sloping to 5.1 metres at the eaves. Access to the dwelling would be via an existing service lane which adjoins Heol Y Beddau to the south east of the proposed dwelling.

The proposed upgrade works to the lane would consist of increasing the width from 3.5 metres to between 4.5 and 5.5 metres and the creation of a formal turning head along with new surfacing.

The application is supported by:

- Coal Mining Risk Assessment
- Coal Mining Technical Note
- Green Infrastructure Statement

SITE APPRAISAL

The application site is an irregular parcel of land located within the settlement of Beddau. The site occupies a position to the rear of Heol Y Beddau and has been historically cleared and is currently largely open with an area of vegetation along its northern boundary and a large tree to the western boundary of the site. The site is bounded by properties at Wellfield Mews to the north, a storage unit within the ownership of the applicant to the east and residential properties along Heol Y Beddau to the south and west. The site occupies an elevated position above the storage unit to the east and the properties to the south, with a decrease in levels seen towards the site access.

The area surrounding the site is residential in nature and is characterised by various property types.

PLANNING HISTORY

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

19/0791/10: LAND TO THE REAR OF 23 - 43 HEOL-Y-BEDDAU, BEDDAU, PONTYPRIDD, CF38 2AG

Single storey storage unit. (Coal Mining Risk Assessment Received 26/09/19)

Decision: 23/10/2019, Grant

20/0278/38: LAND OFF HEOL Y BEDDAU, TYNANT, BEDDAU, PONTYPRIDD.

Discharge of condition 6 Site Investigation Report

Decision: 18/09/2020, Grant

21/0431/15: STORAGE UNIT OFF HEOL Y BEDDAU, PONTYPRIDD, CF38 2AG
Variation of condition 2 (approved plans) to seek permission for amended building location, building height, forecourt and external cladding. (Original application 19/0791/10). (Amended Plans Received 02/08/21)
Decision: 26/11/2021, Refuse

22/1409/39: LAND TO THE REAR OF 23 - 43 HEOL-Y-BEDDAU, BEDDAU, PONTYPRIDD, CF38 2AG
Non Material Amendment to regularise changes made to the external elevations and inclusion of internal toilets.
Decision: 14/04/2023, Grant

23/0349/39: LAND TO THE REAR OF 23 - 43 HEOL-Y-BEDDAU, BEDDAU, PONTYPRIDD, CF38 2AG
Reduce external ground level and extend cladding by 300mm.
Decision: 12/05/2023, Grant

PUBLICITY

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

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

- Within the period from 1994 to the present we have had consistent observed sightings of bats in the vicinity, with the unconfirmed suspicion of roosting within at least one of the multiple known protected trees. This also highlights the fact only one protected tree is mentioned within the report. In addition, there has been sighting of mammals, birds including nesting birds and butterflies within the vicinity of the site. The site accommodates visible reptile habitat and Dormice are known to inhabit the area including Tynant Woods and the Church Village Bypass. As such, the application should be accompanied by a relevant ecological assessment.
- It is well known by the local residents that a culvert is in place following the fence line of Wellfield and runs into the drains within Wellfield Mews. There have been a number of flooding incidents historically in the road that joins Wellfield, Wellfield Mews and Mildred Street especially during the development of Wellfield itself. In support of local drainage concerns, there are numerous zone 2 and 3 flooding issues within the nearby environment as highlighted in NRW's own flood planning map. There are no considerations or plans within the application to show how this drainage is expected to support the removal of greenfield land or the development process.
- The size of the building and the location within the plot would be intrusive to neighbours including ourselves within 45 Wellfield.

- The new dwelling sits to the south east of 45 Wellfield. It would significantly reduce the amount of light into both the home and garden as well as removing the current view towards Garth Mountain.
- The development is likely to result in a devaluation of our property as well as that of our neighbours.
- The house will obstruct my sunlight, will be an eyesore and I feel an infringement of my privacy.
- I don't feel the land is a suitable place to build a 5 bedroom dwelling so close to existing houses.
- The house will block out light to our house and will look over our home.
- Very close proximity to boundary fence.
- Lights from planned property will impose on my property.
- Building is directly over a culvert pipeline.
- Increase noise and disturbance levels.
- Previous application that came before committee was refused due to highway safety concerns.
- Concerns around the accuracy of the information within the supporting coal mining information.
- Highway safety concerns associated with the use of the access lane to serve the dwelling.
- Vision splays required for the safety of pedestrians and highway safety is not possible due to existing garages and walls.

Members are advised that an objector has also raised a number of concerns with regard to the use of the adjoining storage unit under the ownership of the applicant which they consider is being operated in breach of the approved conditions. These concerns do not relate to this current application and have been passed to the Council's Planning Enforcement team and will be investigated separately to this planning application.

CONSULTATION

Transportation Section: No objection subject to conditions.

The Coal Authority: No objection.

Flood Risk Management (Drainage): No objection subject to condition.

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

South Wales Fire and Rescue: No objection.

Countryside (Ecology): No objection raised subject to condition with regard to ecological enhancement measures.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

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

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

Policy AW4 - details the criteria for planning obligations, including the Community Infrastructure Levy (CIL).

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

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

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

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

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

Supplementary Planning Guidance

- Design and Placemaking
- Delivering Design and Placemaking: Circulation & Parking Requirements
- Nature Conservation
- Planning Obligations

National Guidance

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

Planning Policy Wales (Edition 12) (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 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 proposed site for the dwelling is located within the defined settlement boundary and forms part of a large residential area of Beddau. As such the proposed dwelling would comply with LDP Policies CS2, AW1 and SSA13, all of which support the provision of new housing on unallocated sites within settlement boundaries in the Southern Strategy area.

The application site is also within easy walking distance of public transport links with satisfactory links to the wider community to promote sustainable modes of transport. As such, the application is considered to comply with Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

With regard to the works to the access lane, these works would involve the improvement of an service lane that would also provide a benefit to neighbouring properties along Mildred Street along with serving the proposed dwelling.

Therefore, the principle of development could be considered acceptable subject to compliance with the criteria set out below.

Impact on the character and appearance of the area

The proposed development is considered to be acceptable in terms of the design, siting, massing, scale, materials and overall visual appearance. This view is taken for the following reasons:

Whilst there is some concern with regard to the siting of the dwelling to the rear of existing development in this area, which could be considered to form 'backland development', when considering recently refused application ref. 22/1270/10 which proposed a similar dwelling at a plot to the rear of existing dwellings in Ynyshir and was refused for this reason, it is noted that during the subsequent appeal the Inspector had no concerns in terms of 'backland development' and the appeal was allowed. There have also been several other similar schemes more recently throughout the County Borough which have each been approved. It is not considered that this proposed development would be dissimilar from these cases and therefore, it is the application is, on balance, considered acceptable in this regard.

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. As such, it is not considered that the proposal would result in overdevelopment of the plot. Whilst the proposed dwelling would be of a significant scale that would result a prominent addition to the site and the immediate area, given the varied nature of the surrounding properties it is considered the proposed dwelling could be accommodated without causing unacceptable harm to the overall character and appearance of the area.

Notwithstanding the above, given the scale of the site and dwelling there is the potential for significant additions through the use of permitted development rights,

which could result in an unacceptable impact. As such, to ensure that any further extensions or additions do not adversely impact upon the character and appearance of the area a condition is set out below to remove permitted development rights.

The application currently lacks sufficient information in relation to landscaping. Nevertheless, it is considered that these matters could be controlled via suitably worded conditions.

As such, it is considered that the proposals will not have a significant impact on the character or appearance of the area and 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

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

Given the siting of the development any impact upon residential amenity would be greatest upon properties at Wellfield Mews to the north and Heol Y Beddau to the south. These impacts are considered in more detail below.

With regard to properties at Heol Y Beddau, the rear elevation of these dwellings would be separated by approximately 22.8 metres at their closest point from the proposed dwelling. As such, whilst the dwelling would form a visible addition from these dwellings given the side on relationship any impact would be typical of that which occurs between neighbouring properties within the vicinity and is considered acceptable.

Turning to the impact upon properties at Wellfield Mews to the north which are separated by approximately 13 metres from the dwelling. It is appreciated that the proposal would have its greatest impact upon this elevation and would be a prominent addition from the rear of the properties. However, when considering that these properties are elevated above the proposed dwelling by approximately 1.8 metres along with the separation distance, it is not considered that any impact would be great enough to warrant a refusal of the application. Members are also advised that following the consultation exercise amended plans were received which decreased the ridge height of the property by 1 metre to address concerns raised.

When considering the impact upon the privacy of neighbouring occupiers which has been raised by the objectors, given the orientation of the property and the fact that first floor windows on the side elevations would be obscured glazed, it is not considered that the proposed dwelling would exacerbate existing levels of overlooking that have been established between neighbouring properties within the vicinity of the site.

The objectors also raised concerns regarding loss of light to their property. Taking into account the relationship with the closest neighbouring properties set out above, it is not considered that the development would result in any adverse loss of sunlight and overshadowing of surrounding properties. In addition, matters surrounding the right to light form a civil matter and do not form a material planning consideration.

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

Highway Safety and Parking Provision

The Council's Transportation Section were notified during the consultation process 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

Access to the proposed development would be via the adopted lane served off Heol-y-Beddau. The lane also provides access to rear off-street parking for multiple dwellings on Mildred Street and the applicant's existing storage unit.

The lane is severely sub-standard in terms of width to accommodate 2-way traffic flow, junction radii, vision splays to the left, segregated pedestrian footway facilities, turning area, street lighting, highway drainage and structural integrity. However, the applicant has overcome these concerns by purchasing a strip of land adjacent to the lane to provide a carriageway widened to 4.5m with a large section widened to 5.5m and a full size turning facility which can accommodate the turning movements associated with a residential use such as a refuse vehicle. The lane is currently adopted highway class 6 which requires reactive maintenance only. The applicant proposes to upgrade the lane access including the widened section and offer for adoption which can be conditioned accordingly.

The proposed dwelling will result in between 7-10 vehicular movements per day. Taking into account the limited additional traffic to that which already occurs, the improvements suggested to overcome previous concerns by widening the existing lane with provision of full size turning facility which will not only result in the application being acceptable as a shared use for pedestrians and vehicles but will provide a wider lane width to enable residents of Mildred Street to provide rear off-street car parking with the lane width providing easier access to the rear garden should residents wish to convert gardens to parking spaces or use existing facilities.

SPG Access, Circulation & Parking 2011.

The proposed dwelling requires up-to a maximum of 3 off-street spaces with 3 provided which is acceptable.

Conclusion

The existing access lane is sub-standard for use as a residential access. However, taking into account the limited additional traffic generated by one dwelling, the improvements proposed by widening the carriageway with provision of a full size turning facility which is acceptable as a shared use for residents and vehicles along with the benefit of ease of access to the rear of existing dwellings on Mildred Street for residents wishing to park off-street, the proposed is acceptable in highway safety terms.

Ecology and Biodiversity

Whilst the comments of the objectors that the application has not adequately addressed ecology issues are noted, following consultation the Council's Ecologist has set out that given the nature of the site and the scope of the works proposed with the cut and fill operations outside of the area of the retained trees, any associated ecological implications would be limited. As such, no specific ecological assessment is required to support the application, however, to ensure that the proposed development results in a positive impact upon biodiversity a condition requiring details of bat/bird bricks is set out below.

Historic Coal Mining Activity

Following the submission of a Coal Mining Risk Assessment and subsequent technical note in support of the application, the Coal Authority considered that the submitted information is sufficient in demonstrating that the application site is safe and stable for the proposed development. As such, the application is considered to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan and is acceptable in this regard.

Public Health

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

Drainage

Following consultation, the Council's Flood Risk Management Team and Dwr Cymru Welsh Water raised no objection to the application. However, both consultees requested a condition be attached to any consent with regard to surface water drainage from the proposed development. Nevertheless, as this development would

require separate SAB approval it is not considered that such a condition would be reasonable or necessary.

Other issues raised by the objectors

The loss of view and impact upon property values 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 liable for a charge under the CIL Regulations 2010 as amended. The application site lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £35601.84.

Conclusion

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

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan no's
 - 2951 NB 01
 - 2951 NB 02and documents received by the Local Planning Authority on 15/12/23, 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. 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. Before the development is brought into beneficial occupation, the means of access, together with the parking and turning facilities, shall be laid out in accordance with submitted plan 2951 NB 02 REV A and constructed in accordance with details to first be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site.

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

5. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the works to the existing lane running parallel to Mildred Street including lane widening, turning facility and its tie in with Heol Y Beddau together with sections and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

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

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

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

7. No development shall commence on site, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for;
 - a) the means of access into the site for all construction traffic,
 - b) the parking of vehicles of site operatives and visitors,

- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

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

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 take place 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.

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 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. 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.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no extensions, outbuildings or any other structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the site and amenity of neighbouring occupiers in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

07 March 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1244/10 (GH)
APPLICANT: RHA Wales
DEVELOPMENT: Development of 18 affordable dwellings, car parking, landscaping, sustainable drainage and associated works (Revised plans, to include solar panels on dwellings, received 13th December 2023. Revised Site Layout Plan, Soft Landscaping Details and Green Infrastructure Statement, Landscape Specification and Management Plan received 14th February 2023)
LOCATION: LAND TO THE EAST OF EAST STREET, TYLORSTOWN, FERNDALE
DATE REGISTERED: 14/02/2024
ELECTORAL DIVISION: Tylorstown and Ynyshir

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

REASONS: The application site is located within the settlement boundary where new residential development is supported in principle by both Planning Policy Wales 12 and the Local Development Plan.

The design and layout of the development would make efficient and attractive use of the site and in contributing to the shortfall of quality affordable housing, would be sympathetic to the existing neighbouring land uses.

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 affordable housing development on a piece of land at East Street, Tylorstown.

This residential scheme has been submitted on behalf of Rhondda Housing Association and eighteen dwellings of the following types are proposed:

- 3 x two-bedroom houses
- 3 x three-bedroom houses
- 2 x four bedroom houses
- 8 x one-bedroom apartments
- 2 x two bedroom apartments

The development would be aligned with the public highway along East Street with direct access for pedestrians and vehicles to each property. A new pavement and vehicular crossovers are proposed along this part of the site boundary.

The three blocks of apartments, all two storey, would be constructed at the northern end of the site and in addition to a small courtyard car park, would have a communal garden area as well as space for drying and separate cycle and bin stores.

Each of the houses would have parking and a small garden area to the front, with larger enclosed gardens to the rear. All of the site area would benefit from a landscaping plan and sustainable drainage features, including swale and rain gardens, as part of the surface water drainage strategy.

In terms of their appearance, all the new buildings would be of a modern character and relatively simple form. External finishes, which would apply to all dwelling types, would comprise masonry to the ground floor elevations, with contrasting fibre cement cladding to the first.

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

- Design and Access Statement
- Arboricultural Impact Assessment and Tree Survey
- Preliminary Ecological Appraisal
- Green Infrastructure Statement, Landscape Specification and Management Plan
- Reptile Survey
- Pre-Application Consultation (PAC) Report

SITE APPRAISAL

The application site is an irregular-shaped parcel of land, of approximately 0.32 hectares, which is located on East Street, close to its junctions with Hirwaun Place, Prospect Place and Edmond's Street.

The site is on the eastern fringe of Tylorstown and is both within and adjacent to the defined settlement boundary. Both it and the surrounding area are part of a Registered Landscape of Outstanding Historic Interest in Wales.

The land slopes away from the level of the highway of East Street towards the direction of the Rhondda Fach River and levels to a flatter area before falling away again to the east. Previously the site comprised grassland, scrub and a handful of trees, although the site has been subject to some clearance work in previous years.

The majority of the development closest to the site comprises Victorian-era dwellings and these are located on the opposite side of East Road and at Edmond's Street to the south. The Rhondda Fach Leisure Centre occupies the neighbouring site to the north, whilst that to the east, beyond the settlement boundary, is open countryside.

PLANNING HISTORY

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

- 23/5042/41:** Pre-application advice: Residential development of 18 dwellings and associated works. Decision: 05/02/2023, Raise No Objection.
- 22/0777/39:** Non Material Amendment to boundary treatments including reptile area to bottom of gardens and minor changes to fence lines and paths 21/0245/15 (original consent 16/0070/10) (Amended description 10/08/2022). Decision: 12/09/2022, Grant.
- 21/1196/10:** 4no. detached 4B/7P detached houses with integral garages, widening of street pavement (Landscape Design Statement received 31/8/21, Preliminary Ecological Assessment received 3/12/21, reptile Survey received 23rd May 2022 and revised site layout plan received 20th June 2022). Decision: 13/09/2022, Grant.
- 21/0245/15:** Extension of condition 1 - 5 year time limit (prev. app. 16/0070/10). Decision: 14/04/2021, Grant.
- 17/0442/15:** Variation of condition 2 (approved plans) of planning ref: 16/0061/10. Decision: 06/07/2017, Grant.
- 16/0979/38:** Discharge of Conditions 3 (Site Investigations Geo-Tech), 4 (Landscaping), 6 (Materials), 7 (Geo-Env), 10 (Drainage), 13 (1.8m Footway/Vehicular Cross-over) and 14 (Traffic Management and Wheel-Washing) of application (16/0061). Decision: 09/05/2017, Grant.
- 16/0070/10:** 5 no. houses (4 x 3B, 1 x 4B) and new private access points off East Street. Decision: 07/07/2016, Grant.

16/0061/10: Erection of a 4 bedroom dwelling, detached double garage and detached garage block of 4 garages for private rental. Decision: 08/04/2016, Grant.

05/1842/13: Residential Development (additional information received 31/10/05). Decision: 04/04/2006, Grant.

PUBLICITY

The application has been advertised by direct notification to eighteen 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 27th November 2023 identifying that the proposal comprises major development.

One letter of objection has been received which can be summarised as follows:

- This would not be good for the area as previous developments at Penrhys, Hendrefadog and Sunny Hill have shown. Of all these areas that the Council has been involved with only part of Penrhys is left. People have been moved from outside Wales to live in RCT. The Council doesn't look after people from the RCT area and it's not fair on the people of East Street to have their view taken away.

CONSULTATION

Highways and Transportation

No objection, subject to conditions relating to engineering design and a construction method statement.

Flood Risk Management

No objection subject to a condition in respect of surface water disposal.

Public Health and Protection

No objection. Conditions are recommended in respect of noise, dust, waste and lighting. However, these matters can either be dealt with under the scope of existing public health legislation or will be covered as part of the Construction Method Statement sought by a separate condition.

Dwr Cymru Welsh Water

No objection, subject to a condition regarding foul water and an informative note.

National Grid

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

South Wales Fire and Rescue Service

No objection, noting the developer should also consider the need for the provision of adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances.

Countryside Section – Ecologist

No objection, subject to a condition to secure biodiversity enhancement and landscape details for approval.

South Wales Police

Comments were previously provided in response to an earlier pre-application 23/5042/41 submission. A number of recommendations were made which have all been incorporated within the planning application. South Wales Police is happy with the new plan and have no further comments to make.

Tree Officer

No major impacts or issues are foreseen since the trees and species are relatively insignificant on this site.

Housing Strategy Team

This social rented scheme has been designed by RHA Wales in dialogue with the Council's Housing Strategy Team to help address the need for additional affordable housing within Tylorstown. The unit mix and tenure proposed are in accord with the Local Housing Market Assessment 2022/37, and, as such, this proposal satisfies Policy NSA11 of the adopted Local Development Plan

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 Tylorstown.

Policy CS1 - sets out the strategy approach for the Northern Strategy Area of the County Borough. The focus of the strategy is on building strong, sustainable communities and promoting residential development in locations which reinforce the roles of the Principal Towns and Key settlements. The policy references encouraging the protection of the historic built heritage and the natural environment.

Policy CS4 - Housing requirements: sets out the housing requirement figure for the plan period.

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

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

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, 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 would have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value.

Policy AW6 - supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Proposals must also be designed to protect and enhance biodiversity, and landscaping and planting should be integral to the scheme. The policy also supports design that promotes good water management.

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.

Policy AW14 - safeguards mineral resources from development that would sterilise them or hinder their extraction, including areas where coal reserves are indicated on the LDP proposals map.

Policy NSA10 - Housing density: permits proposals where the net residential density is a minimum of 30 dwellings per hectare.

Policy NSA11 - the provision of at least 10% affordable housing will be sought on sites of 10 units or more.

Policy NSA12 - permits housing development within the settlement boundary providing it is accessible to local services by a range of sustainable transport modes, does not adversely affecting the highway network or provision of car parking in the surrounding area, and does not affect the provision of open space.

Supplementary Planning Guidance

- Delivering Design and Place-making
- Access, Circulation and Parking Requirements
- Affordable Housing
- Planning Obligations
- Nature Conservation
- Development of Flats

National Guidance

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

Planning Policy Wales Edition 12 (PPW) was issued on 7th February 2024 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 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 within a national growth area and the defined settlement boundary which means that development would meet the strategic aims of FW2040 and PPW12.

LDP Policies CS1 and NSA12 support the provision of residential development in the Northern Strategy Area within settlement limits. Policy AW1 sets out the housing land requirement for the plan period, and identifies that this will be met, in part, by the development of unallocated sites such as this one.

With regard to Policy AW2; this policy identifies a range of criteria to help establish whether or not a site would be a sustainable one. In this respect there are no specific environmental constraints which apply to the site and a residential use would be compatible with all of the surrounding dwellings. In addition, there are some shops and services within walking distance of the site, and there are frequent bus services along the Rhondda Fach valley.

The planning history for the site demonstrates that previous planning permissions for residential development have been granted for the whole extent of the site. Indeed, two of these permissions, which would enable the construction of 9 detached houses, are still live; hence they are considered to carry significant material weight in favour of the proposal.

With regard to the National Sustainable Placemaking Outcomes which are set out within Chapter 2 of PPW12, the development would make use of existing infrastructure and local services, whilst providing homes to meet local need at an appropriate density. In addition, the development would be of high quality, by virtue of it having to comply with WDQR standards and has demonstrated that it could deliver a biodiversity net benefit.

Consequently, the site is considered to be a suitable and sustainable location and the aforementioned LDP policies indicate that there would be a presumption in favour of the principle of residential development, subject to consideration of the other relevant material matters outlined below.

Impact on the character and appearance of the area

The proposed site layout would align the new properties with the adjoining highway to the west and north. It is recognised this makes for straightforward vehicular and pedestrian access to most plots, without having to set aside more of the site surface area for infrastructure.

Both houses and flats would have access to either private or communal external space and it is noted that the remaining land to the rear would be set aside for ecological reasons or to enable the inclusion of SuDS features.

It is also noted that all of the properties are set back from East Street. This will enable some soft landscaping to the front of properties, which will benefit the street scene and also creates sufficient room for both parallel and in tandem off-street parking spaces.

In terms of design and scale the new properties would be two-storey and of a comparable scale to the existing built environment. External elevations would comprise a mixture of Bradstone blocks, with fibre cement cladding to the first floor levels, which should ensure that the development would have some visual interest.

Although the style of the properties is distinctly modern, it is considered that the development would be an appropriate and attractive addition to the local area.

Impact on neighbouring occupiers

In the absence of any immediate neighbouring properties to the northern, eastern and southern boundaries of the application site, the key consideration is how the development would relate to the existing dwellings on the opposite side of East Street.

Although the sole objector was concerned about the loss of a view, this is not a planning matter. Nonetheless, how the development would affect the outlook of existing neighbours, is a material consideration.

Whilst residential outlook towards the west would be altered, the site layout and section drawings provided by the Applicant demonstrate that there would be anywhere between 16m and 18m between opposing new and extant elevations, with both being at a similar ground level. Those distances are a little less than the 21m rule of thumb guide, which is often used as an indication of whether mutually intrusive views are likely to occur.

However, the street elevation drawing shows that the new properties would be reasonably well spaced along East Street, which would be less impactful than a continuous long elevation like a terrace, since the gaps would provide views between properties and help to avoid an unacceptable sense of overbearing or dominance of outlook.

In addition, it is recognised that much of the surrounding Victorian development in Tylorstown, including further along Edmond Street demonstrates a pattern of terraced dwellings face-to-face which are separated by no more than the width of the highway and pavements.

Lastly, in terms of any other third party amenity considerations, it is noted that the surrounding properties comprise mostly residential land uses, which taken together with the proposed scale and siting of the new dwellings, would not present any issues pertaining to unacceptable harm to outlook or incompatibility.

Therefore, although the development would represent a considerable change to outlook for existing residents at this part of East Street, it is considered that the impact on amenity and privacy would not be detrimental to a level which would justify a recommendation of refusal.

Ecology, Biodiversity and Green Infrastructure

The Council's Ecologist has confirmed that the initial landscaping plan has been amended to include a reptile mitigation area and has removed *Salix lanata* from the

soft landscaping proposals; both of which are considered acceptable from an ecology perspective.

The Green Infrastructure Statement has also been revised to take account of grassland management, in respect of these areas having, after the first year, a single late cut. This also includes the raking up and collecting the cut grass for removal, which the ecologist considers to be essential management.

In addition, the importance of management of the reptile area is emphasised, and the suggested approach is that a mosaic cut is undertaken, with half the area cut and carefully raked up in late summer in odd numbered years, and the other half managed in the same way in even numbered years.

On this basis, the Ecologist has advised that the application is acceptable from a biodiversity perspective subject to a condition to ensure the development is carried out in accordance with the measures outlined in the Soft Landscaping Details, Reptile Survey and combined Green Infrastructure Statement, Landscape Specification and Management Plan.

Access and highway safety

The proposed development would be served from East Street, Tylorstown which has a carriageway width which varies between 6.4m-7.4m with no parking restrictions and speed reducing features reducing speeds to in the region of 20mph.

Since East Street provides access to the junior school nearby, a condition restricting construction HGV movements during pick up and drop off has been suggested. In addition, an uncontrolled crossing point at the bell mouth of Prospect Place could be required and such details can be addressed as part of the detailed design process via condition.

The Councils SPG for Access, Circulation & Parking identifies that the proposed development would be seven spaces short of the maximum standards. Nonetheless, since the most recent Census information shows that residents of social housing have much lower levels of car ownership, and the development would be sustainably located, the provision would be acceptable. Any short-term visitor parking could be accommodated on-street.

Drainage

Dwr Cymru Welsh Water (DCWW) has advised that it was previously informed of the proposed development during PAC consultation and that capacity is currently available in the water supply system to accommodate the development.

It is acknowledged that the intention is to discharge the surface water via infiltration with any exceedance flows directed towards the river bank and that foul flows from the

proposed development can be accommodated within the public sewerage system, at the specific point identified in the recommended condition.

The Council's Flood Risk Team has confirmed that the development would require an application to the Sustainable Drainage Systems (SuDS) Approval Body (SAB) and that the site does not fall within an area of surface water flood risk.

However, a condition is recommended for the submission of surface water drainage details since although the application indicates that the proposed surface water drainage will be designed to accommodate a 100 year +40% climate change storm event, calculations to evidence this have not been provided at this stage.

Other Matters

With regard to the other issue raised by the objector to the scheme, no material weight has been given to the merits of historical local authority housing schemes in unrelated locations, whether considered successful or not.

This modest application, on behalf of Rhondda Housing Association, is required to meet the relevant national and local planning policy tests outlined further above and, in that regard, has been considered to be acceptable.

Community Infrastructure Levy (CIL) Liability

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

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

Section 106 Contributions / Planning Obligations

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

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

1. necessary to make the development acceptable in planning terms,
2. directly related to the development; and,

3. fairly and reasonably related in scale and kind to the development.

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

The Section 106 requirements in this case

In this case the proposed development, on behalf of the Registered Social Landlord Rhondda Housing Association, would provide 100% affordable housing for social rent.

Therefore, a S106 agreement will be required for the following:

- i) To ensure that the dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs. Additionally, the reduced off-street parking provision, compared with the Council's SPG for Access, Circulation and Parking, has been considered acceptable on the basis that residents of social housing demonstrate lower levels of car ownership.
- ii) to secure an off-site recreation contribution of £18,000 (£1,000 per dwelling) to the upgrading of the existing play area at Edmondes Street, in accordance with the Council's SPG for Planning Obligations.

Conclusion

The proposed scheme would result in a small housing development which would help to address local needs, as set out within the Local Housing Market Assessment, and which would help to create an attractive street scene.

The impact of the development upon the residential amenity of the surrounding neighbouring properties and existing residents would be considered to be acceptable and the scheme could be delivered without detriment to highway safety.

In addition, the development would provide a biodiversity net gain and appropriate consideration has been given to green infrastructure.

The application is therefore considered to comply with the relevant policies of the Local Development Plan.

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:

- A002 Site Layout Rev. K
- A004 Site Sections Rev. F
- A005 Type 1 Rev. D
- A006 Type 2 Floor Plans Rev. D
- A007 Type 2 Elevations Rev. D
- A008 Type 3 Rev. D
- A009 Type 4 Rev. D
- A010 Type 5 Rev. D
- A011 Type 6 Rev. D
- A012 Type 7 Rev. D
- Detailed Soft Landscape Proposals TDA.2883.01(Rev. C)

and details and documents received on 31st October 2023, 13th December 2023 and 14th February 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 shall take place, other than 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,

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.

4. No development shall take place, other than site clearance, until full engineering design and details of the site boundary set back to provide for a 2m wide footway / vehicular crossover, complete with un-controlled crossing facilities, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

5. No development shall take place, other than site clearance, until a scheme for the management of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall evidence the development would comply with the requirements of Section 8.3 of PPW Technical Advice Note 15.

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 in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall take place, other than site clearance, 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.

7. Prior to beneficial occupation, the parking and turning facilities shall be laid out in accordance with the approved plans; and the car parking spaces shall be surfaced in permanent material and remain for the parking of vehicles in association with the proposed thereafter.

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

8. All planting, seeding or turfing comprised in the approved plan 'Detailed Soft Landscape Proposals TDA.2883.01(Rev. C) 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.

Thereafter the development shall be managed in accordance with the Section 9 of the Reptile Survey (report by Just Mammals, dated May 2022) and Green Infrastructure Statement, Landscape Specification & Management Plan (report by TDA, dated July 2023 and updated February 2024).

Reason: In the interest of biodiversity and the natural environment in accordance with PPW 12 and Policies AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

9. No surface water run-off from the proposed development shall discharge onto the public highway or be connected to any highway drainage system.

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

10. No HGVs shall access or leave the site between the hours of 08:30-09:30 am and 14:30-15:30 pm on weekdays.

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

11. Only foul water from the development site shall discharge to the public sewerage system and this discharge shall be made at manhole reference number ST01951602 located in East Street.

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.

PLANNING & DEVELOPMENT COMMITTEE

07 March 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1277/38 (GD)
APPLICANT: Brickcraft Construction Ltd
DEVELOPMENT: Discharge of conditions 7 (Traffic management details) and 8 (drainage details) as imposed on permission 23/0575/15 for the construction of 3 no. 3 bedroom linked housing units
LOCATION: LAND ADJ TO 15 GROVER STREET, GRAIG, PONTYPRIDD
DATE REGISTERED: 07/12/2023
ELECTORAL DIVISION: Graig and Pontypridd West

RECOMMENDATION: Approve

REASONS: The relevant consultee departments have both confirmed that the submitted details sufficiently address the requirements of the relevant conditions and that they can now be discharged.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

BACKGROUND

A renewal of planning permission for the construction of 3no. 3 bedroom link houses was considered at the Planning and Development Committee on 19th October 2023 and permission granted subject to conditions.

APPLICATION DETAILS

Consent is sought for the discharge of conditions 7 and 8 of planning permission 23/0575/15 relating to the construction of 3no. 3 bedroom link houses adjacent to 15 Grover Street.

Condition 7 states

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 unless otherwise agreed in writing by the Local Planning Authority.

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

Condition 8 states

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.

The application is supported with plans relevant to the details the developer is attempting to agree.

SITE APPRAISAL

The application site is approximately 650sqm in area and lies at the north-western end of Grover Street, adjacent to number 15. The site is a cleared, vacant parcel of land. Adjoining the northwest of the site the land slopes away down to meet Sardis Road public car park. A footpath which connects Grover Street with the car park also lies within the redline boundary of the application site. An access path serving the rear of terraced properties in Grover Street and Kirkhouse Street runs adjacent to the eastern boundary of the site between the application site and 15 Grover Street. The southwestern site boundary is defined by the rear boundary wall of a neighbouring residential property known as Ger-Y Nant (which is served off Kirkhouse Street). The adjacent residential properties mainly consist of traditional terraced properties of a mixed external finish of render and stone, with a scattering of new larger properties in brick and render along Kirkhouse Street.

PLANNING HISTORY

23/0575	Land adj. 15 Grover Steet, Graig, Pontypridd	Variation of condition 1 of application 18/0617/15 to extend the current consent by a further 5 years (original application 13/0758/10 – residential development,	Granted with conditions 19/10/23
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		construction of 3no. 3 bedroom link houses)	
18/0617	Land adj. 15 Grover Steet, Graig, Pontypridd	Variation of Condition 1 of previous application 13/0758/10 to extend the approval for a further 5 years.	Granted with conditions 05/07/18
13/0758	Land adj. 15 Grover Steet, Graig, Pontypridd	Residential development, construction of 3 no. 3 bedroom linked housing units (Amended Plans Received)	Granted with conditions 28/20/13
08/1292	Land North/West Limit, Grover Street, Graig, Pontypridd.	Renewal of consent 05/1561/15 - Erection of a two storey block of residential flats.	Granted with conditions 13/10/08
05/1567	Land North/West Limit Grover Street, Graig, Pontypridd.	Renewal of consent 02/1027/15 - Erection of a two storey block of residential flats.	Granted with conditions 28/10/05
02/1027	Land North/West Limit Grover Street, Graig, Pontypridd.	Renewal of consent 99/2420/15 - erection of a two storey block of residential flats	Granted with conditions 09/09/02
99/2420	Land North/West Limit Grover Street, Graig, Pontypridd	Renewal of consent 95/0786 - Erection of a two storey block of residential flats.	Granted with conditions 27/07/99
95/0786	Land North/West Limit Grover St, Graig Pontypridd	Erection of a 2 storey block of residential flats (renewal of outline permission ref: 56/92/0925).	Granted with conditions 31/05/96
92/0925	Land North/West Limit Grover St, Graig, Pontypridd	Erection of a 2 storey block of residential flats (renewal of outline permission ref: 89/1062)	Granted with conditions 02/02/93
89/1062	Land to North West limit of Grover Street, Graig, Pontypridd	Residential flats (2 storey)	Granted with conditions 10/01/90

89/0788	Site of existing garages at North western limit of Grover Street, Graig, Pontypridd	Erection of block of flats (3 storey)	Refused 23/10/89
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PUBLICITY

No publicity is required to be undertaken in respect of discharge of conditions applications however, in this instance eight letters of objection from 4 different sources have been submitted raising the following issues

Traffic Issues

- The submitted plan prevents vehicles from turning safely at the bottom of the street, the suggested image shows the turning circle is not big enough and will prevent vehicles from entering and leaving the street in a forward gear.
- If the proposals are allowed it will remove up to 12 parking spaces from general use.
- It is suggested that the width of the brown area is halved to allow turning for residents.
- The street is heavily parked and to block this area off to manage traffic is selfish.
- It is suggested that the width of the brown area is halved to allow a parking area for residents.
- The condition was set in place to manage traffic safely the proposals do not achieve that and creates a danger for residents.
- Condition 7 states that the developer needs to inform the residents of such intentions, this has not happened therefore condition 7 cannot be discharged.
- The site plan states that the area at the front of the house is a "drive way", planning application 13/0758 states the area is labelled as on street parking.
- If the proposed scheme is approved it would restrict emergency vehicle and large vehicle deliveries access to the wider area and 1 & 2 Birdsfield Cottages in particular.
- Even with the revisions submitted there is still no room for residents to park. Will specific provision be made for residents to park and particularly disabled parking?
- There is insufficient parking to serve the street.
- The Council has rejected the request for resident only parking.
- Why does the new development not provide private parking inside the plot owned.
- When the pavement and parking are completed who will own the land.
- The traffic management plans show there would be no space for established residents to park.
- Why were residents not permitted to attend the site visit held on 11th January?

Drainage issues

- Building Regulation 5.3.11 states that underfloor crates and soakaways should be 5 metres from any wall or foundation and 2.5m within the land boundary. it also states that they cannot be used within 5 metres of a road. The intended plans do not fulfil these criteria.
- SUDs guidance B1.3 states “where land ownership is an issue the local authority will need evidence that any necessary easements are in place before agreeing drainage proposals.
- Residents understand that any development larger than 1 house is subject to a full SuDS application and query if this is the case with this application.
- Residents currently experience flooding at the bottom of the street every time it rains. The drain overflows with back pressure and any additional load on the stretched system will be horrendous.
- Welsh Water state that no operational development shall be carried out within 3 metres either side of the centreline of a public sewer – the sewer map provided by welsh water shows 2 sewers running through the site and the plans clearly show construction within that easement.
- Birdsfild Cottages lie at a lower level and at the end of the drainage line and any proposals that exacerbate water related issues offer a greater potential for flooding.
- The applicant is installing attenuation cells and these are close to other properties – the Building Regulations state that a geologists report is required to confirm ground stability and no such report has been provided
- There is no provision on the drainage plans for septic tanks can you provide information on where the septic tanks will be located in relation to existing property?
- One objector references the requirements of drainage related conditions associated with earlier permissions on this site pointing out that the current submissions could not meet the requirements of those conditions as they require that no surface water or land drainage would be allowed to connect to the public sewer

Other issues

- Document D01 does not accurately reflect the land ownership boundary. The developer owns around 1/3 of the land they claim on the drainage files.
- This also invalidates the calculations on pre development and post development calculations and areas.
- The land surrounding the building plot is in dispute, neighbours are aiming to register the land under adverse possession. Neighbours claim to have used and maintained the land for over 20 years. If they are successful with their application they will not be allowing soakaway usage on their land – the developer needs to manage their surface water inside of their legal boundary.

- The plans used are not Land Registry documents.
- The applicant has no right to erect heras fencing and restrict access to the public footpath in the manner shown.
- The applicant has physically threatened locals when they have complained and refuses to engage in reasonable discussions.
- It is claimed the proposed vehicular parking bay was obtained fraudulently and is built over a claimed vehicular right of way and is currently subject of court action. Whilst such action is ongoing it cannot be used for parking and it is an offence to obstruct a legal right of way.
- The Local Development Plan states development should maintain existing off road parking.
- It is alleged that the certification on the original renewal application did not allow the specified period for advertisement before the application was submitted.

CONSULTATION

Highways and Transportation – the details submitted are acceptable to discharge condition 7 in part prior to implementation on site. The approved details shall remain in operation throughout the construction phase.

Flood Risk Management – Have reviewed the documentation provided by the applicant – they propose to discharge from the site at a rate of 1.2l/s, this does provide a small betterment and is acceptable from a flood risk perspective subject to SAB approval.

Natural Resources Wales – have no comment to make on the proposed development.

Dwr Cymru Welsh Water – no response received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Indicates that the site is within the defined settlement limits of Pontypridd.

CS 2 sets out that in the Southern Strategy Area the emphasis will be on sustainable growth that benefits Rhondda Cynon Taf as a whole. CS2 (1) promotes residential development with a sense of place which respects the character and context of the Principal Towns and Key Settlements of the Southern Strategy Area.

AW 1 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.

AW2 promotes development in sustainable locations.

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

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

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

AW10 sets out the criteria for environmental protection and public health.

SSA11 requires residential developments to provide a density of 35 dwellings per hectare.

SSA13 sets out the criteria for new development within Settlement Boundaries.

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

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

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

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure

- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking

Other relevant national policy guidance consulted:

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 approval of details reserved by a condition of an existing planning permission. The principle is therefore considered acceptable. However, in this case the relevant consultees have to be satisfied that the details submitted are sufficient to discharge the requirements of the conditions referenced.

Condition 7 Traffic Management

The Highways and Transportation Section have given full consideration to the details submitted in respect of this condition. They have also been made aware of the nature of the objections submitted by the objectors to the proposals. They have though concluded that in this instance the detail submitted is sufficient to discharge the requirements of the condition.

Much of the objection relating to highway matters either suggests alternatives which the applicant is not obliged to consider or suggests that the proposed arrangement is in some way inconvenient or unsafe. Highways and Transportation in arriving at the conclusion they have on the submitted details do not agree with these assertions. Further, the proposed arrangements and the agreement of a Traffic Regulation Order will secure an adequate turning facility to the benefit of the development and existing residents.

A number of traffic related issues raised also lie outside the scope of the adequacy or otherwise of the detail submitted to support the application. The current state of parking on Grover Street, the fact that the Council might have rejected requests for resident only parking, who will own the land on completion of the development and whether or not residents can attend and inform site meetings are not relevant to the

consideration of the detail submitted to discharge the condition. It is noted however that when the pavement and other works are completed the applicant's intention is that it will be adopted by the Highway Authority.

Condition 8 Drainage

The Council's Flood Risk Management (FRM) Section have considered the details submitted in support of the drainage of the site. At the time of preparation of this report no response had been received from Dwr Cymru Welsh Water. FRM have indicated that they are satisfied with the land drainage proposals to serve the development and that if implemented there will be slight benefit inasmuch as runoff rates from the site will be properly controlled. Though Dwr Cymru Welsh Water have not so far commented on the proposals there is sufficient provision under the Water Industries Act that would ultimately enable them to secure an appropriate connection.

Much of the objection raised to the details submitted references other legislation that the proposals may or may not be able to comply with, or the fact that it relies on the control of land that is currently the subject of legal dispute. It is not the purpose of planning legislation and requirements to enforce what can be enforced through other legislation. Some residents raise the issue of compliance with SuDS, however, as the original grant of planning permission pre dates the introduction of SuDS this development is not subject to that regime. Whilst residents reference SuDS and the Building Regulations in relation to soakaways in particular, it should be noted that the scheme proposed is a lined attenuation system.

The sewer map supplied by the objectors does not concur with that provided by Dwr Cymru when application 23/0575 was under consideration. In any event it is common practice to seek an easement from them in such circumstances. Again this lies outside the scope of what can reasonably be considered when an application of this nature is being considered.

The requirement to provide a geologists report relates to the Building Regulations. There is no such requirement with regard to the discharge of planning conditions and it would not be appropriate to attempt to enforce the requirements of other legislation through the planning process.

Grover Street lies within a sewered area and the developer is expected to provide an appropriate foul drainage solution that connect with the public sewerage infrastructure. The need for septic tanks should not arise – this though is fundamentally an issue to be resolved between the Developer and Dwr Cymru Welsh Water.

Notwithstanding what conditions associated with earlier iterations of this permission might have required the condition currently under consideration does not make the same requirements and it is against this that the current submission needs to be assessed. The current drainage condition does not prevent the attenuated land drainage connection promoted in this application.

Other Issues

Residents have also raised a number of issues that lie outside the scope of the proposals which require some further commentary.

The fact that some of the land required to implement both the highways and drainage schemes is the subject of dispute does not affect consideration of the technical adequacy (or otherwise) of the scheme itself. If the developer cannot secure the land required then they would have to develop an alternative solution. Similarly so the claims relating to land ownership and encroachment on to land owned by others lie outside the scope of what this application can or should consider.

The applicants are not obliged to use Land Registry plans to define the extent of the site, Ordnance Survey is more than adequate. The key issue for the determination of this submission is that it reflects the site boundary approved under the earlier application.

The herras fencing does not restrict access to the public footpath and the developer has the right to secure the site in advance of development occurring

The comments in respect of the Local Development Plan and what it requires in respect of off road parking are not relevant.

The certification concerns relate back to the original renewal of planning permission and any action in respect of that (if it can be proved to be the case) would be out of time.

Conclusion

The application is considered to comply with the requirements of the conditions subject of the application and as such these conditions can and should be discharged.

RECOMMENDATION: Approve

PLANNING & DEVELOPMENT COMMITTEE

07 March 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1318/09 (JE)
APPLICANT: Lolly Support Services Ltd
DEVELOPMENT: Certificate of Lawfulness for a proposed change of use of a dwelling C3(a) to a Children's Residential Home C2 for up to 2 children, along with 2 no. support staff 24 hours a day, operating in shifts, and a registered manager.
LOCATION: 142 KENRY STREET, TONYPANDY, CF40 1DD
DATE REGISTERED: 22/11/2023
ELECTORAL DIVISION: Tonypandy

RECOMMENDATION: APPROVE

REASONS: The proposal to utilise the existing residential dwelling for the provision of residential accommodation and care for up to 2 no. children between the ages of 8 – 17, along with support staff providing care 24 hours a day, operating in shifts is considered to result in a prima facie change of use, Class C3 to Class C2.

However, based on the evidence and supporting information submitted by the applicant, as a matter of fact and degree, the change of use would not be considered material. Consequently, the development is lawful for planning purposes and planning permission is not required. Therefore, a Certificate of Lawfulness can be issued.

REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from Councillor Gareth Hughes for the matter to come to Committee for members to consider the application.

APPLICATION DETAILS

This is an application for a Certificate of Lawfulness for a Proposed Development under Section 192 of the 1990 Act ('CLOPUD') that seeks to establish whether the proposed use of a residential dwelling, 142 Kenry Street, Tonypandy as a residential children's home (as detailed in the description, submitted plans and associated documents), would be lawful for planning purposes. In effect the application seeks to

establish whether the proposal would result in a material change of use of the property or if it is capable of being carried out without the need for planning permission.

The proposal seeks to utilise the existing house for the provision of residential accommodation and care for up to two children between the ages of 8 – 18 years old. The children would be supported by up to three staff during the day and two at night.

The supporting information submitted with the application sets out that the registration of the home would be with for a maximum of two children on a staff ratio of 1:1, operating on the following basis:

- A registered manager would work Monday to Friday, between 8am and 5pm.
- Care staff would work shifts from 8am to 8pm, with two on a day shift and one working night duty and another one on a sleep-in basis.

The application details also outline that the existing residential setting would be maintained, which comprises three bedrooms, a lounge/diner, kitchen/breakfast room and a bathroom.

SITE APPRAISAL

The application property relates to a traditional mid terrace dwelling located within a residential area of Tonpandy. To the front the property is set back and elevated from the highway at Kenry Street with a small area of amenity space and steps providing access to the property. To the rear of the property is area of amenity space which is enclosed on both side elevations by neighbouring properties and an access lane to the rear. The amenity space increases in level to the rear with the access lane at approximately first floor level of the property.

The area surrounding the site is residential in nature and is characterised by traditional terraced properties.

PLANNING HISTORY

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

23/0712/10: 142 KENRY STREET, TONYPANDY, CF40 1DD

Proposed change the use of the property into a children's residential home.

Decision: 05/12/2023, Refuse

PUBLICITY

The application seeks the determination of whether the proposed use is lawful and as such no consultation with nearby properties is therefore required to be or has been undertaken.

CONSULTATION

The application seeks the determination of whether the proposed use is lawful and as such no internal/external consultation is required to be undertaken. However, despite this fact, given the nature of the proposed determination, consultation has been undertaken with the Council's Legal and Democratic Services section in order to gain a legal opinion in respect of the proposed use from the Council's solicitors.

The Council's solicitor commented that having assessed the information submitted and the nature of the proposed use described, the Council could properly issue a Certificate of Lawfulness on the basis that the proposal does not constitute a material change of use and therefore planning permission is not required.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The determination of this application does not include any consideration of the planning merits of the case. Therefore, there are no Local Development Plan policies that need to be taken into account.

National Guidance

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

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

Paragraph 8.28 advises that a LDC granted under Section 192 shall specify the land to which it relates, describe the use or operations in question (identifying the relevant 'use class' where appropriate), and give the reason why the proposal would be lawful.

REASONS FOR REACHING THE RECOMMENDATION

This is an application for a Certificate of Lawfulness for a Proposed Development under Section 192 of the 1990 Act ('CLOPUD') that seeks to establish whether the proposed use of the existing residential dwelling as a residential children's home, as detailed in the description, the submitted plans and associated documents, would be lawful for planning purposes. In effect the application seeks to establish whether the proposal would result in a material change of use of the property or is capable of being carried out without the need for planning permission. As such the application should be determined on the facts submitted and the law rather than on planning policy/merits.

As noted further above, the property is a three-bedroomed, mid terraced dwelling house located within a residential area of Tonypany. The property is intended to be used for the provision of residential accommodation and care for up to 2 no. children between the ages of 8 – 18, with up to 2 no. support staff at the property 24 hours a day, operating in shifts through a sleep in service, and with a manager present during daytime working hours.

The new use would not result in any external alteration and the application does not include proposals to change the internal layout of the property. Consequently, the children and staff would share the kitchen, bathrooms and communal facilities and the children would each have their own bedroom. Furthermore, the children would be expected to attend education during the week and the support staff would assist the children with recreational activities after school and on the weekends.

As such, in this case, the main question for determination is whether the proposed use would fall within the current use class of the property, Class C3 (dwelling house), or Class C2 (residential institutions). However, there is also the subsidiary question of, if the proposed use falls within Class C2, would a material change from the current Class C3 use occur?

Section 55(1) of the Town and Country Planning Act 1990 defines the term 'development' which includes the making of any change of use of any buildings. Section 55(2) (f) explains in the case of buildings used for a purpose of any class specified by the Welsh Government the use of the building for any purpose within the same class shall not be taken for the purpose of the Act as amounting to 'development'.

On 25 February 2016 the Town and Country Planning (Use Classes) Order 1987 was amended in Wales by the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 whereby Part C of the Schedule now states:

'Class C3. Dwelling Houses

Use as a dwelling house (whether or not as a sole or main residence) by –

- (a) A single person or by people to be regarded as forming a single household;*
- (b) Not more than six residents living together as a single household where care is provided for residents; or*
- (c) Not more than six residents living together as a single household where no care is provided to residents (other than a use within C4)' (Class C4 relates to the use of dwelling house by not more than six residents as a house in multiple occupation).*

In light of the above, the proposed use of the property would clearly not fall within Class C3(a) as it would not be occupied by people living together as a family. Further, it would not fall within Class C3(c) as an element of care would be involved. Consequently, unless the proposed use falls within Class C3(b), it would fall within Class C2.

Whilst the definition of Class C3 was altered in the amendment Order 2016, the definition of 'care' was not, and therefore remains as stated in the original 1987 Order:

'In this Order, unless the context otherwise requires:

'care' means the personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment;

The Order however does not define the term 'personal care' but the term is defined in the Cambridge Dictionary as:

'the job of helping people who cannot take care of themselves, for example because they are disabled'

Alternately, the Department of Work and Pensions defines the term 'personal care' as:

'personal care includes: assistance with dressing, feeding, washing and toileting, as well as advice, encouragement and emotional and psychological support.'

It is noted that the definition of 'care' within the Order appears to exclude the personal care of children, except in Class C2. In class C3 there is reference (in the parenthesis to C3(b)) to care provided for residents, but that care does not by the definition clause include the care of children.

The supporting information submitted with application details that the property would not be occupied by more than six residents in total at any one time and that an element of care would be provided. However, it does not detail that the children would be disabled, suffer from mental disorder, or any of the other factors or similar detailed within the Orders definition of 'care'. As such it is not considered that the care of the children in the context of this case would fall within that prescribed under Class C3(b). Instead, the occupiers would be children who, for whatever reason, have been put into the care of the Local Authority and the Local Authority is required to find somewhere for them to live and to be cared for during their minority, i.e. the property would provide residential accommodation and care to people in need of care because of their age (under 18s). The children residing at the property need to be looked after as they could not run a house or be expected to deal with all the matters that go in to running a home without the full time care of an adult and further, they need adult supervision to ensure the household operates as it should. Additionally, in the context of this case, whilst

providing care on a continuous 24 hour basis, the care would not necessarily be provided by the same person as the support staff would not reside at the property permanently, operating in shifts. Consequently, there is no doubt in this instance that the proposed use would fall within Class C2.

Notwithstanding the above, whilst the proposed use clearly falls within Class C2, the applicant, through the supporting information, contends that the residents would occupy the property as a single household and therefore a material change of use of the property would not occur. With regard to this point and the consideration of this application, the following court of appeal decision is relevant: 'North Devon District Council v First Secretary of State (2003)'.

It was determined that children, on their own, cannot be considered to form a single household and carers who did not live there all the time meant that the use fell within Class C2. This has become the established case law position.

Moving onto the second issue and whether the proposal would constitute a material change of use is a matter of fact and degree. Development Control Practice contains numerous examples of past appeals where Inspectors have based their judgment on the level of occupation and intensity of use; any changes to the appearance of the property; any alterations to internal layout; the nature of the comings and goings associated with the use; the scale and location of the proposed use and any impact on local amenity.

These considerations are not an exhaustive list, but in judging whether the overall character of the proposed use at 142 Kenry Street would differ materially from that of a dwellinghouse or the existing residential use and context of the surrounding area, the following points are noted:

- The North Devon case operated on the basis of non-resident carers working a shift pattern but it was found that this would not result in a material change of use. Therefore, that the dwelling would effectively act as a place of employment for the relevant staff is not a concern.
- The proposed times of the shift changeover at 08:00 and 20:00 hours would not be at unsocial times or likely vary from, or be at odds with, the patterns of movement caused by other local residents returning to and from their homes either due to work, shopping, school or other social activities.
- No changes are proposed to the appearance of the property or its internal layout.
- Regarding intensity of use and the level of occupation, this is limited by the scope of the application and the physical size of the property and would therefore be comparable to other neighbouring dwellings.
- The proposed parking requirements would not be considered to be materially different from those associated with other residential uses in the locality, where the number of vehicles associated with a family, or the number of comings and goings can vary.

- The two children would be accommodated and cared for in a manner that would be as close as possible to that of any other family occupied unit.

On the basis of the foregoing and having reviewed the outcomes of comparable appeal decisions at Fenland (re. 2155849), Poulton Le Fylde (ref. 3277997), Rochdale (ref. 3145074), Brecon (ref. 2205394), it is considered that the proposed children's home would not represent a material change of use and thus the issuing of a Certificate of Lawfulness would be appropriate.

Conclusion

The proposal to utilise the existing residential dwelling for the provision of residential accommodation and care for up to 2 no. children between the ages of 8 – 18, along with support staff providing care 24 hours a day, operating in shifts is considered to result in a prima facie change of use, Class C3 to Class C2. However, based on the evidence and supporting information submitted by the applicant, as a matter of fact and degree, the change of use would not be considered material. Consequently, the development is lawful for planning purposes and planning permission is not required. Therefore, a Certificate of Lawfulness can be issued.

RECOMMENDATION: Approve:

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PLANNING & DEVELOPMENT COMMITTEE

07 MARCH 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 12/02/2024 – 23/02/2024

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

07 MARCH 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

APPEALS RECEIVED

APPLICATION NO: 23/0563/10
APPEAL REF: CAS-03064-F9B3F6
APPLICANT: Mr Evan Rees
DEVELOPMENT: Retention of solar panels
LOCATION: YARD ADJ TY DERI AT THE REAR OF GAWWR
STREET, ABERAMAN, ABERDARE
APPEAL RECEIVED: 25/10/2023
APPEAL START DATE: 13/02/2024

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

Report for Development Control Planning Committee

12/02/2024 and 23/02/2024

Aberdare West/Llwydcoed

21/1502/10

Decision Date: 20/02/2024

Proposal: Construction of two dwellings on land at Plas Newydd Farm (Amended plans received 08/03/22 and 23/05/22 and 18/09/23).

Location: PLAS NEWYDD FARM, MERTHYR ROAD, LLWYDCOED, ABERDARE, CF44 0YF

Aberaman

23/0405/10

Decision Date: 13/02/2024

Proposal: Construction of 2 semi-detached dwellings (Foul Drainage details submitted 21/07/23)(Additional information Rec. 11/09/23)

Location: LAND OPPOSITE 1, BELMONT TERRACE, ABERAMAN, ABERDARE

Aberdare East

23/1409/15

Decision Date: 13/02/2024

Proposal: Variation of condition 1 (to allow more time to undertake development works) of previously approved application 18/0998/10.

Location: 28 THE WALK, ABER-NANT, ABERDARE, CF44 0RQ

24/0005/01

Decision Date: 14/02/2024

Proposal: Replace 1no. projecting sign with a new 500mm sign. Replace grey fascia panel with blue & lozenge logo with new 290mm logo height. Replace 1no. ATM surround and decals with new. Replace safety manifestation with

Location: NATIONWIDE, 60 CARDIFF STREET, ABERDARE, CF44 7DF

Beddau and Tyn-y-nant

23/1396/10

Decision Date: 21/02/2024

Proposal: Change of Use from 4 Bedroom Dwelling House (Use Class C3), to a 3 bedroom House in Multiple Occupation (Use Class C4)

Location: 9 MILDRED CLOSE, BEDDAU, PONTYPRIDD, CF38 2AQ

24/0048/10

Decision Date: 20/02/2024

Proposal: Dormer to front

Location: 32 HEOL CLWYDDAU, BEDDAU, PONTYPRIDD, CF38 2LW

Church Village

24/0094/23

Decision Date: 22/02/2024

Proposal: Prior Notification Application for the demolition of the former HFE building

Location: Former Garth Olwg HFE, Garth Olwg, St. Illtyd's Close, Llantwit Fardre, CF38 1BT

Cilfynydd

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

Report for Development Control Planning Committee

12/02/2024 and 23/02/2024

Cilfynydd

23/1355/10

Decision Date: 16/02/2024

Proposal: Change of use to convert the remaining residential floor space in 18 Richard Street to a pharmacy (A1 Use Class) to extend the existing pharmacy, and proposed walkway to first floor storage area of Pharmacy

Location: 18 RICHARD STREET, CILFYNYDD, PONTYPRIDD, CF37 4NP

Ferndale and Maerdy

23/1225/10

Decision Date: 15/02/2024

Proposal: Replacement of external staircase to rear elevation of the property in line with safety standards - retrospective

Location: 102 NORTH ROAD, FERNDALE, CF43 4RF

Hawthorn and Lower Rhydfelen

23/1271/01

Decision Date: 22/02/2024

Proposal: 2 signs on the fascia of the front elevation (south west elevation), 1 on the fascia of the side elevation (south east elevation) and 1 on the 2 storey side elevation (south east elevation).

Location: UNIT F6, TREFOREST INDUSTRIAL ESTATE, TREFOREST

23/1274/10

Decision Date: 22/02/2024

Proposal: Convert industrial unit from a mixture of office, retail and industrial use to a Airsoft Play Area and connected retail area.

Location: UNIT F6, TREFOREST INDUSTRIAL ESTATE, TREFOREST

24/0086/10

Decision Date: 20/02/2024

Proposal: Proposed single storey rear kitchen extension

Location: MONK SILVER, CARDIFF ROAD, HAWTHORN, PONTYPRIDD, CF37 5AW

Llantrisant and Talbot Green

24/0014/01

Decision Date: 15/02/2024

Proposal: Signage to store and car park

Location: SAINSBURYS SUPERMARKETS LTD, LAND SOUTH OF A473, TALBOT GREEN

Llwyn-y-pia

24/0069/10

Decision Date: 20/02/2024

Proposal: Demolish rear extension & construct two storey rear extension and front porch.

Location: 71 YNYSCYNON ROAD, TREALAW, TONYPANDY, CF40 2LJ

Pontyclun Central

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

Report for Development Control Planning Committee

12/02/2024 and 23/02/2024

Pontyclun Central

23/1435/10 Decision Date: 13/02/2024
Proposal: Erection of a storm porch to the front elevation and a rear elevation conservatory
Location: 7 HEOL MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 9AJ

24/0002/10 Decision Date: 13/02/2024
Proposal: Single storey rear extension, minor external works
Location: 10 CLUN AVENUE, PONT-Y-CLUN, PONTYCLUN, CF72 9AG

Pontyclun West

23/1427/09 Decision Date: 14/02/2024
Proposal: Construction of new unit B1,B2 and B8 use.
Location: INOVATION CENTRE 2, ELY VALLEY BUSINESS PARK, PONT-Y-CLUN

Pontypridd Town

23/1001/10 Decision Date: 14/02/2024
Proposal: Garden room on rear terrace
Location: MAYFIELD, MAYFIELD ROAD, PONTYPRIDD, CF37 2HE

Tonyrefail East

22/0714/10 Decision Date: 14/02/2024
Proposal: Change of use of land to vehicle storage yard(Arboricultural Impact Assessment Received 14/11/22)(Amended Preliminary Ecological Appraisal received 29/06/23)(Amended Plan received 23/10/23)
Location: STOWFORD LEISURE (WALES) ELY VALLEY ROAD, LLANTRISANT

22/1356/10 Decision Date: 15/02/2024
Proposal: Change of use of ground floor unit from A1 shop to A3 hot food takeaway.
Location: 18 MILL STREET, TONYREFAIL, PORTH, CF39 8AA

Treorchy

24/0033/10 Decision Date: 14/02/2024
Proposal: Single storey flat-roofed rear extension, 1 x Velux rooflight
Location: 17 SWN YR AFON, TREORCHY, CF42 6NX

Tylorstown and Ynyshir

Tylorstown and Ynyshir

23/1338/10

Decision Date: 16/02/2024

Proposal:

Rear single storey link extension and convert 3 bedroom dwelling to 4 bedroom HMO, 'Part Retrospective'

Location:

26 DANYGRAIG TERRACE, YNYSHIR ROAD, YNYS-HIR, PORTH, CF39 0RD

Upper Rhydfelen and Glyn-taf

23/1009/15

Decision Date: 14/02/2024

Proposal:

Variation of condition 2 of application 21/1645/15 to vary approved plans and amend design of holiday chalet.

Location:

LAND TO SOUTH OF GLYN TAF FARMHOUSE, GLYNTAFF, PONTYPRIDD

Ynysybwl

23/1438/10

Decision Date: 13/02/2024

Proposal:

Change of use from care home (Class C3(b)) to a five-bed care home for young persons (Class C2), including associated alterations to the existing building.

Location:

YMYL Y FFORDD, MILL ROAD, YNYS-Y-BWL, PONTYPRIDD, CF37 3LS

Total Number of Delegated decisions is 24

Report for Development Control Planning Committee

Taff's Well

23/1412/10

Decision Date: 15/02/2024

Proposal: Proposed fencing to front garden and parking for one car (retrospective).

Location: 20 HEOL-Y-DDERWEN, NANTGARW, TAFF'S WELL, CARDIFF, CF15 7UJ

Reason: 1 The means of access to the proposed parking space is unsuitable for vehicle use and would result in hazards to pedestrians and damage to the footway to the detriment of highway safety. As such, the development does not comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Reason: 2 The proposed development will generate vehicular reversing/turning movements to and from the public highway, creating hazards to pedestrians utilising the footway and all highway users. As such, the development does not comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Reason: 3 The proposed parking space would result in vehicles parking parallel to the footpath increasing likelihood of conflict with pedestrians to the detriment of pedestrian safety. As such, the development does not comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Treforest

23/1038/09

Decision Date: 14/02/2024

Proposal: Application for Lawful Development Certificate for change of use from C3 to C4 as the property has been used as a HMO.

Location: 47 QUEEN STREET, TREFOREST, PONTYPRIDD, CF37 1RN

Reason: 1 Insufficient evidence has been submitted to demonstrate that, on the balance of probability, the property was last lawfully used as a small 3 bed HMO and that no intervening uses have occurred at the property.

Total Number of Delegated decisions is 2

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